



Charter Schools Institute
State University of New York

HARBOR SCIENCE AND ARTS CHARTER SCHOOL

FINAL CHARTERED AGREEMENT

Sec. 2852(5) Submission to the Board of Regents

VOLUME 1 OF 7

REDACTED COPY



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ROBERT J. BELLARMINI
EXECUTIVE DIRECTOR

February 4, 2000

Ms. Darlene Mengel
Associate
Office of Innovative Programs
State Education Department
464 EBA
Albany, NY 12234

Re: § 2852(5) submission to the Board of Regents
Dear Ms. Mengel:

Pursuant to subdivision 2852(5) of the Education Law, the Charter Schools Institute, acting on behalf of the Board of Trustees of the State University of New York, hereby makes its submission to the Board of Regents for the following fourteen proposed charter schools.

Amber Charter School
Bronx Preparatory Charter School
Central New York Charter School for Math and Science
Charter School for Science and Technology
Child Development of the Hamptons Charter School
Community Partnership Charter School
Eugenio Maria de Hostos Charter School
Harbor Science & Arts Charter School
International Charter School of Schenectady
King Center Charter School
Merrick Academy Charter School
Rochester Leadership Charter School
Roosevelt Children's Academy Charter School
South Buffalo Charter School

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The submission for each application, consistent with the practice of the State Education Department, consists of a binder and appended materials organized as follows:

1. An executed transmittal form, placed at the front of the binder.
2. Ten copies of the proposed charter, the application and supporting documentation. One copy of the proposed charter has been included at Tab 1 of the binder; the other nine copies are appended separately. The ten copies of each application were delivered to you under separate cover yesterday morning and should be included as part of the instant submission. Any revision to the application received after the application had been copied are set forth at Tab 2. Ten copies of the supporting material (which is identical for each application) are also provided; one copy of such material has been included in each submission binder at Tab 3.
3. Written comment that the Institute has received from the school district in which the charter school is proposed to be located is set forth at Tab 4. In the interest of completeness, pertinent responses, from the applicant or otherwise, are also provided.
4. Evidence of notification to the school district in which the charter school is proposed to be sited is set forth at Tab 5.
5. Evidence of notification to public and non-public schools in the geographic vicinity of the proposed charter school is set forth at Tab 6.

In addition to the above materials, it is State Education Department practice to request a determination from the charter entity that each submitted application does not involve the conversion of a private school. In this regard, please be advised that the Trustees, having considered the applicable statutory factors, set forth at subdivision 2852(3), and having conducted, or caused to be conducted, any necessary inquiry or investigation, are satisfied that none of the submitted applications involves the conversion of a private school.

Lastly, pursuant to subdivision 2852(4), fingerprint checks have been completed to the satisfaction of the Trustees for all applicants of the following applications:

Amber Charter School
Bronx Preparatory Charter School
Central New York Charter School for Math and Science

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Charter School for Science and Technology
Child Development of the Hamptons Charter School
Community Partnership Charter School¹
Eugenio Maria de Hostos Charter School
Harbor Science & Arts Charter School
Merrick Academy Charter School
Rochester Leadership Charter School
Roosevelt Children's Academy Charter School
South Buffalo Charter School²

Due to the extremely compressed time schedule imposed by the Charter Schools Act, and logistical difficulties resulting therefrom, fingerprint checks are still ongoing as to certain applicants for the Bronx Preparatory Charter School, International Charter School of Schenectady, and the King Center Charter School. We will update you on these two applications shortly.

Lastly, we look forward to working closely with the Board of Regents and the Education Department during this phase of the process. Please be assured that Institute staff will be made available to you at any time.

Most of all, we look forward to moving forth with a new class of charter schools that will help improve public education for all New York's school children.

Sincerely,



Robert J. Bellafiore

¹ Please note that Don Campbell and Elizabeth Shlala have withdrawn as applicants; accordingly they did not execute the proposed charter for the Community Partnership Charter School, and the Charter Schools Institute did not cause a fingerprint check to be conducted.

² Please note that Janene M. De Jesus has withdrawn as an applicant; accordingly she did not execute the proposed charter for the South Buffalo Charter School, and the Charter Schools Institute did not cause a fingerprint check to be conducted.

**CHARTER SCHOOLS
TRANSMITTAL FORM FOR APPROVED CHARTER SCHOOL APPLICATIONS**

Name of Charter School: **HARBOR SCIENCE AND ARTS CHARTER SCHOOL**

DIRECTIONS TO CHARTER ENTITIES

When submitting a proposed charter to the Board of Regents, please provide the following:

1. Ten copies of the proposed charter, the application, and supporting documentation.
2. Evidence that the entity has notified the school district of the application, the district's right to comment, and the district's right to hold a public hearing.
3. Comments the entity has received from the school district.
4. Evidence that the entity has notified public and nonpublic schools in the same geographic area as the proposed charter school.
5. Evidence that the entity has determined that the application does not involve the conversion of an existing private school.
6. Evidence that the entity has obtained a criminal records check based on the fingerprints of each individual applicant named in the charter school application.

ASSURANCES

- a. The charter school described in the application meets the requirements of Article 56 and all other applicable laws, rules, and regulations;
- b. The applicant has the ability to operate the school in an educationally and fiscally sound manner; and
- c. Granting the application is likely to improve student learning and achievement and materially further the purposes of §2850(2) of Article 56.

Robert J. Bellafiore
Print Name


Signature

Check one:

- ☐ President, Board of Education of _____
Print School District
- ☐ Chancellor, New York City Schools
- ☒ Chair, SUNY Board of Trustees (Designee)

Please complete this sheet and attach it as the transmittal page for an approved charter. Submit to:

Office of Innovative Programs
State Education Department
464 EBA
Albany, NY 12234

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- 3) Supporting Material
 - a) Biographies of Review Panelists
 - b) Application Review Criteria – Issues to Consider
 - c) Application Review Worksheet and Summary of Recommendations
 - d) Charter School Application Review and Approval Process
- 4) Comments Received from School District
- 5) Evidence of Notification to School Districts
 - a) September 3, 1999
 - b) December 6, 1999
 - c) January 27, 2000
- 6) Evidence of Notification to Public and Non-Public Schools
 - a) September 8, 1999
 - b) January 27, 2000

CHARTER

DATED AS OF FEBRUARY 1, 2000

BETWEEN

BOARD OF TRUSTEES OF THE
STATE UNIVERSITY OF NEW YORK

AND

APPLICANT(S) FOR THE
HARBOR SCIENCE AND ARTS CHARTER SCHOOL

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Application

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Oversight Plan

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CHARTER

This agreement is executed on this 1st day of February, 2000 by and between the Board of Trustees of the State University of New York (the "**Trustees**") and Robert North, Gail Furman, Vivian Gamon, Patricia Fearon, and Richard Asche (the "**Applicant(s)**") to establish and operate the Harbor Science and Arts Charter School (the "**School**"), an independent public school under the New York Charter Schools Act of 1998.

WITNESSETH:

WHEREAS, the State of New York enacted the New York Charter Schools Act of 1998 as Article 56 of the Education Law, effective December 18, 1998 (the "**Act**");

WHEREAS, pursuant to section 2852 of the Act, the Trustees have the authority to approve applications to establish charter schools in the State of New York and thereafter to enter into agreements with applicants setting forth the terms and conditions under which a charter school is to operate, such agreements until issued in final form to be known as proposed charters;

WHEREAS, the Applicant(s) submitted to the Trustees an application for establishment of a charter school pursuant to section 2851 of the Act (as modified and supplemented, the "**Application**");

WHEREAS, the Trustees have (i) determined that the Application satisfies the requirements set forth in subdivision 2852(2) of the Act and (ii) approved the Application, subject to the Applicant(s) meeting the conditions that are required by the Act and by the Charter Schools Institute acting for the Trustees through its President or Executive Director (the "**Institute**");

WHEREAS, pursuant to the Act, the Board of Regents (the "**Regents**") are authorized to issue a proposed charter as a provisional charter and incorporate an education corporation to establish and operate a charter school;

NOW, THEREFORE, in consideration of the mutual covenants, representations, warranties and agreements contained herein, the parties hereby agree as follows:

SECTION 1. ESTABLISHMENT OF SCHOOL

1.1. Charter. Upon and subject to its issuance by the Regents, and pursuant to the terms and procedures set forth at subdivision 2852(5) of the Act, a provisional charter is hereby authorized and granted to the Applicant(s) on behalf and solely for the benefit of the education corporation to be incorporated by the Regents (the "**School Corporation**"), which,

pursuant thereto, will be authorized to establish, organize and operate the School in accordance with the Act and the terms and conditions of the provisional charter. This agreement, the Application, which is incorporated herein and attached hereto as Exhibit A, and the oversight plan, attached to this agreement as Exhibit B (the "**Oversight Plan**"), shall constitute, upon its issuance, the provisional charter (the "**Charter**") and shall be binding on the School Corporation.

1.2 Effective Date; Term. The Charter shall take effect upon its issuance by the Regents (the "**Effective Date**") subject, however, to any limitations imposed herein, and shall expire five (5) years from the Effective Date, unless earlier terminated or renewed pursuant to the terms hereof. Notwithstanding the above, it is understood that prior to the Effective Date, the Charter is subject to modification or abandonment pursuant to subdivision 2852(5-b) of the Act. It is further understood that prior to the Effective Date, modifications to the Charter, subject to the consent of the Applicant(s), may result as a consequence of comments received from the entities set forth in subdivision 2857(1) of the Act.

1.3 Prior Actions. Paragraph 1.2 hereof notwithstanding, the School Corporation shall not provide instruction to any student, and shall not be eligible to receive funds from the local school district as provided in section 2856 of the Act, until and unless the Trustees issue a written statement to the School, with a copy to the Regents, attesting to the School Corporation having completed all or substantially all of the Prior Actions set forth in Section I of the Oversight Plan (the "**Prior Actions**") to the satisfaction of the Trustees with such conditions as they may require. Upon such confirmation, the restrictions on the Charter School Corporation set forth in the immediately foregoing sentence shall be of no further force and effect. Notwithstanding the foregoing, in the event that the School Corporation is unable to take and complete the Prior Actions to the satisfaction of the Trustees prior to the 21st day of September of the year immediately succeeding the year in which the Charter becomes effective, the Charter shall be deemed to be void ab initio. Moreover, notwithstanding anything to the contrary in this paragraph, the Prior Actions are in addition to any other condition set forth in the Charter or the Act.

1.4. New Information. The School Corporation shall not provide instruction to any student and shall not be eligible to receive funds from the local school district as provided in section 2856 of the Act in the event that (A) the Trustees receive information after the date on which the Charter is executed which provides substantial reason to believe that either (i) the application contains material misstatements or omissions of fact or (ii) the School Corporation and/or any entity with which the School Corporation intends to contract to provide day-to-day management of the School, is unable to oversee and operate the School in a fiscally and educationally sound manner consistent with the terms of the Charter and the Act and all other applicable laws (the "**New Information**") and (B) the Trustees, acting on the New Information, issue in writing to the School Corporation a statement setting forth in particular the New Information and the reasons why the School Corporation shall not be permitted to provide instruction or receive the public funds contemplated under the Act. Upon appropriate showing by the School Corporation, the Trustees may withdraw such statement and permit the School Corporation to provide instruction to students and to receive public funds contemplated under the

Act. In the event that the Trustees issue the statement described by this paragraph prior to December 31 of the year that the Charter becomes effective, and such statement is not withdrawn by the Trustees on or before September 21 of the year immediately succeeding the year in which the Charter becomes effective, the Charter shall be deemed to be void ab initio. It shall be the ongoing obligation of the Applicant(s) (until the Effective Date) and the School Corporation (upon and after the Effective Date) to provide to the Trustees in writing any New Information of which it is in, or comes into, possession.

1.5 Location and Facility. The edifice in which the School is to be located shall be known as the school facility (the “School Facility”). At its inception the School Facility shall be at the address identified in the Application, or if no address is identified, in such other appropriate building within the New York City School District. Prior to June 15 of the year that the Charter becomes effective, the School Corporation shall have (A) entered into a lease, purchase agreement or other such agreement (the “Facility Agreement”) under which the School will have all rights and permission as are necessary to operate as a school in the School Facility according to the plan set forth in the Application, and (B) provided to the Trustees a copy of the Facility Agreement and a detailed schedule setting forth the steps necessary to make the School Facility ready for commencement of instruction and the dates upon which steps will be completed. The schedule shall indicate any and all permits and licenses required to be obtained prior to the School Corporation being legally able to operate the School in the School Facility (including but not limited to a certificate of occupancy) (collectively the “Permits”) with the dates on which each such Permit shall be obtained, a construction timeline (if applicable) and an updated budget for all costs associated with preparing the School Facility for occupancy. The School Corporation shall take such actions as are necessary to ensure that the Facility Agreement and Permits are valid and in force at all times that the Charter is in effect. In the event that a Facility Agreement is not in place by June 15 of the year of in which the Charter is to be first effective, the School Corporation may not commence instruction or receive the funds to which it is otherwise entitled under Section 2856 of the Act until June 15 of the succeeding year, subject, however, to having entered into a Facility Agreement by such date and having met all other conditions applicable under the Charter or the Act. Notwithstanding the immediately foregoing sentence, the Trustees may waive the restriction contained therein upon good cause shown and extend the date upon which the Facility Agreement would be otherwise due.

1.6 Change of Location. The School may change its physical location or obtain additional facilities within the same local school district provided that the School Corporation obtains the Permits as are required by paragraph 1.5, as well as satisfies the provisions of the Act, including but not limited to subdivision 2853(1)(b-1), and provided further that (A) the School Corporation notifies the Trustees and the Regents of the proposed change in location or addition of facilities not less than sixty (60) days prior to taking any final action in connection therewith; and (B) the Trustees do not issue a denial to the School Corporation within thirty (30) days of its receipt of such notification. The Trustees may issue a denial only for good cause. A failure to provide the Trustees and the Regents with the notice period required by this paragraph and all material terms regarding the lease and purchase of the new proposed facility sixty (60) days prior to executing such agreement shall constitute good cause.

Act. In the event that the Trustees issue the statement described by this paragraph prior to December 31 of the year that the Charter becomes effective, and such statement is not withdrawn by the Trustees on or before September 21 of the year immediately succeeding the year in which the Charter becomes effective, the Charter shall be deemed to be void ab initio. It shall be the ongoing obligation of the Applicant(s) (until the Effective Date) and the School Corporation (upon and after the Effective Date) to provide to the Trustees in writing any New Information of which it is in, or comes into, possession.

1.5 Location and Facility. The edifice in which the School is to be located shall be known as the school facility (the "School Facility"). At its inception the School Facility shall be at the address identified in the Application, or if no address is identified, in such other appropriate building within the [] School District. Prior to June 15 of the year that the Charter becomes effective, the School Corporation shall have (A) entered into a lease, purchase agreement or other such agreement (the "Facility Agreement") under which the School will have all rights and permission as are necessary to operate as a school in the School Facility according to the plan set forth in the Application, and (B) provided to the Trustees a copy of the Facility Agreement and a detailed schedule setting forth the steps necessary to make the School Facility ready for commencement of instruction and the dates upon which steps will be completed. The schedule shall indicate any and all permits and licenses required to be obtained prior to the School Corporation being legally able to operate the School in the School Facility (including but not limited to a certificate of occupancy) (collectively the "Permits") with the dates on which each such Permit shall be obtained, a construction timeline (if applicable) and an updated budget for all costs associated with preparing the School Facility for occupancy. The School Corporation shall take such actions as are necessary to ensure that the Facility Agreement and Permits are valid and in force at all times that the Charter is in effect. In the event that a Facility Agreement is not in place by June 15 of the year of in which the Charter is to be first effective, the School Corporation may not commence instruction or receive the funds to which it is otherwise entitled under Section 2856 of the Act until June 15 of the succeeding year, subject, however, to having entered into a Facility Agreement by such date and having met all other conditions applicable under the Charter or the Act. Notwithstanding the immediately foregoing sentence, the Trustees may waive the restriction contained therein upon good cause shown and extend the date upon which the Facility Agreement would be otherwise due.

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SECTION 2. OPERATION OF SCHOOL

2.1 Mission Statement. The School Corporation shall operate under the mission statement set forth in the Application.

2.2 Age; Grade Range; Number of Students. The School Corporation shall provide instruction to pupils in such grades and numbers in each year of operation under the Charter as described in the Application, provided that the School Corporation, upon making all reasonable efforts to recruit students, may enroll a lesser or greater number of students in each grade without being deemed in material breach of the Charter. Notwithstanding the foregoing sentence, the School Corporation must obtain prior written approval from the Trustees prior to (A) enrolling any student, who, if enrolled, would cause the School's total enrollment to exceed the projected enrollment of the School for that academic year (as set forth in the Application) (the "**Projected Enrollment**") by more than fifteen percent (15%) or (B) commencing or continuing instruction where the total number of students enrolled is less than eighty-five percent (85%) of the Projected Enrollment or the total enrollment is less than fifty (50) students.

2.3 Admission. Any child who is qualified under the laws of New York for admission to a public school is qualified for admission to the School. Admission of students to the School shall not be limited on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry, provided that nothing in the Charter shall be construed to prevent the establishment of a single-sex charter school or a charter school designed to provide expanded learning opportunities for students at-risk of academic failure, as may be provided for in the Application. If there are more eligible applicants for enrollment in a particular grade than there are spaces available, applicants for such spaces shall be selected for enrollment by a random selection process. Notwithstanding the above, an enrollment preference shall be provided to pupils returning to the Charter School in the second or any subsequent year of operation, unless expelled for cause, pupils residing in the school district where the School is located, and siblings of pupils enrolled in the School. The School Corporation may refuse admission to any student who has been expelled or suspended from a public school until such period of suspension or expulsion has expired, consistent with the requirements of due process. Additional admission policies and withdrawal procedures shall be implemented as set forth in the Application. The Trustees, upon a finding that the outreach and marketing measures taken by the School Corporation are inconsistent with such measures as are outlined in the Application or required by law, may require the School Corporation to take remedial action, including, but not limited to requiring the School Corporation to extend its enrollment period, delay or void its random selection process, and/or conduct further specified outreach and marketing steps.

2.4 Student Learning and Achievement. The School Corporation shall implement the educational programs set forth in the Application in order to allow the students to meet or exceed the performance standards set forth in the Application. The educational programs of the School shall be designed to meet or exceed the student performance standards adopted by the Regents.

2.5 Evaluation of Pupils. The School Corporation shall implement student assessment requirements applicable to other public schools, except as otherwise specifically provided in the Act and administer Regents examinations to the same extent such examinations are required of other public school students. In addition, the School shall supplement the above assessment tools with the other assessment tools, if any, set forth in the Application.

2.6 Curriculum. The curriculum established by the School shall be consistent with the model curriculum set forth in the Application and shall address all New York State achievement standards. The Charter School Corporation shall have the right to make reasonable modifications to such curriculum in order to permit the School to meet its educational goals and student achievement standards.

2.7 School Calendar: Hours of Operation. The days and hours of operation of the School shall be as set forth in the Application and in no event shall the School provide less instructional time during a school year than is required of other public schools.

2.8 Disciplinary Code. The School Corporation shall implement the rules and procedures for discipline, including guidelines for suspension and expulsion, set forth in the Application. The rules and procedures shall be consistent with the requirements of due process and with federal laws and regulations governing the placement of students with disabilities including but not limited to the Individuals with Disabilities Education Act and 34 C.F.R. 300.

2.9 Nonsectarian Status. The School shall be nonsectarian in its programs, admissions policies, employment practices and all other operations. The School Corporation shall insure that the School is not wholly or in part under the control or direction of any religious denomination and that no denominational tenet or doctrine shall be taught.

2.10 Code of Ethics. The School Corporation, its trustees, officers and employees shall be guided by the code of ethics of the School set forth in the Application, and the School Corporation shall disseminate the code in written form to its trustees, officers and employees.

2.11 Non-discrimination. The School Corporation shall not discriminate against any student, employee or any other person on the basis of ethnicity, national origin, gender, or disability or any other ground that would be unlawful if done by any other public school.

2.12 Governance. The School Corporation shall form a Board of Trustees of the School Corporation (the "School Board") which shall, during the one year period from the time that this Charter is declared effective, consist of the individuals specifically identified as proposed board members in the Application together with such other additional members that are duly elected and appointed. All individuals elected or appointed to the School Board shall possess the qualifications for such position as are set forth in the Application. The School Board shall operate pursuant to the by-laws (the "By-laws") and other rules and procedures as such are set forth in the Application, including but not limited to the term of office permitted, qualifications required of school trustees and the provisions for the election and appointment of new members. The School Board shall duly ratify the By-laws within fifteen days of the Effective Date. The School Board shall have final

authority for policy and operational decisions of the school though nothing shall prevent the School Board from delegating decision-making authority to officers and employees of the School Corporation. Notwithstanding any provision to the contrary in the Charter, in the event that the Applicant(s) has/have submitted the Application in conjunction with a college, university, museum, educational institution or not-for-profit corporation, then the School Board shall include voting members of whom at least twenty percent (not including remainders) are not directors, officers, employees, agents or otherwise affiliated with such entity; in the event that the Applicant(s) has/have submitted the Application in conjunction with a for-profit business or corporate entity, then directors, officers, employees, agents or individuals otherwise affiliated with such entity shall not comprise a majority of the members, voting and non-voting, of the School Board.

2.13 Partnership with a Management Company. To the extent that the Application contemplates entering into a contract with any entity (whether for-profit or not-for-profit), under which such entity will provide all or a substantial portion of the services necessary to manage and operate the School, then the School Corporation shall, by July 1, 2000, enter into a legally binding and enforceable agreement with such entity named in the Application (the "Management Company") in a form substantially similar to that contained in the Application ("the "Management Contract"). The Management Contract shall set forth with particularity *inter alia*, (A) the contingent obligations and responsibilities of each party in the event that the contract must be modified in order to maintain the School Corporation's status under federal law as a 501(c)(3) entity and (B) the extent of the Management Company's participation in the organization, operation and governance of the School. Ten (10) days prior to entering into the Management Contract, the School Corporation shall provide a copy of the Management Contract in final form to the Trustees for its review and comment. The School Corporation shall not enter into any contract for comprehensive school management services to be performed in substantial part by any other entity not identified as such in the Application without receiving prior written approval from the Trustees. To the extent that the application contemplates that the School Corporation was to be operated with the assistance of a Management Company under a Management Contract, the School Corporation shall obtain the prior written approval of the Trustees prior to operating the School without such Management Company's assistance.

2.14 Parental Involvement. The School Corporation shall take such steps and implement such processes as are described in the Application to promote parental and staff involvement in school governance.

2.15 Student Transportation. The School Corporation shall meet the transportation needs of students ineligible for transportation pursuant to section 3635 of the Education Law as provided in the Application. The School Corporation may contract with a school district for the provision of supplemental transportation services to the School. All transportation provided by the School Corporation shall comply with all safety laws and regulations applicable to other public schools. Notwithstanding the above, the School Corporation's failure to provide such supplemental transportation as is contemplated in the Application, where such transportation was to be provided by contract with the school district, shall not be deemed a material or substantial violation of the Charter, where the School Corporation has attempted to negotiate such contract in good faith with the applicable school district. In such event, the Trustees may require the School Corporation to

provide the contemplated supplemental transportation services by alternate means if such means would be reasonable under the circumstances.

2.16 Health Services. The School Corporation shall provide all such health services as are set forth in the Application or otherwise required by law.

2.17 Food Services. The School Corporation shall provide the food services set forth in the Application.

2.18 F.O.I.L. and Open Meetings Law. The School Corporation shall implement policies in order to ensure that it is in full compliance with Articles Six and Seven of the Public Officers Law.

2.19 Compliance with Other Applicable Laws. The School Corporation shall be in compliance with all applicable laws, rules and regulations.

SECTION 3. SPECIAL EDUCATION

3.1 Provision of Services. The School Corporation shall provide services and accommodation to students with disabilities as set forth in the Application and in accordance with the Individuals with Disabilities Education Act (20 U.S.C. §1401 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794), including providing services to attending students with a disability in accordance with the Individualized Education Program recommended by the committee or subcommittee on special education of the student's school district of residence. The School Corporation may elect to have such services provided by such school district of residence or by the School directly or by contract with another provider.

3.2 Funding of Services. The School Corporation is authorized to receive from a local school district direct payment of any federal or state aid attributable to a student with a disability attending the School in proportion to the level of services for such student with a disability that the School provides directly or indirectly.

SECTION 4. PERSONNEL

4.1 Status. The School Board shall employ and contract with necessary teachers, administrators and other school personnel as set forth in the Application.

4.2 Personnel Policies; staff responsibilities. The School Corporation shall make available in written form its hiring and personnel policies and procedures, including the qualifications required by the School in the hiring of teachers, school administrators and other school employees as well as a description of staff responsibilities. Such policies and procedures shall be consistent with those set forth in the Application.

4.3 Instructional Providers. The School Corporation shall employ or otherwise utilize in instructional positions only those individuals who are certified in accordance with the

requirements applicable to other public schools, or who are otherwise qualified to teach under clauses (i)-(iv) of subdivision 2854(3)(a-1) of the Act. For purposes of this section, "instructional positions" means all those positions involving duties and responsibilities that, if otherwise undertaken in the New York Public Schools, would require teacher certification. Teachers excepted from certification under clauses (i)-(iv) of subdivision 2854(3)(a-1) of the Act shall not in total comprise more than thirty percent (30%) of the instructional employees of the School, or five (5) teachers, whichever is less. A teacher certified or otherwise approved by the Commissioner of Education of the State of New York (the "Commissioner") shall not be counted against these numerical limits.

4.4 Background Checks. The School Corporation shall establish procedures for conducting background checks (including a check for a criminal record) of all employees (whether part or full time) of the School, as well as any individual who has regular access to the students enrolled in the school (including but not limited to school volunteers and employees and agents of any company or organization which is a party to a contract to provide services to the School) in the same manner and to the same extent as is required of public schools in the district in which the School is located, to the extent permitted by law, provided that oversight of such checks and procedures shall rest with the School Board and the Trustees.

4.5 Collective Bargaining. In the event that (A) student enrollment at the School on the first day on which the School commences instruction does not exceed two hundred fifty (250) or the average daily student enrollment of the School does not exceed two hundred fifty (250) at any point during the first year after the school commences instruction, or (B) the Trustees have granted to the School Corporation a waiver pursuant to paragraph b-1 of subdivision 3 of section 2854 of the Act, then employees of the School Corporation shall not be deemed members of any existing collective bargaining unit representing employees of the school district in which the School is located, and the School and its employees shall not be subject to any existing collective bargaining agreement between the school district and its employees. The School Corporation may, in its sole discretion, choose whether or not to offer the terms of any existing collective bargaining to school employees. If employees of the School Corporation are not represented by an existing collective bargaining unit, the School Corporation shall afford reasonable access to any employee organization during the reasonable proximate period before any representation question is raised. If the employee organization is a challenging organization, reasonable access shall be provided to any organization seeking to represent employees beginning with a date reasonably proximate to a challenge period.

4.6 Pension payments. The employees of the School Corporation may be deemed employees of the local school district for the purpose of providing retirement benefits, including membership in the teachers' retirement system and other retirement systems open to employees of public schools. The financial contributions for such benefits shall be the responsibility of the School Corporation and its employees. Notwithstanding any contrary provision of the Charter, the parties shall abide by further regulations promulgated by the Commissioner, in consultation with the New York State Comptroller, to implement the provisions of this paragraph, including 8 NYCRR §119.2

SECTION 5. FINANCIAL OPERATIONS OF SCHOOL

5.1 Management and Financial Controls. The School Corporation shall at all times maintain appropriate governance and managerial procedures and financial controls. The School Corporation shall retain an independent certified public accountant or independent certified public accounting firm licensed in New York State which shall perform a review of the School Corporation's management and financial controls and who shall provide a statement to the School Board no later than October 15, 2000, concerning the status of such controls (the "Initial Statement"). The Initial Statement must address whether the School Corporation has the following in place: (A) generally accepted accounting procedures; (B) adequate payroll procedures; and (C) procedures for the creation and review of quarterly financial statements, which procedures shall specifically identify the individual who will be responsible for preparing such financial statements.

In the event that the Initial Statement reveals that any of the above controls is not in place, the School Corporation shall remedy such deficiency no later than forty-five (45) days from the date the Initial Statement was received by the School Board. The School Board shall provide the Initial Statement to the Trustees upon its receipt and forward to the Trustees any remedial plans undertaken as a result of any deficiencies identified in the Initial Statement and upon remediation, a statement that the deficiencies have been corrected.

5.2 Financial Statements; Interim Reports; The financial statements which the School Corporation is required to prepare shall be in accordance with generally accepted accounting principles then in effect for not-for-profit corporations. During its first year of operation, the School Corporation shall prepare and submit to the Trustees within forty-five (45) days of the end of each quarter of its fiscal year an unaudited statement of income and expenses for that preceding quarter in a form agreed upon by the Trustees and the School Corporation. The Trustees may by written request require submission of such statements in future years of the School's operation.

5.3 Audits. The School Corporation shall retain an independent certified public accountant or certified public accounting firm licensed in New York State to perform an audit of the School Corporation's annual financial statements. The independent audit of the school's financial statements must be performed in accordance with generally accepted government auditing standards issued by the Comptroller General of the United States, if applicable. The audited financial statements must be submitted to the Trustees within one hundred twenty (120) days of the School Corporation's fiscal year end. In addition, and pursuant to the same timetable, the School Corporation must require its independent certified public accountant or certified public accounting firm to issue a report on compliance with laws, regulations, contracts and grants and on internal controls over financial reporting, based on their audit of the financial statements. The School Corporation must submit this report along with a corrective action plan addressing any weaknesses or problems identified in the report. The School Corporation shall also conduct programmatic audits at least once annually, with such audit being comparable in scope to those required of other public schools.

5.4 Fiscal Year. The fiscal year of the School Corporation shall begin on July 1 of each calendar year of the term of this Charter and shall end on June 30 of the subsequent calendar year.

5.5 Annual Budget and Cash Flow Projections. The School Corporation shall prepare and provide to the Trustees a copy of its annual budget and cash flow projection for each fiscal year by no later than May 15 of the immediately preceding fiscal year. The School Corporation shall provide its annual budget and cash flow projection for the first fiscal year 2000-2001 not later than August 1, 2000 if such budget or projection differs in any material respect from that set forth in the Application.

5.6 Funding Procedure. The School Corporation shall maintain accurate enrollment data and daily records of student attendance and shall report enrollment to school districts of residence of its students in a timely manner. Pursuant to subdivision 2856(1) of the Act, payments by the districts of residence shall be made in six substantially equal installments each year, the first on the first business day of July and every two months thereafter, such amounts to be calculated as set forth at 8 NYCRR §119.1.

5.7 Exemption from Taxation. The School Corporation shall be exempt to the same extent as other public schools from all taxation, fees, assessments or special ad valorem levies on its earnings and its property, including property leased by the School Corporation. Instruments of conveyance to or from the School Corporation and any bonds or notes issued by the School Corporation, together with income therefrom, shall at all times be exempt from taxation.

5.8 Collateral for Debt. The School Corporation may pledge, assign, or encumber its assets to be used as collateral for loans or extensions of credit. However, the School Corporation shall not pledge or assign monies provided pursuant to subdivision 2856(1) of the Act in connection with the purchase or construction, acquisition, reconstruction, rehabilitation, or improvement of a school facility.

5.9 Tuition and Fees. The School and School Corporation shall not charge tuition or fees to any student, provided that the School may require the payment of fees on the same basis and to the same extent as other public schools.

5.10 Outside Funding. The School Board may accept gifts, donations or grants of any kind made to the School Corporation and to expend or use such gifts, donations, or grants in accordance with the conditions prescribed by the donor. However, no gift, donation or grant may be accepted if subject to a condition that is contrary to any provision of law or term of the Charter.

5.11 Maintenance of Corporate Status: Tax Exemptions. The School Corporation shall maintain its status as an education corporation. The School Board shall obtain federal tax-exempt status no later than one (1) year following the Effective Date. The School Corporation shall provide the Trustees with copies of all applications and filings relating to its seeking and maintaining its 501(c)(3) exempt status.

5.12. Insurance. The School Corporation shall, at its own expense, purchase and maintain the insurance coverage for liability, property loss, and the personal injury of students as is described in the Application together with any other additional insurance that the School

Corporation deems necessary. Such insurance policies shall be in effect by July 30 of the year in which the Charter is first effective, and, in the case of liability insurance, by such date or upon the first date that the School Corporation contracts with any employee, whichever date is earlier. The School Corporation shall provide the Trustees with certificates of insurance or other satisfactory proof evidencing coverage within five days of the commencement of each such policy. All such insurance policies shall contain a provision requiring notice to the Trustees, at least (thirty) 30 days in advance, of any material change, nonrenewal or termination. Notwithstanding any provision to the contrary, the School Corporation shall take all steps necessary to comply with any additional regulations promulgated by the Commissioner and Superintendent of Insurance to implement subdivision 2851(2)(o) of the Act.

SECTION 6. REPORTS

6.1 Annual Reports. No later than August 1 of each year, beginning August 1 of the year immediately succeeding the year upon which the Charter is first effective, the School Corporation, pursuant to subdivision 2857(2), shall submit to the Trustees and the Regents an annual report (the "Annual Report") setting forth the academic program and performance of the School for the preceding school year. The Annual Report shall be in such form as shall be prescribed by the Commissioner and shall include at least the following components:

(A) a report card, which shall include measures of the comparative academic and fiscal performance of the school. Such measures shall include, but not be limited to, graduation rates, dropout rates, performance of students on standardized tests, college entry rates, total spending per pupil and administrative spending per pupil;

(B) a discussion of the progress made towards achievement of the goals set forth in this Charter and the Application; and

(C) a certified financial statement setting forth, by appropriate categories, the revenues and expenditures for the preceding school year, including a copy of the most recent independent fiscal audit of the School Corporation.

In addition, the School Corporation shall provide the following information:

(D) the school calendar for the following school year, setting forth the days and hours of operation for the regular school session as well as the summer session, if any is to be provided; and

(E) a statement that all applicable leases, certificates and approvals necessary to operate the School at the School Facility are in full force and effect.

At its reasonable discretion, the Trustees may elect to require the School Corporation to provide other necessary supplements to the Annual Report.

6.2 Oversight Plan. The School Corporation and the School Board acknowledge that the Trustees, or their authorized agents, have the right to oversee the School's operations in all respects, including the right to visit, examine into and inspect the School and its records. To permit the Trustees to fulfill this oversight function under the Act and ensure that the School is in compliance with all applicable laws and regulations, and the terms and conditions of this Charter, the School Corporation agrees to abide by and implement the Oversight Plan, appended to this Charter as Exhibit B. The Oversight Plan consists of three elements.

(A) A checklist of the Prior Actions required to be completed to the satisfaction of the Trustees before the School is permitted to provide instruction and receive public funds pursuant to Paragraph 1.3 hereof. The checklist is set forth at section I of Exhibit B.

(B) An accountability plan (the "Accountability Plan") which the School Corporation, in furtherance of its educational goals and objectives, and its assessment standards, agrees to conceive and implement. The Accountability Plan shall not provide for less stringent assessment standards or educational goals and objectives than those set forth in the Application. Notwithstanding the foregoing, if the Accountability Plan in its final form contains assessment standards or educational goals or objectives, which are less stringent in any material respect, then the Accountability Plan shall be deemed a revision of the Charter and shall be subject to the Trustees' approval and review and comment by the Regents as provided in subdivision 2852(7) of the Act. The terms outlining the form of the Accountability Plan are set forth at section II of Exhibit B.

(C) A monitoring plan that the Institute will implement (the "Monitoring Plan"), the requirements of which are set forth at section III of Exhibit B. It is understood that the Monitoring Plan is preliminary in nature and that the Institute, in consultation with the School Corporation, may from time to time make amendments and revisions to such plan.

If the Trustees determine that the School Corporation is not progressing toward one or more of the performance or education goals set forth in the Charter, that the quality of the School's educational program is not satisfactory, or that the School Corporation is not in compliance with the terms and conditions of the Monitoring Plan, then the Trustees, in consultation with the School Corporation, may develop and implement a corrective action plan. Nothing contained herein shall be in derogation of the Trustees' or the Regents' ability to revoke the Charter, place the School Corporation on probationary status, or initiate mandatory remedial action in accordance with the Act and section 8.4 of this Charter.

SECTION 7. OTHER COVENANTS AND WARRANTIES

7.1 Compliance with Laws and Regulations. The School and School Corporation shall operate at all times in accordance with the Act and shall meet the same health and safety, civil rights, and student assessment requirements, as applicable to other schools.

7.2 Transactions with Affiliates. The School Corporation shall not, directly or indirectly enter into or permit to exist any transaction (including the purchase, sale, lease or

exchange of any property or the rendering of any service) with any affiliate of the School Corporation, any member of the School Board or any employee of the School Corporation unless the terms of such transaction (considering all the facts and circumstances) are no less favorable to the School Corporation than those that could be obtained at the time from a person that is not such an affiliate, member or employee.

SECTION 8. RENEWAL AND TERMINATION

8.1 Renewal Notice. No later than the thirtieth of December in the year prior to expiration of the Charter, the School Corporation may provide to the Trustees an application to renew the Charter in accordance with subdivision 2851(4) of the Act (the "Renewal Application"). The Renewal Application shall contain (A) a report of the progress of the School in achieving the educational objectives set forth in the charter and (B) a detailed financial statement disclosing the cost of administration, instruction, and other spending categories for the School that will allow a comparison of such costs to other schools, both public and private; (C) copies of each of the annual reports of the School, including the School report cards and the certified financial statements; and (iv) evidence of parent and student satisfaction.

8.2 Approval or Denial of Renewal. Within one hundred twenty (120) days from the time the Renewal Application is received by the Trustees (or by December 31 if the application is received by the thirtieth day of the immediately preceding September), the Trustees shall either approve or deny the application. In the event that renewal is not approved, then the parties to the Charter shall fulfill their respective obligations hereunder to the end of the term of this Charter, and the School shall follow the procedures for dissolution as set forth in subdivision 2851(2)(t) of the Act as supplemented by section 8.5 of this Charter. In the event that the Renewal Application is granted, the Trustees, pursuant to subdivision 2851(4) and section 2852 of the Act, shall enter into a proposed charter with the School Corporation and forward the proposed charter and Renewal Application to the Regents. Nothing herein shall obligate the Trustees to approve a Renewal Application.

8.3 Grounds for Termination or Revocation. This Charter may be terminated and revoked:

(A) by the Trustees or the Regents in accordance with section 2855 of the Act; or

(B) by mutual agreement of the parties hereto.

8.4 Notice and Procedures. Should the Trustees determine that one of the grounds for termination or revocation of the Charter has occurred or is occurring, the Trustees may, at their discretion, elect as follows:

(A) to terminate the Charter; or

- (B) to place the School on probationary status and prepare and cause the School to implement a remedial action plan the terms and conditions of which the School must agree to abide by in all respects.

Should the Trustees elect to terminate the Charter, notice of such shall be provided to the School Board at least thirty days prior to the effective date of the proposed termination. Such notice shall include a statement of reasons for the proposed termination. Prior to termination of this Charter, the School shall be provided an opportunity to be heard and present evidence in opposition to termination. Should the Trustees elect to place the School on probationary status, such probation shall be effective upon notice to the School Corporation. In the event that the School is placed on probationary status, and does not abide by the terms and conditions of the remedial action plan to the satisfaction of the Trustees, or refuses to implement such plan, the Trustees may declare the Charter terminated with notice of such decision to be given to the School Board at least five (5) days prior to the termination date set by the Trustees.

8.5 Dissolution. In the event of termination of the Charter (whether prematurely or otherwise), the School Corporation shall follow the procedures set forth in the Application, as required by subdivision 2851(2)(t) of the Act, for the transfer of students and student records to the school district in which the School is located and for the disposition of the School Corporation's assets to the school district in which the School is located or another charter school located within the school district. In addition, in case of such an event, the School Corporation will follow any additional procedures required by the Trustees or the Regents to ensure an orderly dissolution process.

SECTION 9. MISCELLANEOUS

9.1 Disclaimer of Liability. The parties acknowledge that the School Corporation is not operating as the agent, or under the direction and control, of the Institute, the Trustees or the Regents except as required by law or this Charter, and that none of the Institute, the Trustees or the Regents assumes any liability for any loss or injury resulting from: (A) the acts and omissions of the School Corporation, its directors, trustees, agents or employees; (B) the use and occupancy of the building or buildings, occupied by the School Corporation, or any matter in connection with the condition of such building or buildings; or (C) any debt or contractual obligation incurred by the School Corporation. The School Corporation acknowledges that it is without authority to extend the faith and credit of the Institute, the Trustees, the Regents or the public schools to any third party.

9.2 Governing Law. This Charter shall be governed by, subject to and construed under the laws of the State of New York without regard to its conflicts of laws provisions.

9.3 Waiver. No waiver of any breach of this Charter shall be held as a waiver of any other or subsequent breach.

9.4 Counterparts: Signature by Facsimile. This Charter may be signed in counterparts, which shall together constitute the original Charter. Signatures received by facsimile by either of the parties shall have the same effect as original signatures.

9.5 Terms and Conditions of Application. The parties hereto expressly agree that the Application sets forth the overall goals, standards and general operational policies of the School, and that the Application is not a complete statement of each detail of the School's operation. To the extent that the School Corporation desires to implement specific policies, procedures or other specific terms of operation that supplement or otherwise differ from those set forth in the Application, the School Corporation shall be permitted to implement such policies, procedures, and specific terms of operation, provided that such policies, procedures and terms of operation are (i) not otherwise prohibited or circumscribed by the Act or the Charter, and (ii) are not materially different from those set forth in the Charter.

9.6 Revision. This Charter may be revised only by written consent of the parties hereto and, in the case of material revisions, only pursuant to the section 2852(7) of the Act.

9.7 Assignment. This Charter may not be assigned or delegated by the Applicant(s) under any circumstances, it being expressly understood that the Charter granted hereby runs solely and exclusively to the benefit of the School Corporation.

9.8. Notices. Any notice, demand, request or submission from one party to any other party or parties hereunder shall be deemed to have been sufficiently given or served for all purposes if and as of the date, it is delivered by hand, overnight courier, facsimile (with confirmation) or within three (3) business days of being sent by registered or certified mail, postage prepaid, to the parties at the following addresses:

If to the School Corporation:

With a copy to:

ROBERT NORTH
1 East 104th Street
New York, NY 10029

If to the Trustees: c/o Boys Harbor

Compliance Desk
Charter Schools Institute
735 Anderson Hill Road
SUNY-Purchase
Purchase, New York 10577

9.9 Severability. In the event that any provision of this Charter or the Application thereof to any person or in any circumstances shall be determined to be invalid, unlawful, or unenforceable to any extent, the remainder of this Charter and the application of such

provision to persons or circumstances other than those as to which it is determined to be invalid, unlawful or unenforceable, shall not be affected thereby, and each remaining provision of this Charter shall continue to be valid and may be enforced to the fullest extent permitted by law.

9.10 Entire Charter. This Charter supersedes and replaces any and all prior agreements and understandings between the Trustees and the Applicant(s). To the extent that any conflict or incompatibility exists between the Application and the other terms of this Charter, such other terms of this Charter shall control.

9.11 Construction. This Charter shall be construed fairly as to both parties and not in favor of or against either party, regardless of which party prepared the Charter.

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BOARD OF TRUSTEES OF THE
STATE UNIVERSITY OF NEW YORK

Robert J. Bellafiore 2/1/00
Date

By: Robert J. Bellafiore, acting for the Board of
Trustees of the State University

Title: Executive Director, Charter Schools Institute,
State University of New York

APPLICANT

Robert North Date

APPLICANT

Richard Asche Date

APPLICANT

Gail Furman Date

APPLICANT

Vivian Gamon Date

APPLICANT

Patricia Fearon Date

BOARD OF TRUSTEES OF THE
STATE UNIVERSITY OF NEW YORK

Date

By: Robert J. Bellafiore, acting for the Board of
Trustees of the State University

Title: Executive Director, Charter Schools Institute,
State University of New York

APPLICANT

Robert North 1/31/00
Robert North Date

APPLICANT

Richard Asche 1/31/00
Richard Asche Date

APPLICANT

Gail Furman 2/1/00
Gail Furman Date

APPLICANT

Vivian Gamon 02/01/00
Vivian Gamon Date

APPLICANT

Appendix
Patricia Fearon Date

Boys Harbor Signature Page

BOARD OF TRUSTEES OF THE
STATE UNIVERSITY OF NEW YORK

Date

By: Robert J. Bellafiore, acting for the Board of
Trustees of the State University

Title: Executive Director, Charter Schools Institute,
State University of New York

APPLICANT

Robert North _____
Date

APPLICANT

Richard Asche _____
Date

APPLICANT

Gail Furman _____
Date

APPLICANT

Vivian Gamon _____
Date

APPLICANT

Patricia Fearon 2/1/2000
Patricia Fearon _____
Date

State Board Signature Page

EXHIBIT A

APPLICATION

[Application to be inserted]

EXHIBIT B

OVERSIGHT PLAN

SECTION I

Prior Actions

Prior to the Trustees authorizing the School Corporation to commence operations, the School Corporation must demonstrate that it has completed the Prior Actions required of it. As set forth at paragraph 1.3, the Prior Actions are in addition to any other requirements imposed by the Act or the Charter. A checklist of the Prior Actions that need to be taken by the School Corporation are set forth below (the "Prior Action Checklist").

By or before August 1 of the year in which the School Corporation is first scheduled to commence instruction, the School Corporation shall provide to the Trustees for each item on the Prior Action Checklist an indication of whether such item has been completed as of such date. For each item not then completed, the School Corporation shall provide a status report and indicate the date on which such item shall have been completed.

The Trustees will visit the School Building for an inspection and review prior to the time that the School is scheduled to commence instruction (the "Pre-Opening Review"). The Pre-Opening Review will occur, at the earliest, fifteen days prior to such date. The Pre-Opening Review will be structured according to the checklist set forth below. The School Corporation shall have available for review by the Trustees all documents necessary to confirm the completion of each item required.

PRIOR ACTION CHECKLIST

School Name _____

Evaluator's Name _____

Governance and Management

Satisfactorily Completed	Item	Comments	Date Completed
<input type="checkbox"/>	The Board of Trustees has been established.		
<input type="checkbox"/>	A permanent head of school has been named.		
<input type="checkbox"/>	Other key leadership roles in the school are filled, or adequately covered.		
<input type="checkbox"/>	By-laws ratified.		
<input type="checkbox"/>	Management contract executed.		

Staffing

Satisfactorily Completed	Item	Comments	Date Completed
<input type="checkbox"/>	The number of teachers is adequate and their assignments match the staffing plan.		
<input type="checkbox"/>	There is documentation that required background checks for all staff have been completed		

Curriculum and Instruction

Unsatisfactorily Completed	Item	Comments	Date Completed
<input type="checkbox"/>	Needed instructional materials and supplies have been distributed to classrooms at every grade level.		
<input type="checkbox"/>	A school calendar and class schedules exist and provisions have been made for them to be available to every student and every family.		
<input type="checkbox"/>	Provisions have been made for assessing and serving students with special needs.		

Students and Parents

Unsatisfactorily Completed	Item	Comments	Date Completed
<input type="checkbox"/>	Parent and student orientation is completed or scheduled.		
<input type="checkbox"/>	Student enrollment procedures have been documented and a student roster is available to teachers.		
<input type="checkbox"/>	Student records have been received or requested and are/will be available to teachers for planning.		
<input type="checkbox"/>	A preliminary count of students with special needs is available.		

Students and Parents (continued)

Satisfactorily
Completed

Item	Comments	Date Completed
<input type="checkbox"/> Student policies (including suspension and expulsion policies) have been established and are available to students and parents in written form.		
<input type="checkbox"/> Procedures, including security procedures, are in place for creating, storing and using student academic, attendance, and discipline records.		

Operations

Satisfactorily
Completed

Item	Comments	Date Completed
<input type="checkbox"/> Arrangements have been made for food service.		
<input type="checkbox"/> Provisions have been made for health services and immunization, if appropriate.		
<input type="checkbox"/> Provisions have been made for supplemental transportation of students if any are to be provided.		
<input type="checkbox"/> There are written plans for such life safety procedures as fire drills and emergency evacuation.		

Finance

Satisfactorily Completed	Item	Comments	Date Completed
<input type="checkbox"/>	There is evidence of an accounting system with internal controls and fiscal policies.		
<input type="checkbox"/>	A payroll system has been established.		
<input type="checkbox"/>	Existing available funds, plus anticipated September and October revenues, are sufficient to carry the school until the first per-pupil payment arrives in October.		

Facilities, Furnishings and Equipment

Satisfactorily Completed	Item	Comments	Date Completed
<input type="checkbox"/>	Available space (including classrooms, restrooms, and special purpose space) meets the requirements of the program and the number of students enrolled.		
<input type="checkbox"/>	Space is accessible, clean, and well-lighted.		
<input type="checkbox"/>	A certificate of occupancy is on file.		
<input type="checkbox"/>	Certificates of insurance are on file, meeting at least the minimum levels required by the Charter Schools Act.		

Accountability

Satisfactorily
Completed

☐

Item	Comments	Date Completed
There is a staff person who is assigned the responsibility for accountability.		

Other

Satisfactorily
Completed

☐
☐
☐
☐

Item	Comments	Date Completed

SECTION II

Accountability Plan

By May 1 of the year immediately succeeding the year in which the School Corporation commences instruction, the School Corporation shall prepare and submit to the Trustees an Accountability Plan. The purpose of this plan is to detail the manner in which the School will be held accountable for academic results. The Accountability Plan is meant to supplement the relevant information in the Application by incorporating the experience and knowledge gained during the School's first year of operation, thus permitting the School to tailor its education goals, curriculum and assessment standards more specifically to the needs of the School's students. Because the Accountability Plan is a supplement to the relevant sections of the Application, and not a replacement, the Accountability Plan should differ from the former only when there is a demonstrated need and shall be in conformance with paragraph 6.2 of the Charter.

The Accountability Plan shall be prepared in a format to be determined by the Trustees and shall provide the following information:

- (i) specific performance goals for the School;
- (ii) methods to measure the School's progress toward the goals;
- (iii) specific annual and long-term performance targets related to such goals;
- (iv) procedures for taking action when the School's performance falls below its targets; and
- (v) strategies for reporting the School's performance and progress to students, parents, the community, and the Trustees.

Upon approval by the Trustees, and, where necessary, review and comment by the Regents, the Accountability Plan shall be attached to the Charter and shall become part thereof and binding upon the School Corporation.

While the School's Accountability Plan may reflect the school's unique mission, it must include the following minimum provisions:

- (i) standards that meet or exceed those established by the Regents for all public schools in New York; and
- (ii) provisions for the School to administer Regents examinations; and
- (iii) annual testing of all students using, if any, the recognized standardized test set forth in the Application.

To provide a basis for judging progress over time, the School shall obtain baseline data on its students' performance on the assessments it selects, including the standardized test, as soon as possible after the School's initial opening, but not later than the end of the School's first academic year.

SECTION III

Monitoring Plan

As provided in Paragraph 6.2 of the Charter, the School Corporation agrees to abide by a Monitoring Plan, the general components of which are set forth below. The requirements of the Monitoring Plan are in addition to any notification, record-keeping, or reporting requirements set forth in the Charter, including any obligation to receive the written approval of the Trustees and/or to seek approval for revision of the Charter pursuant to subdivision 2852(7) of the Act.

- A. The School Corporation shall provide written notice to the Trustees fifteen days prior to the occurrence of any of the following:
 - 1. A material change being made to the Accountability Plan
 - 2. A material change in the School's disciplinary policies, including policies regarding student suspension or expulsion
 - 3. A material change in the School's curriculum or instructional approach
 - 4. A material change in the School Corporation's by-laws
 - 5. A material change in the School Corporation's code of ethics
 - 6. A material change in the insurance coverage acquired by the School Corporation
 - 7. A material change in any Management Contract to which the School Corporation is a party, including termination of such contract by either party.

- B. The School Corporation shall provide written notice to the Trustees within five business days of the occurrence of any of the following:
 - 1. Additions to or removals of members of the School Board.
 - 2. Hiring or dismissal of the director/principal of the School.
 - 3. Execution of contracts or incurring of debt in excess of \$25,000.
 - 4. Receipt of a summons and/or complaint in which either the School Corporation or any member of the School Board (acting in his or her capacity as a member of the School Board) is a named party to the action.

- C. The School Corporation shall provide written notice to the Trustees on an annual basis of the following:
 - 1. Expulsions of students
 - 2. Suspensions of student for more than five school days

- D. The School Corporation shall maintain the following records in its offices for inspection by the Trustees and the Regents.
 - 1. Records concerning the enrollment and admissions process including all applications received and documents concerning the lottery process if conducted.
 - 2. Student academic and health records
 - 3. Attendance records for students including withdrawals of students from the school
 - 4. Individual Education Programs for children with disabilities enrolled in the School
 - 5. Staff rosters, including records of hiring and termination of employees of the School Corporation
 - 6. Evidence of credentials for all teachers
 - 7. Evidence that required background checks, if any, have been conducted
 - 8. Certificates of occupancy
 - 9. Other facility-related certifications or permits
 - 10. Lease agreements
 - 11. Deeds
 - 12. Loan documents
 - 13. Contracts in excess of \$1,000
 - 14. School policies in areas such as financial management, personnel, student discipline (including suspension and expulsion), health and safety, student privacy and transportation
 - 15. Grievances made by students, parents, teachers, and other employees of the School Corporation, including, but not limited to, complaints received by the School Board pursuant to subdivision 2855(4), together with documentation of all actions taken in response

16. Inventory of all assets of the School Corporation that have been purchased with public funds
 17. All records regarding the events and occurrences set forth in subsections A-C of the Monitoring Plan.
- E. To corroborate information submitted by the School Corporation to the Trustees, and in order to ensure the School Corporation's full compliance with the Act and the Charter, the Trustees will:
1. Make quarterly visits to the School in its first year of operation. Such visits may include an inspection of the physical plant, all categories of records set forth in subsection D of the Monitoring Plan, interviews with director of the school and other personnel, and observation of instructional methods. Where appropriate, such visits will decrease in frequency after the first year of operation.
 2. Make unannounced visits to the School.
 3. Attend meetings of the School Board
 4. Require the School to make available necessary information in response to the Institute's inquiries, including information necessary for the Institute to prepare annual or semi-annual evaluations of the school's financial operations, academic program, future outlook and other areas.
 5. Conduct internal investigations as appropriate in response to (i) concerns raised by students, parents, employees, local school districts and other individuals or groups, including but not limited to, complaints brought pursuant to subdivision 2855(4) of the Act, and (ii) material changes in the items set forth at subsections A or the occurrence of items set forth at subsection B this Monitoring Plan. Where appropriate, the Trustees shall issue remedial orders as permitted by subdivision 2855(4) of the Act.
 6. Review the school's operations to determine whether any changes in such operations require formal revision of the charter pursuant to subdivision 2852(7) and, if so, determine whether such revision should be recommended for approval.
 7. Encourage relevant officers, employees and agents of the School Corporation to attend conferences, seminars and training sessions identified or sponsored by the Institute and which are designed to assist the School Corporation to fulfill its mission.

Harbor Science and Arts Charter School

No additional submissions not included in original application

Jeanne Allen
President
The Center for Education Reform (CER)

Jeanne Allen is President of The Center for Education Reform (CER), an independent, national, non-profit advocacy organization providing support and guidance to individuals nationwide who are working to bring fundamental reforms to their schools.

Allen is a recognized authority on education reform issues and is consulted regularly by legislators, education officials, state and national leaders, and the media, to report on the reform movement and analyze its progress throughout the country. She has testified before legislative committees, hosted town meetings and worked with school officials on current reform efforts. She is the author of *The Standards Primer: A Resource for Accelerating the Pace of Reform* published by the Education Leaders Council.

Allen's experience and expertise have placed her at the forefront of the drive to bring substantive change to education and has given her a prominent position in the national policy debate on a broad range of issues including charter schools, academic standards, school choice, teacher accountability, and the roles of education groups and unions in shaping education policy.

She is interviewed regularly by the national media and has been a guest on NBC's Today Show, The News Hour with Jim Lehrer, and ABC's Nightline, numerous cable TV broadcasts and hundreds of radio programs. She is frequently quoted in such major publication as *The New York Times*, *The Washington Post*, *Newsweek* and *Forbes* among others. Allen has written from *The Wall Street Journal*, *Richmond Times Dispatch* (VA), *Investor's Business Daily* and *The Dallas Morning News* in addition to frequently authoring policy and position papers.

Before founding CER in 1993, Allen served as an official of the United States Department of Education, and began her career as a policy analyst on Capital Hill. She holds a BA from Dickinson College and has completed graduate studies at Catholic University.

Susan Miller Barker**Lead Inspector
Massachusetts Charter School Accountability Initiative**

Susan Miller Barker is a Lead Inspector, Massachusetts Charter School Accountability Initiative. She has served on five charter school inspection teams, leading two teams in Charter School Inspections based on the British School Inspection model. She has provided oral and written reports to the Massachusetts State Board of Education to assist in their charter renewal decision-making process. Currently Barker is also pursuing doctoral dissertation research surrounding K-12 educational governance and accountability at the Harvard Graduate School of Education. Prior to this, Barker served as Executive Intern Superintendent at the Charlotte Mecklenburg Schools in Charlotte NC.

Barker served as Assistant Director, Modern Red School House Project, at the Hudson Institute, a public policy research organization from 1993-97 where she was responsible for implementation of a comprehensive, nation-wide school reform project focused on rigorous academic standards. For eight years, Barker was a classroom teacher first in Indianapolis IN where she also served as technology coordinator and then in Lake Oswego OR where she was also Gifted and Talented Coordinator. Barker's education specialties include providing professional development to local school districts, charter schools, and the New York State Association for Supervision and Curriculum Development, among others. Her areas of expertise include IBM Education Instruction Specialist, Standards Driven Curriculum Development, and Certified Project Wild, Project Learning Tree and Project Aquatic. She received her B.S. and M.S. in Elementary Education from Indiana University School of Education, Bloomington IN.

Alisa Berger**Consultant****Public Services Consulting, Public Education Practice
KPMG**

Alisa Berger is a consultant in KPMG's Public Education practice. Berger is an experienced consultant specializing in strategic planning, financial analysis, organizational development and process improvement. Additionally, Berger serves as a teacher-trainer on curriculum development. She is a tenured New York City public school teacher and an experienced middle-school administrator from her work at PS/IS 223-Mott Hall School.

Currently for KPMG, Berger is assisting in the initiative for developing an advanced technology solution to improve student achievement through efficient data analysis. She participated in efforts to support the New York City Partnership for its Breakthrough for Learning's use of private sector management practices in NYC's public school system. Prior to her work at KPMG, she administered a communications audit and financial analysis for the Broadcast Child Development Center in Washington D.C. She was also a team member on The Perry School in Washington D.C. where she helped to analyze the impact of both public and private initiatives on local economic development.

She received a MBA from the McDonough School of Business at Georgetown University and an MA in Curriculum and Teaching from Teachers College, Columbia University. Berger has her B.A. in English from Barnard College, Columbia University. Prior to joining KPMG, Berger worked as a consultant for non-profit and government agencies.

Linda Brown
Director
Massachusetts Charter School Resource Center

Linda Brown is the Director of the Massachusetts Charter School Resource Center where she works along with education entrepreneurs as they break new ground in education reform. Brown is committed to promoting increased student achievement in both urban and suburban schools, and views charter schools as the engine driving all schools to higher standards. Prior to joining Pioneer Institute for Public Policy Research in 1993, Brown held the position of associate head of school at an independent K-8 school in Cambridge, MA.

John E. Cawthorne
Assistant Dean for Students and Outreach
School of Education
Boston College

John E. Cawthorne is currently Assistant Dean for Students and Outreach in the School of Education at Boston College. Until July 1997, he was Vice President for Education of the National Urban League, Inc., Research Professor at Boston College and Senior Research Associate in The Center for the Study of Testing, Evaluation and Educational Policy at Boston College. Prior to that, he coordinated the twelve district Urban District Assessment Consortium, that helped urban schools examine the relationship between alternative modes of assessment and school restructuring. This project had as its primary goals to work with teachers, administrators and parents to design powerful assessment systems that could guide instruction and provide valid and reliable accountability information about individual schools.

From 1992 to 1995 he was a Senior Visiting Scholar at Lesley College in Cambridge and also chaired a committee to examine how to provide future elementary school teachers with a strong grounding in mathematics, as a subject, and a more complete repertoire of instructions strategies.

He began his teaching career in 1964 in Washington D.C., fresh out of Harvard. In subsequent years also served as Principal of The Lower School of the Massachusetts Experimental School system and Director of Chapter 1 for the Massachusetts Department of Correction where he was responsible for education programs for those under 21 in prisons and jails.

Gregory J. Cizek

Associate Professor of Educational Research and Measurement University of Toledo (OH)

Gregory J. Cizek is Associate Professor of Educational Research and Measurement at the University of Toledo (OH), where he teaches courses in assessment, statistics and research design. His research interests include testing policy, classroom assessment and standard setting. He is the author of over 100 journal articles, book chapters, conference papers and other publications. His work has been published in journals such as *Educational Researcher*, *Journal of Educational Measurement*, *Educational Policy*, *Phi Delta Kappa* and elsewhere. He is a contributor to the *Handbook of Educational Policy* (Academic Press, 1998), and author of *Filling in the Blanks* (Fordham Foundation 1999) and *Cheating on Tests: How to Do It, Detect It, and Prevent It* (Lawrence Erlbaum, 1999). He provides expert consultation at the state and national level on testing programs and policy.

Cizek received his Ph.D. in Measurement, Evaluation, and Research Design from Michigan State University. He has managed national licensure and certification testing programs for American College Testing (ACT) in Iowa City, IA and served as a test development specialist for the Michigan Educational Assessment Program (MEAP). Previously, he was an elementary school teacher for 5 years in Michigan. In 1997, he was elected to and named vice-president of a local board of education in Ohio.

Timothy H. Daniels, Ed.D
Director
Office of Educational Initiatives
Pennsylvania Department of Education

Tim Daniels is the Director of the Office of Educational Initiatives in the Pennsylvania Department of Education. Programs currently included in this office are Charter Public Schools, and School Performance Funding and School District Performance Measures. An experienced field administrator, Daniels has been a junior high teacher, a junior high assistant principal, a middle school principal, a school district business manager, an assistant superintendent for curriculum and instruction, a superintendent of schools and executive policy specialist in the Pennsylvania Department of Education.

As part of the Pennsylvania Charter School Initiative, Daniels has visited charter schools in nearby states, and has overseen the awarding and administration of 192 charter school planning grants. He has spoken to groups throughout the state concerning charter schools, the Pennsylvania Planning Grant process, and the analysis of Pennsylvania charter school legislation. He is currently involved in assisting the 16 charter schools that opened in Fall 1999 and the 31 that opened in previous year. He is also administering the fourth round of charter school planning grants, organizing the annual PDE "Create a Charter School Workshop" series, planning for the semi-annual state charter school operators' meetings and administering a \$9 million federal grant awarded to give start-up funding to Pennsylvania charter schools.

Stephen Dess

Executive Director Minnesota Association of Charter Schools

Stephen Dess has been the Executive Director of the Minnesota Association of Charter Schools since June 1998. Prior to that he was Administrator for the Central Minnesota Deaf School, a first year charter school. He was a founder and Administrator for the Emily Charter School (now in its 7th year) from August 1994 to February 1998.

Dess' twelve years of community organizing and education experience includes Executive Director for Project Concern Minnesota, Teacher in Benilde High School and as a member of the Board of Directors for Metropolitan Health Coalition which started the nation's first HMO. He also has twelve years of private sector service in the renewable energy field holding such positions as Manager, Solar Components of Minnesota, Inc.; Owner, Designed Efficient Solar Systems, Inc.; District Director for Photocomm Inc. for the Midwest and Northern Arizona and Executive Director for Minnesota Renewable Energy Society. He has a B.A. from St. John's University, Collegeville, MN.

Larry C. Gabbert

Delaware Charter Schools Administrator Delaware Department of Education

As Delaware Charter Schools Administrator for the Delaware Department of Education, since 1997, Gabbert is responsible for the design, development and management of a comprehensive state system for approving, assisting, monitoring and evaluating independent charter schools. He works directly with the Secretary of Education, State Board of Education and Office of the Attorney General to design and implement an evaluation/support system to meet to legislative responsibilities of the State Board and Department of Education pertaining to charter schools. This system includes the evaluation of charter applications, on-going oversight and monitoring, annual evaluation of the progress of each school and the formal evaluation of schools for renewal of their charters.

From 1990-1997, Gabbert was Education Associate, State Supervisor of Education Assessment, Delaware Department of Public Instruction where he was responsible for designing and implementing the state assessment program and managing national assessment programs conducted within the Delaware. His background includes extensive experience in testing as Assistant Director, Office of Testing Services, Northern Illinois University, Dekalb, IL and as Director of Testing at St. Ambrose College in Davenport, IA. Gabbert served as a Consultant to Scholastic Testing Services in Bensenville IL.

Gabbert received his Ed.D in Counselor Education from SUNY/Albany, an M.Ed. in Counseling and Testing from Springfield College, in Springfield MA and a B.A. in Psychology from Western New England College also in Springfield.

Roger Gerber

Member North Carolina Charter School Advisory Committee

When the Charter School Legislation in North Carolina passed in 1996, Gerber joined three other school reformers in forming a non-profit corporation with the intent of starting a charter school. The non-profit, Financial Reform for Excellence in Education (FREE) applied for three separate charters and two were approved. In 1997, after successfully opening, The Village Charter School in Chapel Hill and The Orange Charter School in Hillsborough, FREE again applied for three new charters. All three were approved and opened in 1998.

Gerber has been a member of the North Carolina Charter School Advisory Committee since its inception in 1997 and Director of The League of Charter Schools since Fall 1998. He helped form the Association of North Carolina Charter Schools, a trade association whose goal is to support North Carolina's charter schools and became its first President in March 1998. He served as interim principal for two months when the Orange Charter principal resigned. During the 1998-1999 school year he built computer stations, refurbished donated computers and taught computer classes at the Woods Charter School. He is presently a board member of the SPARC Academy Charter School.

Before his involvement in charter schools, Gerber was actively involved in the education of his two daughters. He set up the computer lab, and taught students and teachers on how to use computers. For these efforts he received the Governor's "Volunteer of the Year" Award for Alamance County in 1994. When the local public school principal said if Gerber's daughters were his own, he'd send them to private school, Gerber became their home schoolteacher from 1993-1996. He is a graduate of Franklin and Marshall College and served as Ringling Bros. Traveling Box Office Co-Manager with his wife for three years in the mid-seventies.

Mary Gifford

Director Center for Market-Based Education Goldwater Institute *Also, Vice President State Board for Charter Schools (AZ)*

Mary Gifford serves as the director of the Goldwater Institute's Center for Market-Based Education. She also serves as vice president of the State Board for Charter Schools (AZ). Gifford previously served as the executive director of the State Board for Charter Schools. Gifford holds master's degrees in education leadership and public administration. She has published several reports on education reform issues, including a teacher and administrator survey on charter school ethnicity, child-centered funding, parent preferences in an education marketplace and market-based education reform.

James W. Griffin

Executive Director and General Counsel Colorado League of Charter Schools

James Griffin is the Executive Director of and General Counsel for the Colorado League of Charter Schools, the state's nonprofit association of charter schools. He has served in that capacity since the organization's inception in 1994, building the League from a one-person technical support/advocacy organization to a four-person comprehensive association of nearly seventy charter schools. He received a B.A. from Connecticut College in 1989 and his J. D. from the University of Denver in 1994.

The League provides: technical support and assistance for operating and developing charter schools; legal and legislative advocacy for the charter movement; a clearinghouse of information for the charter community; and initiatives such as our At-Risk Initiative, and the Accountability and Evaluation Program supporting education reform through charter schools.

Bryan C. Hassel

Director Public Impact

Bryan C. Hassel directs Public Impact, an education policy consulting firm. He consults nationally on charter schools and the comprehensive reform of existing public schools. In the charter arena, he is engaged in numerous projects designed to help policy-makers, charter school authorizing agencies, and charter school leaders make the most of the charter school opportunity. His recent work has included a leading role in the development of the North Carolina Charter School Recourse Center, extensive research and technical assistance on finance issues for charter school facilities; and designing programs and publications for charter-granting agencies, including *The Charter School Review Process; A Guide for Chartering Entities*. He is the author of *The Charter School Challenge: Avoiding the Pitfalls, Fulfilling the Promise*, published by the Brookings Institution Press in 1999. Hassel received his doctorate in public policy from Harvard University and his masters in politics from Oxford University, which he attended as a Rhodes Scholar.

Bill Jawitz

Founder

The Odyssey Community Charter Schools

Bill Jawitz is the founder of the Odyssey Community School in Manchester, one of Connecticut's first public charter schools. Bill served as principal for Odyssey's first two years and now works part time as Director of Development. He is also Project Coordinator for the Associated Student Press, a national online scholastic journalism service.

Prior to opening Odyssey, Bill taught media studies for 10 years at Manchester High School. He is the author of *Understanding Mass Media* (5th Edition), the nation's top-selling secondary-level textbook on the subject of mass media. Bill has a BA in English from Quinnipiac College and an MA in Communications, Computing and Technology in Education from Teacher's College, Columbia University.

Malvice E. Jefferson, Ed.D

Consultant

Malvice E. Jefferson is a consultant in International Educational Development and Curriculum and Staff Development. She presently serves a consultant for youth and family programs for the Education Department at the American Museum of natural History. She is former Associate Director of the School Leadership Academy at the Center for Educational Innovation. While a member of the Bank Street College of Education faculty for 4 years, she developer/consultant for Bank Street's Center for Minority Achievement.

As a New York City public school teacher, Jefferson taught elementary and middle school students in traditional and alternative concept schools in central and East Harlem. She served as mentoring teacher for pre-service students of Teachers College, Queens College and City College of the City University of New York. She also provided services as a staff and curriculum consultant to Milwaukee Public Schools (MPS), Boston Charter Schools, Hostos Community College of CUNY, the US Peace Corps and the African Institute. Additionally, she was an adjunct professor on the Graduate Faculty for International Teacher Education at the College of New Jersey.

Jefferson hold a BA in Natural Science from Fordham University, an MA in Legal Studies from the Antioch University School of Law, an MS in Special Education from Bank Street College of Education and an Ed.D in International Educational Development from Teacher's College, Columbia University.

Pearl Rock Kane

**Associate Professor of Education and
Director, Klingenstein Center for
Independent School Education
Teachers College, Columbia University**

Pearl Rock Kane is an associate professor of education, director of the Klingenstein Center for Independent School Education and advisor for the department's M.A. focus in Private School Leadership. Kane holds an M.A. from Smith College and a doctorate from Teachers College, Columbia University. Kane taught and served as an administrator in public and private schools in Michigan, Massachusetts and New York City. Her current teaching and research interests are in the areas of privatization, charter schools, private school organization, governance, and public and private school collaboration. She has been active on several national boards including Editorial Projects which publishes *Education Week*, *Teacher Magazine* and the *Educational Records Bureau*. Kane serves as a trustee of Rice High School, a Catholic School in Harlem, and she serves on the foundation for North Star Academy, a charter school in Newark. She has published numerous articles about private schools on issues of governance, and the attraction and retention of teachers. Most recently, she conducted studies of New Jersey's charter schools and the New Visions schools in New York City.

Sybil N. Knight, Ed.D

**Principal
Agassiz School (Cambridge MA)**

In her current position as Principal of the Agassiz School, located in Cambridge, MA, Knight has been praised for her leadership, style and ability to effectively use "dialoguing" as a means to adhere to the needs of the school and community. In addition, her ability to effectively communicate has opened the school to new ideas, which enhance the curriculum, encourage professional development and increase parent participation and involvement.

Knight proposed and received a community-based grant for \$120,000 from the Massachusetts Governor's Juvenile Justice and Delinquency Prevention Advisory. Prevention Advisory Committee in July 1992 for the C.A.P.S.U.L.E. Program which reduced the juvenile crime in the community and the suspension rate of minority students.

Knight has extensive teaching and administrative experience in the Florida public schools. She received her B.F.A. from Howard University, M.S. from Nova University and Ed.D from Nova Southeastern University.

Doug Lemov

Principal Academy of the Pacific Rim

Doug Lemov is the Principal of the Academy of the Pacific Rim in Boston, MA, an academically rigorous charter school serving students in grades 6-8. The Academy fosters strong achievement among students from all backgrounds by building a culture of discipline, effort and high expectations. The Academy combines the best aspects of Asian schools – discipline, respect and an emphasis on effort – with the best aspects of American schools – an emphasis in individuality, diversity and creativity. Lemov was a founding teacher (of History and English) and Dean of Students before becoming Principal. He also worked as a teacher at the Princeton Day School in Princeton, NJ, an associate instructor of English at Indiana University, and as a production assistant at National Public Radio.

Margaret Lin

Coordinator National Charter School Accountability Network

Margaret Lin is a consultant to charter school support organizations on initiatives designed to heighten the success and quality of charter schools across the country. Based in Washington, DC, she is coordinating the National Charter School Accountability Network, a nationwide collaborative of state-level charter school resource centers working to strengthen accountability planning and practices among charter schools and charter-authorizing agencies. Lin also focuses on initiatives to make federal education policy supportive of charter school success. She is co-author of *Charting a Clear Course: A Resource Guide for Charter Schools Contracting with School Management Organizations*, published by the Charter Friends National Network.

Lin was co-founder and coordinator of the Charter School Resource Center at Leadership for Quality Education, a school reform organization in Chicago that has provided critical support to the development of 14 charter schools in Chicago, as well as charter founders throughout Illinois. A rotary Foundation Scholar in Brussels, Belgium in 1995-96, Lin has also spent two years teaching all levels of English and cross-cultural courses at public schools, private corporations and international agencies in Tokyo, Japan. She received a B.A. in Rhetoric from the University of Illinois at Champaign-Urbane in 1990 and a J.D. from Stanford Law School in 1995.

Bruno V. Manno, Ph.D.

Senior Fellow in Education

Annie E. Casey Foundation

***Formerly, Assistant Secretary of Education for Public and Planning
United States Department of Education***

Bruno V. Manno is a Senior Fellow in Education with the Annie E. Casey Foundation in Baltimore MD. His responsibilities include working with staff from the Foundation's policy reform and evaluation programs to identify and assess the Foundation's grant-making options in education reform and managing some of the grant programs in education supported by the Foundation. Prior to his work at the Casey Foundation, Manno was Senior Fellow in the Education Policy Studies Program at the Hudson Institute in Washington, D.C., a private, not-for-profit research organization with headquarters in Indianapolis IN. From September 1997 to February 1998, Manno was on leave from the Hudson while holding the position of executive director of the Congressionally-created National Commission on the Cost of Higher Education.

Manno was a member of the Hudson Institute research team involved in the "Charter Schools in Action" project, a two year national study of charter schools funded by The Pew Charitable Trusts of Philadelphia. He and his colleagues, Chester Finn and Gregg Vanourek, have completed a book on this project entitled *Charter Schools in Action: Renewing Public Education*, to be released by Princeton University Press in January 2000.

Manno was Assistant Secretary of Education for Policy and Planning the United States Department of Education. He was nominated by President George Bush to that position on March 24, 1992 and unanimously confirmed by the United State Senate on August 11, 1992. He was a principal advisor to both Secretary of Education Lamar Alexander and Deputy Secretary of Education on policy matters, and planning and evaluation services. He served in that capacity for almost a year prior to his confirmation.

Kristen McCormack**Founder/Partnerships Coordinator
Neighborhood House Charter School**

Kristen McCormack has been a part of the Neighborhood House Charter School since its inception in 1993. She has been working in the field of management for twenty years. She earned her B.A. in Community Planning from the University of Massachusetts and her M.B.A. from Boston University. She has spent ten years managing non-profit human service, youth and education organizations, including Federated Dorchester Neighborhood Houses, the Boston Food Bank, Project BREAD, Dorchester Youth Councils and the All Dorchester Sports League. In addition to founding NHCS, she also was a founding member of the Dorchester Center for Adult Education, Boston Private Industry Council, and the Boston Adult Literacy Fund. She spent an additional ten years managing government agencies including the out of school adult education program for the City of Boston and all alternative school programs for Boston, Deputy Director of the Boston Redevelopment Authority, and Director of the Mayor's Office of Jobs and Community Services. She is currently an adjunct faculty member at both the Harvard University Kennedy School of Government and Suffolk University, a visiting fellow at the Lincoln Filene Center at Tufts University, and a member of the Massachusetts Education Reform Review Commission.

David Patterson

**Director of Governmental Relations
California Department of Education
*Formerly, long-time member, Charter Schools Unit
California Department of Education***

David Patterson is currently Director of Governmental Relations, and was formerly with the Charter Schools Unit, at the California Department of Education (CDE). For many years Patterson was the voice and advocate for charter schools at CDE. He joined CANEC in January 1999 and established the Governmental Relations Office in Sacramento. Dr. Patterson brings twenty-five years of experience in government and education, in K-12 as well as higher education, in both California and Washington, D.C. He brings statewide experience in school change and reform. He is also active in his community, serving more than eight years on local school boards. He has a deep commitment to charter schools as a way to fundamentally transform the California public education system.

Brett Peiser

**Founder and Principal
South Boston Harbor Academy Charter School**

Brett Peiser taught History at Midwood High School in Brooklyn, NY for four years after receiving a Bachelor's degree from Brown University in Political Science and French. Upon graduation from Harvard University's Kennedy School of Government with a master's degree in Public Policy, Peiser worked for nearly two years as Director of Partnership Programs for Kaplan Learning Services, helping community colleges improve their remedial education programs. For the past two years, Peiser has worked as Founder and Principal of the South Boston Harbor Academy Charter School, a new college preparatory public charter school for students in grades 5-7, expanding to include grades 8-12 over the next five years. Peiser is the co-author of *Competition in Education*, a study of the social, racial and financial impact of Massachusetts' interdistrict school choice program and created the History standards at the Academy of the Pacific Rim Charter School in Boston.

Geoffrey S. Plante, CPA**Senior Manager
Albany Government Services
KPMG Consulting**

Geoffrey S. Plante, CPA, is a Senior Manager in KPMG's Albany Government services practice. As such, he devotes all of this time to serving government entities in the Northeast. He is a certified public accountant and specializes in operation improvement. He recently completed a review of the East St. Louis IL School districts, which included its financial management practices to determine where the district could achieve greater operating efficiencies. For the New York State Office of General Services, he assisted in the plan to outsource the State's centralized purchasing, warehousing, and distribution function to 260 State facilities. He served as technical resource manager on KPMG's business process improvement review for the New York City Board of Education concerning the custodial procurement function. With KPMG he has also worked on projects for the West Hartford Public Schools, Albany County, the New York State Thruway Authority and the Capital Region BOCES.

Plante is a Certified Public Accountant in the State of New York. He is a member of the Association of Government Accountants, the New York State Society of Certified Public Accounts and a board member of the Arbor Hill Community Center. He has instructed courses for KPMG staff on the fundamentals of governmental accountings and performing audits of governmental entities in New York. He served on the New York State Education Commissioner's Task Force on BOCES during 1996 to address the governance and organization of BOCES, cost and quality of BOCES services and the role of the BOCES and the District Superintendent in supporting state school reform.

Greg A. Richmond**Director
Charter Schools Office
Chicago Public Schools**

Greg A. Richmond has been Director, Charter Schools Office of the Chicago Public Schools since 1996. He oversees all elements of the school district's relations to its 12 charter schools, serving roughly 5,000 students with budgets exceeding \$22 million. He established and implemented procedures for the evaluation of 70 charter applications resulting in the approval of 15 proposals. He works with local and national external partners, and conducts information workshops prior to the application deadline to assist in the development of charter school proposals. Richmond established the district's comprehensive legal agreement with the charter schools and created, in cooperation with the charter schools, a comprehensive charter school Accountability Plan. He closed one non-performing charter school. Richmond initiated the creation of national association of charter school authorizers.

Prior to this he was a Legislative Liaison from 1994 to 1996 where he represented the school district's legislative interests before the Illinois General Assembly. He also served on the Legislative Staff of the State Senate Education and Appropriations committees.

Richmond is a nationally recognized speaker on charter schools. He most recently served on a panel on Intervention Strategies at the U.S. Department of Education's Charter Schools National Conference in Denver CO in March 1999 and on the Council of Urban Board of Education National Conference panel on "Charter Schools and Accountability this past October in Philadelphia PA.

Pamela A. Riley

**Co-Director
Center for School Reform
Pacific Research Institute for Public Policy**

Pamela A. Riley co-directs the Center for School Reform, a program of the San Francisco-based Pacific Research Institute for Public Policy, an independent, not-for-profit research and education organization. The Center advances educational reforms that foster independent and innovative public and private schools, and advocates strategies that hold schools accountable to high standards and instill competition among education providers. Riley is a frequent speaker and writer on school choice, charter schools and other education reforms. He is co-author (with Lloyd Billingsley) of *Expanding the Charter Idea: A Template for Legislative and Policy Reform* and *How to Start a Charter School: The Basics*.

She is a member of a community group that is developing the Towers Preparatory School, an inner-city charter school (in formation) in Richmond CA. The Towers will use a rigorous and common curriculum developed by the nationally renowned educator Marva Collins (Westside Preparatory, Chicago).

She is s found board member of the California Network of Education Charters (CANECE), a member of the National Charter School Friends Network and the Association of Educator in Private Practice (AEPP), an organization of for-profit and not-for-profit private sector education providers. She testifies frequently on school reform at legislative and government hearings. She has served a consultant for the California Department of Education in reviewing grant application for federal charter school grants and on the Charter School Advisory Committee of the Little Hoover Commission, California's state efficiency and watchdog commission. Riley founded the San Francisco Independent Scholars program a \$2.4 million scholarship program for students who are attending independent and parochial high schools.

Mary Kay Shields

Director

Charter School Development and Performance Institute Central Michigan University

Mary Kay Shield is the Director of the Charter School Development and Performance Institute at Central Michigan University. Central Michigan University is Michigan's largest charter school authorizer, having licensed 59 of the state's 173 operating charter schools. Established in 1892, Central Michigan University has built an enviable national reputation as a leader in educational reform through its work with traditional and charter public schools.

Shields formerly served as a Special Advisory in the Governor's Office where she established and implemented a strategic plan involving public and special interest groups, a broad cross section of leaders drawn from business and industry, interested parents and various public agencies to ensure the development, support and sustainability of charter schools.

She has long distinguished herself as a leader in education reform, particularly through legislative policy and school finance reform. She has been a gubernatorial appointee to various statewide commissions and task forces. Her public career spans almost two decades beginning as a Legislative Analyst for the Michigan House of Representative. She has worked in education through her professional life, beginning her education career as a Special Education Teacher.

Nelson Smith

Director

Policy and Planning, Emergency Transitional Education Board of Trustees District of Columbia Public Schools

Nelson Smith currently serves as Director, Policy and Planning, Emergency Transitional Education Board of Trustees, District of Columbia Public Schools. For the Trustee Board charged with reform of D.C. public school system by June 30, 2000, his responsibilities include policy development, legislative liaison, and creation of reports and studies on a wide range of issues. He has developed the policy on disposition of excess school-system property for charter schools.

He has worked on DC public school reform issues including participation in the mayor's working group on school facilities and helped write September 1996 amendments to DC Charter School law. Smith has worked as an Education Policy Consultant focusing on academic standards, school leadership and workforce development.

As Vice President, from 1992-95, of Education and Workforce Development for the New York City Partnership, he developed a plan for restructuring the city's school-system governance, built a coalition of business, government and labor unions to support school-to-work programs, oversaw the private-sector summer jobs campaign and created business-based school-leadership program serving more than 150 principals.

From 1985-92, with the U.S. Department of Education, as Staff Director of Sec. William Bennett's Elementary Education Study Group, he produced his 1986 report *First Lessons*. As Director, Programs for the Improvement of Practice (1989-1992) he managed the national effort to spur education excellence using research-based strategies, oversaw the Blue Ribbon Schools recognition program, the National Diffusion Network, and the Javits program for gifted disadvantaged children and other initiatives. He managed an \$85 million annual budget and staff of 90.

Gregg Vanourek

Co-Author

Charter Schools in Action: Renewing Public Education* *Formerly, Research Fellow* *Hudson Institute

Gregg Vanourek is an M.B.A. candidate at the Yale School of Management in New Haven CT. While at Yale, he co-authored, with Chester Finn and Brunno Manno, a book on charter schools, *Charter Schools in Action: Renewing Public Education*, due out from Princeton University Press in January.

Prior to coming to Yale, Vanourek served as Vice President for Programs at the Thomas B. Fordham Foundation in Washington DC, a national education reform foundation, where he transformed this local grant-making foundation with no staff to a pro-active national foundation. He drafted and implemented the foundation's \$1.4 million program and research budgets. He conceived, designed and launched the first-ever K-12 private scholarship program in OH. Before that he served as a research fellow at Hudson Institute where co-authored three major policy reports and wrote 25 published articles. He has delivered speeches, and radio and television interviews on education policy. He designed, launched and maintained an interactive web site (www.edexcellence.net). He also managed production of a book and numerous reports, from concept to commission and release. He has a Master's degree from the London School of Economics and a bachelor's degree in politics, philosophy and economics from Claremont McKenna College in CA where he was an Academic All-American soccer player.

Sandra Vegari

Assistant Professor

Department of Educational Administration and Policy Studies State University of New York

Sandra Vegari is an assistant professor in the Department of Educational Administration and Policy Studies at the University at Albany. She earned her Ph.D. in political science from Michigan State University. Her primary area of research experience is education reform policy. In particular, Vergari has been tracking and analyzing charter school politics and policies across the U.S. for six years. She is knowledgeable about a board range of charter school issues. Vergari approaches charter school issues from the perspective of a neutral observer. This independent credibility has enabled her to gain access to and collect valuable information from a broad range of relevant individuals. Vergari is presently conduction research on charter school authorizers and accountability issues. Vergari's work has appeared in both policy reports and academic journals including *Journal of Education Finance*, *Journal of Politics*, *Policy Studies Journal*, *Publius: The Journal of Federalism* and *State and Local Government Review*.

For Applicants' Use

ISSUES TO CONSIDER

Review Criteria

Extracted from the CSI Application Kit

THE MISSION

Charter school applicants should clearly define the school's mission.

Applicants may demonstrate this by:

- developing a clearly stated and focused mission statement for an innovative school;
- including in the mission statement the elements that further the purposes of the New York Charter School Act of 1998; that is, increased learning opportunities for all children, rule-based vs. performance-based accountability systems, etc., and the school's role in the context of educational reform;
- describing the school's unique aspects, features, theme, etc., and why parents and children want such a school;
- explaining any specific research or philosophical basis underlying the school's mission;
- describing "at risk" students and how they will serve them, if applicable;
- defining how the school will provide professional opportunities for teachers and administrators.

SCHOOL DESIGN AND ORGANIZATION

Charter school applicants should craft a school design and organization that matches its mission and will produce the desired educational results.

Applicants may demonstrate this by:

- determining the length of school day and school year, and articulating how this will further the school's mission, goals, and objectives;
- indicating the grade levels to be offered (and applicable ages), and how these grade levels will be grouped and organized, and the overall number of students they hope to serve;
- determining whether the instructional staff will be organized as individual teachers, members of teaching teams, and/or in interdisciplinary groups;
- itemizing assumptions for class size by grade, as well as the assignment of teachers and teaching assistants to each classroom;
- indicating whether the school will be organized around an academic theme or other theme;
- explaining the process by which the school will provide an appropriately challenging program for special needs students (e.g., at-risk of academic failure, special education, gifted and talented);
- explaining any after-school or summer school programs that will be offered;
- indicating the school's admissions policies consistent with requirements under New York State law;
- itemizing any requirements for student uniforms or dress codes;
- explaining plans to provide food and health services;
- indicating what services (social, counseling, etc.), if any, will be integrated into the school's structure;
- explaining the rationale for the overall school design, and whether it is based on specific research or model school design.

ACADEMIC STANDARDS, CURRICULUM, AND TEACHING METHODS

Charter school applicants should develop educational standards, a curriculum, and teaching methods that support the school's mission and will produce an exceptional educational experience for students.

Applicants may demonstrate this by:

- articulating clear and measurable educational standards for each subject offered in the school;
- articulating an educational program that reflects the purpose and objectives of the school and its guiding beliefs about the way students learn and achieve personal development;
- incorporating the educational standards adopted by the state Board of Regents;
- selecting or designing a curriculum which matches the school's mission and leads to fulfillment of the school's performance standards;
- indicating the teaching methods that will be used to implement the school's curriculum;
- explaining what textbooks, instructional materials, and technology may be used as part of the school's teaching program;
- describing learning theories that underlie the school's curriculum and teaching methods, how they will be applied, and how they will create the desired educational climate and improve student achievement.

STUDENT PERFORMANCE; MEASURING, TRACKING, AND ENSURING RESULTS

Charter school applicants should develop a system to measure, track, and ensure student results.

Applicants may demonstrate this by:

- indicating how progress towards achieving performance standards and mastery of the school's curriculum will be assessed;
- indicating how the school will administer all required state assessments and how it will develop comparisons between the proposed school and other existing public schools;
- using additional assessments, where appropriate, to measure attainment of performance standards, and explaining the linkage of the assessments chosen to the particular standards and curriculum to be offered by the school;
- setting up a tracking system to monitor student performance on a periodic basis;
- explaining how their assessment system will establish a performance level for new students, i.e., their use of norming groups, baseline testing or other methodologies;
- explaining how the failure of any student to meet any school standards will be remedied;
- detailing the intervention strategies and resources that will be tapped to assist under- performing students to meet school standards;
- articulating policies and standards for advancing students to the next instructional and grade levels;
- detailing the standards and requirements for graduation (if applicable);
- indicating how the school will benchmark student results (for example, in comparison with national or state averages, or local public or private schools);
- describing the contents of the school's annual progress report;
- explaining the extent to which independent evaluators will be used.

SCHOOL GOVERNANCE

Charter school applicants should assemble a planning team and/or board of trustees who collectively have the talents needed to open, staff, and oversee a high quality school.

Applicants may demonstrate this by:

- identifying the competencies essential to successful operation of a public charter school (e.g., educational, managerial, fiscal, legal);
- selecting a board of trustees that reflects the varied expertise that will be needed to open, operate, and oversee the proposed charter school, as well as how new board members will be selected when turnover occurs and the term length for current members;
- assembling a board of a manageable size with sufficient depth and breadth of experience;
- understanding the need for clear controls to prevent any conflicts of interest involving board members;
- demonstrating a clear understanding of the legal obligations and responsibilities of the board of trustees of a charter school, including regular meetings, public notice of meetings, and an understanding of open meetings law;
- clearly articulating how the school will be governed and managed, including how decisions will be made and by whom.

PERSONNEL AND SCHOOL LEADERSHIP

Charter school applicants should demonstrate an understanding of how to recruit, organize, and support the leadership of the school and ensure the proper financial, budgetary, instructional, and legal management of the school.

Applicants may demonstrate this by:

- documenting the size of the school administration, and what functions will be contracted for separately;
- articulating a vision of the professional and other qualities they deem necessary in the individual or individuals selected to lead the school;
- explaining the vision for how the school leadership should be structured and staffed;
- indicating to what extent the faculty of the school will share in the responsibility for leading and managing the school;
- describing the roles and responsibilities between the board of trustees of the school and the administration of the school;
- clearly indicating who would possess the authority and management responsibility for budgeting, accounting, performance reporting, legal issues, fundraising, etc., as well as job descriptions for senior positions;
- addressing the proposed contractual relationship, if any, with a for-profit management partner, including delineating the responsibility between the board of trustees of the school and the management company, the duration of and termination of the terms of a contract, how the board will evaluate the management company, and how the management company will be paid;
- articulating clearly the responsibilities (objectives, goals) of the leadership of the school, the faculty, and others, and how job performance will be evaluated;
- including in the application, the biographies of senior staff that will join the school (if known), pending approval of the application;
- demonstrating a full grasp of the school's legal obligations related to open meetings, freedom of information requests, public reporting, public oversight, appropriate expenditure of public funds, proper financial accounting and reporting, labor relations, and applicable health, safety, and civil rights laws.

- explaining the vision for how the school leadership should be structured and staffed;
- indicating to what extent the faculty of the school will share in the responsibility for leading and managing the school;
- describing the roles and responsibilities between the board of trustees of the school and the administration of the school;
- clearly indicating who would possess the authority and management responsibility for budgeting, accounting, performance reporting, legal issues, fundraising, etc., as well as job descriptions for senior positions;
- addressing the proposed contractual relationship, if any, with a for-profit management partner, including delineating the responsibility between the board of trustees of the school and the management company, the duration of and termination of the terms of a contract, how the board will evaluate the management company, and how the management company will be paid;
- articulating clearly the responsibilities (objectives, goals) of the leadership of the school, the faculty, and others, and how job performance will be evaluated;
- including in the application, the biographies of senior staff that will join the school (if known), pending approval of the application;
- demonstrating a full grasp of the school's legal obligations related to open meetings, freedom of information requests, public reporting, public oversight, appropriate expenditure of public funds, proper financial accounting and reporting, labor relations, and applicable health, safety, and civil rights laws.

QUALITY TEACHING

Charter school applicants should demonstrate an understanding of how to structure and staff a school to ensure top-quality teaching.

Applicants may demonstrate this by:

- articulating a clear vision of the qualities that they will seek in prospective members of the school's instructional staff, including job descriptions and how job performance will be evaluated;
- explaining the steps, if any, the school intends to take to ensure that its teachers are expert in the subject area that they will teach;
- explaining fully the range of responsibilities of the school's instructional staff;
- explaining the classrooms to be used, including their size, teaching tools, technology, as well as the time and resources that will be devoted to training teachers, students and parents in the proper use of learning tools in the classroom;
- detailing the salary and benefits the school intends to offer to attract teachers who possess the qualities the school deems necessary to fulfill its educational mission;
- explaining the way in which the school will seek to attract, retain, and reward good teachers;
- indicating the school's approach to teachers who are not fulfilling expectations, including approaches to evaluation, possible remediation, or dismissal;
- indicating the extent to which the school intends to hire any uncertified teachers as allowed under the charter school law;
- indicating whether the school anticipates pursuing alternative forms of teacher certification authorized by the state education commissioner, including individuals with "unusual qualifications";
- explaining the steps the school will take to screen prospective teachers for the safety and protection of school children;
- explaining the school's plans to educate students who may have unique educational needs as a result of physical, mental or learning disabilities, language barriers, etc.;
- explaining their request, if applicable, to be awarded one of the 10 SUNY-recommended charters for which union representation is not mandated regardless of the size of student enrollment in the first year of operation;
- articulating how the school expects teachers to involve parents in a supportive way, including any innovative technology methods;

- indicating the time and resources that will be allotted to teachers for classroom preparation, updating skills and knowledge, and professional development;
- documenting the size of the instructional staff and any overlap with administrative responsibilities.

FINANCES AND ACCOUNTABILITY

Charter applicants should present budget income and cash flow figures that are balanced, realistic, and comply with generally accepted accounting principles.

Charter applicants may demonstrate this by:

- presenting a complete budget for start-up costs;
- presenting a complete annual budget and a financial plan that covers the period for which they are requesting a charter including month-to-month financials for the first year;
- having reasonable enrollment projections, and fall-back scenarios if actual enrollment data differs from initial projections;
- having reasonable revenue projections, including federal and private funds;
- presenting reasonable and adequate figures for salaries and benefits;
- explaining the financial implications of decisions on class size and assignment of teachers and teaching assistants to each classroom;
- identifying how special education and bilingual programs can be delivered within the proposed budget and identifying any additional special education funds projected in the proposed budget;
- providing adequate justification for estimates for lease, renovation, and construction costs;
- explaining any additional costs that might result from a longer school day or school year (should they propose one), or any anticipated after-school or summer programs;
- explaining how capital costs will be absorbed within annual revenue projections, and any need for additional financing;
- providing realistic estimates of private fundraising and public grants as well as itemizing actual commitments;
- presenting a realistic plan for securing any funds needed beyond the per-pupil allocation provided under state law;
- budgeting for emergencies, revenue shortfalls, and delays;
- indicating how per pupil costs compare to resident school district per pupil costs;

- having a CPA review and certify all financial information, including all projections, along with documenting all the accounting principles/decisions used to create the financial information, such as depreciation schedules, inventory accounting method, revenue recognition, etc.
- the availability of public resources, or that are needed in addition to public resources;
- itemizing any financial, hiring or services commitments they may have, including "letters of intent";
- indicating an understanding of the insurance coverage that will be needed; and

PHYSICAL FACILITIES

Charter school applicants should demonstrate an understanding of the steps that must be taken to “open the doors” of the charter school, and manifest the talent and resources to do so on a timely basis.

Applicants may demonstrate this by:

- presenting a realistic transportation plan that reflects the location of the school, the size of the school's target market for students, the school's length of school day and school year, and estimated participation in any after-school or summer programs;
- having a clear understanding of the space needs implicated by the school design, enrollment projections, class size ranges, and the school's academic program;
- demonstrating an ability to secure an available school facility, and demonstrating a familiarity with the local real estate market and the availability or scarcity of suitable space;
- articulating how the location helps foster the mission and goals of the school;
- indicating the presence of talent on the planning team, board of trustees, or elsewhere that is needed to oversee the selection of a site and the negotiations involved in the lease, purchase, or construction of suitable space;
- developing plans that are consistent with all applicable health, safety, and local code requirements;
- developing a plan to purchase or lease the necessary supplies, equipment, and instructional equipment needed by a new school;
- developing a plan to finance any start-up costs that will be incurred in advance of the availability of public resources, or that are needed in addition to public resources;
- itemizing any financial, hiring or services commitments they may have, including “letters of intent”;
- indicating an understanding of the insurance coverage that will be needed; and
- having a detailed and viable plan for hiring the necessary individuals before school opens.

PLANNING FOR THE FUTURE

Charter school applicants should consider future plans for the school including planned changes and unplanned contingencies that could confront the school.

Applicants may demonstrate this by:

- describing any intention to expand the charter school, including physical expansion, anticipated growth in the school's budget or other financial expansion, expansion in the grade levels served, or expected increases in the student population;
- describing plans for the transfer of students and student records, and for the disposition of school assets, including the satisfaction of any outstanding debts in the event of dissolution of the charter school.



APPLICATION REVIEW WORKSHEET
AND
SUMMARY OF RECOMMENDATIONS

Name of School _____

Reviewer _____

Date _____

CHARTER SCHOOL APPLICATION REVIEW CRITERIA

Review Panel Worksheet

Using the attached criteria addendum in the application packet please provide us with your comments on each segment.

♦ MISSION STATEMENT

Reviewers will look at the degree to which the vision of the proposed charter school is clear, focused and consistent with high academic standards. The mission should respond to the needs of the target population and reflect goals that are clear, measurable and attainable.

Charter school applicants should clearly define the school's mission.

➤ Comments:

♦ SCHOOL DESIGN AND ORGANIZATION

Reviewers will look at the degree to which the proposed enrollment and growth of the school is sensible and consistent with its mission and programs. Reviewers will also look for description of a school ethos and discipline policy that are consistent with high expectation of students' and the mission and program of the school.

Charter school applicants should craft a school design and organization that matches its mission and will produce the desired educational results.

➤ Comments:

♦ ACADEMIC STANDARDS AND CURRICULUM

Reviewers will look for a program that is aligned with the schools' mission, philosophy and goals and that challenges students to perform at high levels. Reviewers will also look for the quality curriculum founded on an understanding of educational theory, teaching method and core academic subjects. Applications should identify curricular sources and assessment tools and be consistent with the public interest.

Charter school applicants should develop educational standards, a curriculum, and teaching methods that support the school's mission and will produce an exceptional educational experience for students.

➤ Comments:

♦ STUDENT PERFORMANCE ASSESSMENT

Reviewers will look for the quality of an assessment plan that features multiple measures of student outcomes. The application should describe compelling objectives that are consistent with its mission in program as well as with high academic standards.

Charter school applicants should develop a system to measure, track, and ensure student results.

➤ Comments:

♦ PARENTAL AND COMMUNITY INVOLVEMENT

Reviewers will look for the quality of provisions being made by the school for families to be active participants in the school. Plans for developing working relationships and evidence of community support should be stated.

Charter school applicants should indicate that they will involve parents in the education of their children and play a positive role in the community.

➤ Comments:

♦ SCHOOL GOVERNANCE

Reviewers will look for evidence of a stable, effective governance model that is capable of providing a strong vision and continuity of leadership.

Charter school applicants should assemble a planning team and/or board of trustees who collectively have the talents needed to open, staff, and oversee a high quality school.

➤ Comments:

♦ PERSONNEL

Reviewers will look for a description of the standards to be used in the hiring process including teacher qualifications and professional credentials along with a targeted staff size and teacher/student ratio. Reviewers will also look for commitment of professional development of staff, desirable working conditions and fair compensation packages which attract quality staff, compliance with labor laws.

Charter school applicants should demonstrate an understanding of how to recruit, organize, and support the leadership of the school and ensure the proper financial, budgetary, instructional, and legal management of the school.

➤ Comments:

♦ FINANCES AND ACCOUNTABILITY

Reviewers will look for sound financial planning; fiscal viability of the school. They will also look at the degree to which the budget demonstrates knowledge of the practical matters of the operation of a school and the degree to which the budget is based on sound reasoning.

Charter applicants should present budget income and cash flow figures that are balanced, realistic, and comply with generally accepted accounting principles.

➤ Comments:

♦ PHYSICAL FACILITIES

Reviewers will look for the quality of the applicant's plans and progress toward attracting the resources necessary for acquisition and/or renovation of a school facility. Reviewers will also look for a quality plan that can identify and acquire a site suitable for the proposed charter school.

Charter school applicants should demonstrate an understanding of the steps that must be taken to "open the doors" of the charter school, and manifest the talent and resources to do so on a timely basis.

➤ Comments:

♦ FUTURE PLANNING

Reviewers will look for a realistic strategy and timeline for the successful launch and expansion of the charter school and the degree to which the plan is consistent with the proposal's objectives.

Charter school applicants should consider future plans for the school including planned changes and unplanned contingencies that could confront the school.

➤ Comments:

◆ OVERALL ASSESSMENT

The overall viability and reasonableness of the application: The proposal is well organized, clear, and convincing that the project can be accomplished. The proposed work is consistent with the plan's vision, goals and objectives. The budget, proposed workloads, and work timelines are consistent with the plan.

➤ STRONG RATING

Each section of the application makes a convincing, logical presentation. All parts of the plan are addressed in a strong, in-depth, comprehensive, thoughtful and imaginative way. The application taken as a whole is clear and specific in what it proposes to do and very convincing that it is capable of doing it. The proposal work is highly consistent with the goals and objectives specified by the plan's vision and educational philosophy. Both the budget and the work timeliness are detailed, realistic, and consistent with the plan. It is very clear to the reader that the applicant has suitable personnel and other resources available to do the work.

➤ ADEQUATE RATING

The application adequately outlines what it proposes to accomplish and is quite convincing that it is capable of achieving its stated goals. The proposed work is adequately consistent with the plan. It is clear to the reader that the applicant as people available to do the work. Both the budget and the work timelines are generally consistent with the plan.

➤ MINIMAL RATING

Focus is either general, too narrow, or superficial. Application may not be viable or reasonable to the situation at hand. Only a few parts of the proposal may be sketchy and timelines may be absent.

Rating: _____

THE STATE UNIVERSITY OF NEW YORK CHARTER SCHOOL APPLICATION REVIEW AND APPROVAL PROCESS

Under the New York Charter Schools Act of 1998, Education Law §2850 *et seq.*, the Board of Trustees of the State University of New York was granted authority, among other duties, to receive, review and approve applications for charter schools. The Board of Trustees has authority to approve up to fifty applications that result in charters. In order to assist the Board in the administration of its duties, the Trustees authorized the creation of the Charter Schools Institute.

Among the Institute's tasks is to conduct a rigorous review process—and at the end of this process to forward its recommendations to the Trustees. The Institute's process is competitive: applications are judged not only against the criteria set forth in the Charter Schools Act, but also against each other. In this way, only the strongest applications are recommended for approval to the Trustees. A description of the review and approval process is provided below.

THE TIMETABLE

The Charter Schools Act requires that the Board of Trustees “act on” any application that it receives prior to October 1st on or before January 1st of the immediately succeeding calendar year. In addition, the Trustees must execute proposed charters with successful applicants (resulting from applications received prior to October 1st) on or before February 1st of the succeeding year. Accordingly, applicants who submit applications to the Board of Trustees on or before September 30th are guaranteed that their applications will be reviewed by the Institute in that Fall's review cycle.

The law also permits a charter entity to review and approve applications at any time. An applicant, therefore, may submit an application after September 30th. However, there is no guarantee such applications will be “acted on” before January 1st of the immediately succeeding year.

REVIEW AND APPROVAL

Step One: Internal Staff Review

Each application received by the Charter Schools Institute is initially reviewed by a member of the Institute's application review department. The purpose of this staff review is twofold. First, the staff member assigned the application determines whether the application is complete, i.e., the applicant has answered all questions and provided all the information requested. If an application is incomplete, the application will not be further reviewed. While a complete application is a necessary prerequisite to conducting a meaningful review, this does not mean that a minor gap in a single question will necessarily result in the application not receiving further review. An application will be treated as not appropriate for review only where the applicant has failed to provide information sufficient to judge whether the application has merit. Applicants, whose applications are deemed incomplete, and subsequently not approved by the Trustees, will be urged to resubmit a complete application for future consideration.

The staff review's second purpose is to determine whether the application meets minimal standards of competency. Where an application, on its face, demonstrates that the applicant is unable to appreciate and overcome the complex educational, organizational, legal and financial issues involved in the creation and running of a charter school, the application will not be further reviewed. So, too, where an applicant's responses are superficial, and without reasonable supporting evidence to permit the applicant's responses to be verified, the application will not progress to the next review stage. In making this determination, the staff member will, as necessary, consult with counsel or educational consultants on retainer with the Institute. It is important to note that this qualitative review is meant only to weed out applications that are manifestly inadequate in multiple respects. Examples of such inadequacies could include:

- wildly unrealistic start-up or operational budgets
- lack of a facility and no realistic plan for obtaining a facility
- a failure to reasonably specify a curriculum or achievement standards or assessment tools.
- demonstrable lack of educational/professional experience of the applicant and/or members of the proposed charter school's board of trustees
- pervasive sloppiness indicating inattention to detail
- responses inconsistent with statutory and constitutional requirements

Where staff review determines that the application fails to meet a minimum standard of competency, the application is further reviewed by another member of the Institute's review staff (or an outside consultant to the Institute). If the second reviewer confirms the staff reviewer's findings, the Institute will recommend that the Trustees not approve the application. If, however, the second reviewer disagrees with the findings of

the first reviewer, the application can proceed to the second stage of the review process, if time allows.

Step Two: External Review

A. Panel Review

Once an application has successfully passed staff review, it is forwarded to a review team. Review teams consist usually of four or five members, each of whom is an expert in one or more areas of education and/or charter school operations. Review team members include charter school operators, directors of other states' charter entities, certified public accountants with a background in non-profits and education financing, academic experts, directors of charter school associations, and consultants with expertise in charter schools. Panelists are provided applications, an evaluation form and a criteria guide in advance of a review team meeting. Each application is assigned to a "lead reviewer" who is responsible for presenting that application to the review team.

At the meeting of the review panel, the individual assigned an application presents it to the panel, laying out the application's strengths and weaknesses. Staff then presents an assessment of the application's budget and business plan based on the written report prepared for the Institute by a certified public accountant from a "big five" accounting firm. Reviewers have unlimited time for discussion and debate. During that discussion, the reviewers are asked to comment on each section of the application, i.e., educational program, business plan, school organization. Panelists are encouraged to debate vigorously the merits of the applications before them.

In order to ensure a fair and impartial review process, each reviewer, prior to the beginning of the review process, is asked to complete a conflict-of-interest statement. If the reviewer's written responses to the questionnaire indicate a potential conflict, the Institute's counsel conducts further inquiry. If a conflict is determined to exist, the reviewer is asked to recuse himself or herself from the proceedings.

At the end of the review, each panelist is asked to evaluate the Institute's process and the panel's work as well as provide names of other potential panelists. The Institute uses these reviews to make continuous improvements to the review process.

B. Individual Review by Outside Expert

To provide a further level of scrutiny and analysis, each application is also reviewed by an individual, outside expert. The individual "blind" reviewer is not given the results of the panel review (or the names of the panelists). As with the panel review, the reviewer completes an evaluation form and is asked to assess each section of the application. So, too, the individual reviewer must also complete a conflict-of-interest questionnaire.

Step Three: The Board of Trustees Selects Applications Meriting Further Review

Once the panel and individual “blind” reviews have been completed, Institute staff integrate and synthesize all the reviewers’ findings. Based on this information, the Institute ranks and divides the applications into the following two categories: in the first category are applications which show sufficient promise to be recommended to the Trustees as deserving further review and investigation. In the second category are applications which may show promise for the future, but which in their present form raise question of sufficiently serious magnitude and number as to cast doubt on the viability of the school opening in Fall 2000.¹ In addition to ranking the applications on their merits, the Institute assesses any public comment (from school districts or otherwise).

The Institute then presents the results of its review to the Trustees, who, at a meeting of the Board, determine whether to approve, in whole or in part, the Institute’s recommendations.

Step Four: Further Review and Investigation

If the Trustees determine that an application merits further review and inquiry, then the Institute, at the Trustees’ direction, will take the following further steps. First, the Institute submits a list of questions/comments/requested amendments to the applicant (Request for Amendment). The Request for Amendment is the product of the reviewers’ comments and the internal staff review, including a review by the Institute’s counsel. Responses to the Request for Amendment must be submitted to the Institute in writing. If the applicant fails to comply with this requirement, the Institute may deem the application withdrawn.

The Institute’s staff, and Trustees if they desire, also conduct interviews with the applicant team. In general, the Institute requires that the lead applicant, a co-applicant (if applicable), a representative of a for-profit or not-for-profit partner and one or two members of the proposed charter school’s board of trustees be present at the interview. Members of the applicant’s team may be interviewed individually or as a group. It is expected that the applicant team will be prepared to answer all questions which are raised in the Institute’s Request for Amendment. In addition, as part of the interview process, the Institute’s staff conducts a site visit of the facilities/location for the proposed charter school.

At the same time that interviews are being conducted, the Institute also conducts background checks on the applicant and other members or organizations of the charter school’s founding group, including, in particular, a check on the applicant’s partners. These background checks are in addition to the statutorily required fingerprint/criminal background check for each applicant.

¹ Also included in that category are applications which were found to be incomplete or manifestly insufficient.

In conjunction with its further review, Institute staff also solicit and review public comment. Institute staff will attend public hearings convened by interested school districts to listen and report firsthand on the proceedings.

Lastly, Institute staff will consult, as is appropriate, with their counterparts in the State Education Department where an application raises legal or other concerns.

Step Five: Final Institute Assessment

Once all reviews, interviews, background checks are complete, the Institute prepares a written assessment of each application. The written assessment incorporates all review process findings to that time, including an assessment of any public comment that has been forwarded to the Institute for its consideration. Finally, on the basis of these assessments, the Institute selects those applications which are the strongest and recommends them for approval. It is possible that, based on its findings, the Institute will not recommend all applications which the Trustees had earlier selected for advancement and further review. The Institute's recommendations, together with supporting materials, are forwarded to the Ad Hoc Committee for its review and comment.

Step Six: Board of Trustees' Approval

The Ad Hoc Committee, at a public meeting, will review the recommendations presented to them by the Institute and will vote on whether to recommend them to the full Board. The Ad Hoc Committee will then present the results of its review and vote to the Board for final approval. At that point, after considering the Ad Hoc Committee's recommendations, as well as any public comment received, the Board will vote whether to approve each application recommended to it by the Ad Hoc Committee. Upon approval, the Institute, as directed by the Trustees, will enter into a proposed charter with the applicant, and the application and supporting material will be forwarded within five days to the Board of Regents for its action.

December 16, 1999



BOARD OF EDUCATION OF THE CITY OF NEW YORK

RUDOLPH F. CREW, Ed.D., Chancellor

OFFICE OF THE CHANCELLOR

110 LIVINGSTON STREET - BROOKLYN NY 11201

November 12, 1999

Robert Bellafiore
President
Charter Schools Institute
State University of New York
735 Anderson Hill Road
Purchase, NY 10577-1400

Dear Mr. Bellafiore,

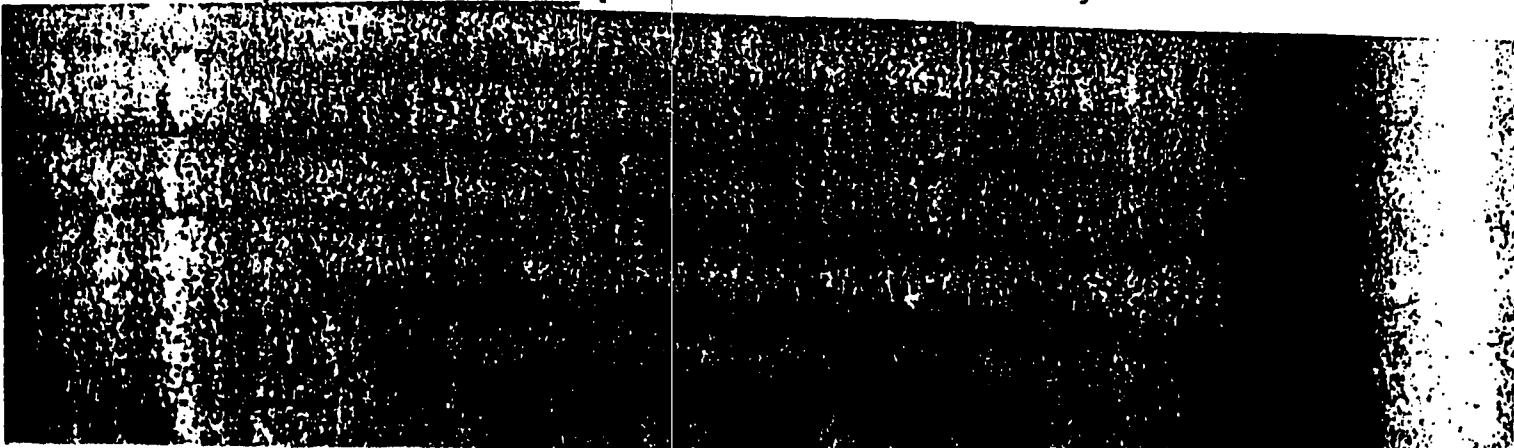
Several weeks ago we received copies of applications for three proposed SUNY charter schools. I wish to express my appreciation for the significant improvement the Charter School Institute has made in the chartering process, specifically with regard to providing an adequate and appropriate period of time for review, public consultation and response to these applications. Consistent with the charter legislation, my office conducted a thorough review and held public hearings in the three districts most directly affected by the proposed charter schools. Based on this review and public testimony, I offer the following comments:

Amber Charter School

The proposal for the Amber Charter School outlines a K-12, dual-language program for 220 students within Washington Heights. The applicant and partner bring to the proposal extensive community support and a history of successfully serving the wider community.

While I support the creation of new schools in the community and the work of the applicant and the organization, I do have two concerns. The first centers on a potential conflict of interest. The applicant, who is a proposed member of the Board of Trustees, is also member of the local Community School Board.

Secondly, the application discusses a strong working relationship with a current Board of Education school, the 21st Century Academy. While I support collaborations between schools and would welcome Charter/Board of Education collaborations, I am concerned that the existing supports being provided to 21st Century Academy will be redirected towards Amber, resulting in a negative impact on current community services. While not clearly circumventing the conversion dimension of the law, it might not be in the spirit of building and strengthening community involvement. I would request that this issue be monitored closely.



Boys Harbor Science and Arts Charter School

The proposal for the Boys Harbor Science and Arts Charter School outlines a K-8, year-round education program for approximately 200 students, located in East Harlem. The Board of Education has historically supported the Boys Harbor programs in New York City, and they have sustained a noteworthy reputation within the community.

Our concerns involve Boys Harbor, Inc.'s future commitment to its various existing programs within the New York Public School System, and especially the relationship between Boys Harbor Inc. and the existing Harbor Academy for Environmental Sciences and Arts. I see its decisions to evict the current program from its space and open a "new" charter as an attempt to circumvent the "conversion" process. Additionally, the removal of its space, the withdrawal of additional student support services during the school day, as well as before and after school programs, from the existing Harbor Academy is not only a breach of faith, but apparently is intended to force the closure of the current program, essentially abandoning the long standing commitment to the students in the current or existing school. Indeed, Mr. Robert North, Executive Director of Boys Harbor, Inc., who is the applicant, in a conversation with Mr. Bruce Virginia, Senior Assistant to the Chancellor, stated that the current Board of Education school would be "dissolved."

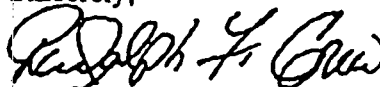
Additionally, Mr. North publicly stated at the hearing held on October 26, 1999, that he intends to actively solicit present students, teachers and administrative staff of the existing Harbor Academy for Environmental Sciences and Arts for the "new" charter school, which would then operate in precisely the same space, with the same school philosophy and with only a slightly altered name as the current program.

In short, this application is an apparent attempt to illegally circumvent the conversion process and thus, essentially, to end the already existing Harbor Academy.

I recommend that the application not be approved. I would add that we have had, and hope to continue to have, a fine working relationship with Boy's Harbor in varied educational settings, and continue to offer the Chancellor's conversion process as an option.

I want to see the charter school idea implemented in the most constructive ways, for our City's children. I believe that the SUNY Charter Schools Institute has improved its chartering process, allowing us adequate opportunity to explore the details of the program applications and to consult with the affected communities. I look forward to continued cooperation between our institutions.

Sincerely,



Rudolph F. Crew
Chancellor

Attachments
RFC:ad



BOYS HARBOR, INC.

The Harbor for Girls and Boys

RECEIVED

DEC 08 1999

December 2, 1999

Mr. Robert Bellafiore
President
Charter Schools Institute
State University of New York
735 Anderson Hill Road
Purchase, New York 10577-1400

Re: Harbor Science and Arts Charter School

Dear Mr. Bellafiore:

We are in receipt of a copy of a letter to you from Rudolph F. Crew, in which he recommends against the approval of the application of Boys Harbor to institute a charter school. Mr. Crew's letter does not criticize Boys Harbor's programs, the competence of Boys Harbor, or the appropriateness of Boys Harbor running a charter school. Indeed, in his letter, Mr. Crew states that he hopes "to continue to have a fine working relationship with Boys Harbor in varied educational settings, and continue to offer the Chancellor's conversion process as an option."

The thrust of Mr. Crew's objection to the Harbor Charter School is his belief that the charter school is "an attempt to circumvent the 'conversion' process." Mr. Crew's objections are not well founded.

1. Contrary to Mr. Crew's contention, the Charter School will not be a continuation of the Harbor Academy. Mr. Crew contends that the Charter School intends to solicit existing students, teachers and administrators from the Academy, occupy space currently



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Mr. Robert Bellafiore
December 2, 1999
Page 2

occupied by the Academy and operate under the same educational philosophy as the Harbor Academy. He also claims that Dr. North has stated that the Harbor Academy will be "dissolved." In virtually every particular, Mr. Crew is misinformed.

a) Students: The Charter School cannot select its students. Admission will be by lottery. The Charter School will be publicized throughout the Harlem and East Harlem communities. These outreach measures are fully documented in our application, whereby the Harbor will inform current students, along with many others, of the new Charter School. It cannot give preference to those students. Accordingly, the student body will be determined by demand, and in the case of over subscription, random selection. In no case will the student body be determined by Boys Harbor.

b) Teachers: The Charter School has not yet hired teachers for next year. While we do not rule out considering some of the staff of the Academy for positions at the Charter School, we do not plan to offer jobs to more than two members of the teaching staff.

c) Administrators: The only Board of Education administrator at the Academy is the principal. We do not intend to hire her for the Charter School.

d) Space: It is true that the Charter School will be housed at Boys Harbor. However, it is not true that the Academy is being evicted to make room for the Charter School. Boys Harbor cannot continue to offer space to the Academy for one simple reason: the Academy does not pay rent. We have allowed the Academy to exist rent free at the Harbor for six years, but that arrangement would have been terminated next year whether or not Boys Harbor had created a charter school.

e) Educational Philosophy: The Charter School will reflect the educational philosophy of Boys Harbor. The Harbor Academy, unfortunately, does not. All educational decisions at the Harbor Academy are made by the principal, a Board of Education employee. She follows educational directives from the District Superintendent. Boys Harbor has very little input. Indeed, most of the in-school enrichment programs Boys Harbor provided during the first few years of the Academy's existence are no longer

Mr. Robert Bellafiore
December 2, 1999
Page 3

permitted by the Board of Education. This has been extremely frustrating for Boys Harbor. If the Board of Education wishes to operate the Academy, it can and should; Boys Harbor will operate the Charter School.

f) The claim that the Academy will be dissolved:
District Superintendent Castro has advised us that she will move the Academy elsewhere next year. Boys Harbor has neither the power nor the desire to affect that decision or to "dissolve" the Academy; that decision is per force solely in the hands of the Board of Education and Community School District 4. In short, the Harbor Charter School will definitely not be a continuation of the Harbor Academy. It will be a new school, with a new principal, a new staff, a new student body chosen at random. It will operate under a different educational philosophy.

2. Contrary to Mr. Crew's contention, Boys Harbor will not withdraw services from the Harbor Academy's students. Boys Harbor is a social services agency. We have provided after-school service to children for more than 62 years. We have advised the Board and hereby pledge that every child who, as a student at the Harbor Academy, participated in the Harbor programs will continue to be offered space in those programs.

3. Mr. Crew complains about "the withdrawal of additional student support services during the school day..." Mr. Crew may not be aware that during the school year 1998-99, it was the Board of Education which forced Boys Harbor to withdraw certain services from the students at the Academy due to perceived violations of the Board's contract with its union and/or Board of Education regulations. Thus, Boys Harbor has been prevented from providing many such services.

4. Contrary to Mr. Crew's current contention, the Board of Education took the position at the onset of the chartering process that the Harbor Academy is not a "Board of Education" school at all, and is therefore ineligible for "conversion." In the spring of this year, Boys Harbor learned, through the grapevine, of a proposed meeting of all Board of Education schools interested in becoming charter schools. When Elsa Morse, a Boys Harbor official, called Arthur Greenberg (the Chancellor's assistant who is overseeing the Board's charter program) for

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Mr. Robert Bellafiore

December 2, 1999

Page 4

details about the meeting, Mr. Greenberg told Dr. North that Boys Harbor was not invited to the meeting because the Harbor Academy is not a Board of Education school. Rather, according to Mr. Greenberg, the Harbor Academy is a "program" of District 4. The Board's position that the Harbor was not a Board school was further evidenced by the Board's failure to provide the Academy with funding on a per capita, or any other reasonable basis sufficient to enable the Academy to operate. While the Board provided professional staff and paid for certain items, at least half of the Academy's budget was required to be paid for by Boys Harbor. For example, the Board failed to pay for or provide any space to house the Academy.

In sum, while Mr. Crew makes it appear that the existing Academy will disappear because of the decision by Boys Harbor to seek a charter school, this is not the case. First, we are given to understand that the existing academy will move elsewhere next year. Second, Boys Harbor would not have operated the Harbor Academy next year at Boys Harbor's space under the arrangement which existed between Boys Harbor and the Board of Education. The decision by Boys Harbor not to continue the collaboration with the Board of Education is based only in part on the failure of the Board of Education to reimburse Boys Harbor for its substantial expenditures of time, space and money. It is also based in part on the difficulty we have had attempting to operate the school as an institution which serves two masters.

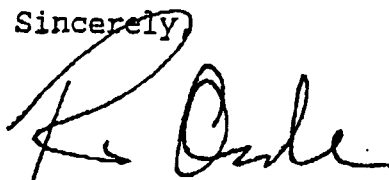
To reiterate, it was apparently the affirmative policy of the Board of Education to maintain the Harbor Academy in a limbo status as a program, not a school, so that the Board of Education would not be required to fully fund the program. Even after the passage of the charter school's legislation, the Board of Education took the position with Boys Harbor that the Harbor Academy would not be eligible to be a conversion charter school. Boys Harbor relied on this position expressed by the Board and did not seek to assist the parents of students in the Harbor Academy to affect a conversion. Instead, Boys Harbor decided to devote its time and energy to the preparation of an application to the State for a separate school. Indeed, Boys Harbor delivered its application to the District Superintendent simultaneously with delivering it to you, and between the time the application was

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Mr. Robert Bellafiore
December 2, 1999
Page 5

filed and the time it was preliminarily approved, we heard no objections or complaints from Mr. Crew or any employee of the Board of Education. I believe it is grossly unfair for Mr. Crew now to reverse field and to claim Boys Harbor's proposed charter school as one of his own.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. Asche", written over the word "Sincerely,".

Richard M. Asche

RMA:lc

cc: Dr. Rudolph Crew

NOTIFICATION OF THE SCHOOL DISTRICT

On behalf of the State University of New York Board of Trustees, the Charter Schools Institute has provided the following notification to the school district in which the charter school application proposes to site the school.

- **September 3, 1999:** Letter to the school district, notifying the district that the Trustees had provisionally approved the application, of its right to convene a public hearing and its right to comment on the application, and enclosing a copy of the application for the district's review.¹
- **December 6, 1999:** Letter to the school district, acknowledging receipt of comments from the district and notifying the district that Trustees would vote on final approval of application in January.
- **January 27, 2000:** Memorandum to the school district, notifying the district that the application had been approved on January 25, 2000, and the time-table for execution, submission and possible issuance of the proposed charter.²

¹ Notification provided pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998.

² Notification provided pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998.



735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
Fax: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 3, 1999

Dr. Rudolph Crew
Chancellor
New York City Board of Education
110 Livingston St., Room 1010
Brooklyn, NY 11201

Re: Harbor Science and Arts Charter School

Dear Chancellor Crew:

As you know, the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry in Manhattan, approved the application of the above-named charter school for the year 2000. The application was approved subject to the applicant meeting all the requirements of the New York Charter Schools Act of 1998 and of the Institute. Those requirements include soliciting your comments, and giving them serious consideration should you decide to reply. No action will be taken on granting a charter to the applicant until all the requirements have been satisfied and carefully considered.

Under subdivision 2857(1) of the Charter Schools Act, the school district in which the charter school is to be located is given the opportunity to comment on the proposed charter to the charter entity, i.e., the University Board of Trustees, prior to the Board of Regents issuing the charter. We would welcome your comments on the application (which will become part of the proposed charter) by November 15, 1999. We would also welcome any comments that you receive as a result of any public hearings that you may decide to hold. I enclose for your reference a copy of the application as well as a model proposed charter.

Should you or your staff have any questions, please contact Peter Murphy of the Charter Schools Institute at (518) 443-5011.

Very truly yours,



James D. Merriman IV
General Counsel

Enclosures
JDM/pc
SptA.Ntf.Hs.9-3



330 BROADWAY
ALBANY, NY 12207
PHONE: 518-443-5011
FAX: 518-443-5227
www.newyorkcharters.org

ROBERT J. BELLAFIGLIO
EXECUTIVE DIRECTOR

December 6, 1999

Rudolph F. Crew, Ed.D.
Chancellor
Board of Education of the
City of New York
110 Livingston Street
Brooklyn, NY 11201

Dear Dr. Crew:

Thank you for your letter of November 12, 1999, and for your kind words about our chartering process. The University Trustees believe it is critically important that local school districts have as much information as possible regarding applications that pertain to their areas. By now, your office should be in receipt of a complete set of applications from New York City that have been filed with the Institute for the Fall 2000 school year. I hope you find this information useful.

Thank you also for your detailed comments regarding the proposals for Amber Charter School, Flushing International Charter School, and the Harbor Science and Arts Charter School. As you know the Trustees have not given their final approval to these applications. We expect a vote on approval will come sometime in late January 2000. You can be assured that Institute staff will give your comments (as well as the correspondence and other materials from local community leaders) serious consideration in determining whether to recommend each of the applications to the Trustees for final approval—as will the Trustees in voting on that recommendation.

In preparing to make a recommendation to the Trustees, the Institute has also prepared requests for amendments for each of the three schools. We are in receipt of responses to those requests from the Harbor and Amber founding teams. I will forward to you under separate cover copies of each of these documents for your further review and comment.

Thank you again for your kind words. The Trustees are committed to working with you to ensure that charter schools achieve their goal of improving education for the benefit of all children.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert J. Bellafiglio".

Robert J. Bellafiglio
Executive Director

330 BROADWAY
ALBANY, NY 12207
PHONE: 518-443-5011
Fax: 518-443-5227
www.newyorkcharters.org

ROBERT J. BELLAFIGLIO
EXECUTIVE DIRECTOR

To: Superintendents, Members of Boards of Education, School District Personnel,
Educators

From: Robert J. Bellafiore, Executive Director

Re: SUNY Board of Trustees approval of charter school applications

Date: January 27, 2000

Pursuant to Section 2857(1) of Article 56 of the Education Law (the New York Charter Schools Act of 1998), we are hereby notifying you that the Board of Trustees of the State University of New York, at its public meeting on January 25, 2000, approved the following applications for charter schools:

- King Center Charter School (Buffalo)
- South Buffalo Charter School, (Buffalo)
- Bronx Preparatory Charter School (NYC - South Bronx)
- Community Partnership Charter School (NYC - Brooklyn)
- Merrick Academy-Queens Public Charter School (NYC - southeastern Queens)
- Harbor Science and Arts Charter School (NYC - Manhattan)
- Amber Charter School (NYC - Manhattan)
- Child Development Center of the Hamptons Charter School (East Hampton)
- Eugenio Maria de Hostos Charter School (Rochester)
- Rochester Leadership Academy Charter School (Rochester)
- Charter School of Science and Technology (Rochester)
- Roosevelt Children's Academy Charter School (Roosevelt)
- Schenectady International Charter School (Schenectady)
- Central New York Charter School for Math and Science (Syracuse)

Each of the above applications was approved for a planned opening in Fall 2000, with the exception of the Schenectady International Charter School, which was approved for an opening in Fall 2001. Three of the applications, Amber, Harbor and Roosevelt, had been preliminarily approved previously on June 15, 1999.

As a result of the Trustees' action approving the applications listed above, and pursuant to section 2852(1) of the Charter Schools Act, the Trustees and the applicants must now

enter into proposed charters by February 1, 2000 and submit the proposed charters to the Board of Regents no later than five days thereafter.

As we have made you aware in previous correspondence, the Charter Schools Act grants to those school districts in which a charter school is proposed to be located the explicit right to comment on the proposed charter (which incorporates in its entirety the application for a charter school) before it issues, as well as the right to convene a public hearing. To facilitate a school district's right to comment, copies of the applications as well as of the model charter were previously forwarded to those school districts in early and late December respectively.

Any comments that you may have going forward may be submitted to us, in which case they will be forwarded to the Board of Regents for its consideration, or, in the alternative, submitted directly to the Board of Regents.

Please be advised that, at the present time, it appears that the Board of Regents will act on the proposed charters that the Trustees will shortly submit to them sometime in early April. If approved, provisional charters, incorporating the school, will issue shortly thereafter. If the Regents fail to act within sixty days of a proposed charter's submission, the proposed charter will be deemed approved and will issue as a matter of law. If not approved, and returned to the Trustees with the Regents' comments and recommendation, the Trustees may choose to resubmit the proposed charter (with or without modifications) or to withdraw it. Upon resubmission, the Regents have thirty days to approve and issue a provisional charter; if they do not act within that time, the proposed charter will be deemed approved and will issue as a matter of law.

As always, should you have any questions, please do not hesitate to contact me or members of the Charter Schools Institute's staff.

NOTIFICATION OF PUBLIC AND NON-PUBLIC SCHOOLS

On behalf of the State University of New York Board of Trustees, the Charter Schools Institute has provided the following notification to public and non-public schools in the geographic vicinity of which the charter school application proposes to site the school (the "Adjacent Schools").

- **September 8, 1999:** Letters to Adjacent Schools, notifying each that the Trustees had provisionally approved the application and soliciting their comments.¹
- **January 27, 2000:** Memorandum to Adjacent Schools, notifying each that the application had been approved on January 25, 2000 and the time-table for execution, submission and possible issuance of the proposed charter.²

¹ Notification provided pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998.

² Notification provided pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998.



735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Sr. Valerie Lewis
Childs' Memorial Christian Academy
1763 Amsterdam Ave.
New York, NY 10031

Re: Harbor Science and Arts Charter School

Dear Sr. Lewis:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

We would welcome any comments you may have on the proposed school. Copies of the application are available for review by appointment at our offices in Purchase and in Albany, or can be ordered from us for a modest cost to cover copying and shipping. A copy of the application has been forwarded to the Chancellor of the New York City Board of Education.

Should you have any questions, please do not hesitate to contact Peter Murphy of the Charter Schools Institute at (518) 443-5011.

Sincerely,

A handwritten signature in dark ink, appearing to read "James D. Merriman IV".

James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8



735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Ms. Mary Green
Christ Crusader Academy
302 W. 124th St.
New York, NY 10027

Re: Harbor Science and Arts Charter School

Dear Ms. Green:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

We would welcome any comments you may have on the proposed school. Copies of the application are available for review by appointment at our offices in Purchase and in Albany, or can be ordered from us for a modest cost to cover copying and shipping. A copy of the application has been forwarded to the Chancellor of the New York City Board of Education.

Should you have any questions, please do not hesitate to contact Peter Murphy of the Charter Schools Institute at (518) 443-5011.

Sincerely,

A handwritten signature in dark ink, appearing to read "JDMerriman IV", followed by a small flourish or mark.

James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
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E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Ms. Anita Williams
Christ Temple Christian Academy
13-17 W. 128th St.
New York, NY 10027

Re: Harbor Science and Arts Charter School

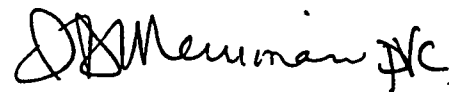
Dear Ms. Williams:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

We would welcome any comments you may have on the proposed school. Copies of the application are available for review by appointment at our offices in Purchase and in Albany, or can be ordered from us for a modest cost to cover copying and shipping. A copy of the application has been forwarded to the Chancellor of the New York City Board of Education.

Should you have any questions, please do not hesitate to contact Peter Murphy of the Charter Schools Institute at (518) 443-5011.

Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8



735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Br. Brian Carty
De La Salle Academy
202 W. 97th St.
New York, NY 10025

Re: Harbor Science and Arts Charter School

Dear Br. Carty:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

We would welcome any comments you may have on the proposed school. Copies of the application are available for review by appointment at our offices in Purchase and in Albany, or can be ordered from us for a modest cost to cover copying and shipping. A copy of the application has been forwarded to the Chancellor of the New York City Board of Education.

Should you have any questions, please do not hesitate to contact Peter Murphy of the Charter Schools Institute at (518) 443-5011.

Sincerely,

A handwritten signature in dark ink, appearing to read "James D. Merriman IV".

James D. Merriman IV
General Counsel

JDM/pc

SptC.Nif.Hs.9-8

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
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E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Ms. Phyllis Russell
East Harlem School at Exodus House
309 E. 103rd St.
New York, NY 10029

Re: Harbor Science and Arts Charter School

Dear Ms. Russell:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Should you have any questions, please do not hesitate to contact Peter Murphy of the Charter Schools Institute at (518) 443-5011.

Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8



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PURCHASE, NY 10577-1400
PHONE: 914-251-7922
Fax: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Mr. Ted Staniecki
Incarnation School
570 W. 175th St.
New York, NY 10033

Re: Harbor Science and Arts Charter School

Dear Mr. Staniecki:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Should you have any questions, please do not hesitate to contact Peter Murphy of the Charter Schools Institute at (518) 443-5011.

Sincerely,

A handwritten signature in dark ink, appearing to read "JDMerriman IV".

James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8

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FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Dr. Michele Sola
Manhattan Country School
7 East 96th Street
New York, NY 10128

Re: Harbor Science and Arts Charter School

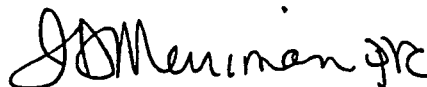
Dear Dr. Sola:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Should you have any questions, please do not hesitate to contact Peter Murphy of the Charter Schools Institute at (518) 443-5011.

Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SptC.Nit.Hs.9-8



735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
Fax: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Ms. Sandra Carter
The Modern School
539-43 W. 152nd St.
New York, NY 10031

Re: Harbor Science and Arts Charter School

Dear Ms. Carter:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Sincerely,

A handwritten signature in dark ink, appearing to read "J. Merriman".

James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Ms. Nancy Schulman
Ninety-Second St. YM/YWHA Nursery
1395 Lexington Ave.
New York, NY 10128

Re: Harbor Science and Arts Charter School

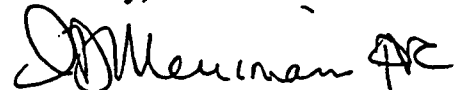
Dear Ms. Schulman:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8



735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Mr. Donald Kramer
Our Lady of Good Counsel School
323 E. 91st St.
New York, NY 10128

Re: Harbor Science and Arts Charter School

Dear Mr. Kramer:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Sincerely,

A handwritten signature in dark ink, appearing to read "J. Merriman" followed by a stylized flourish.

James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Ms. Cathryn Trapp Rivera
Our Lady of Lourdes School
468 W. 143rd St.
New York, NY 10031

Re: Harbor Science and Arts Charter School

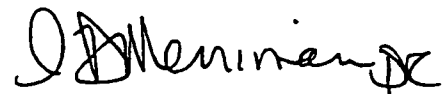
Dear Ms. Rivera:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8

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PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Mr. Abdur Rahim Ali
Sister Clara Muhammed Elementary School
102 W. 116th St.
New York, NY 10026

Re: Harbor Science and Arts Charter School

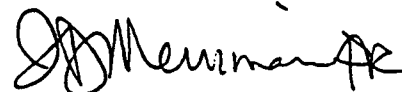
Dear Mr. Ali:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Ms. Laurel Senger
St. Aloysius School
223 W. 132nd St.
New York, NY 10027

Re: Harbor Science and Arts Charter School

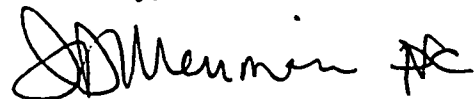
Dear Ms. Senger:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8



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PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Sr. Josephine Cioffi
St. Ann School
314 E. 110th St.
New York, NY 10029

Re: Harbor Science and Arts Charter School

Dear Sr. Cioffi:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Sincerely,

James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Sr. Patricia Marie
St. Benedict Day Nursery & Kindergarten
34 W. 134th St.
New York, NY 10037

Re: Harbor Science and Arts Charter School

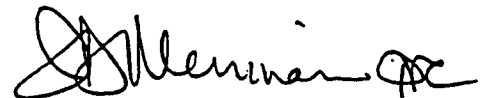
Dear Sr. Marie:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

Sp1C.Ntf.Hs.9-8

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Mr. James Fox
St. Catherine of Genoa School
508 W. 153rd St.
New York, NY 10031

Re: Harbor Science and Arts Charter School

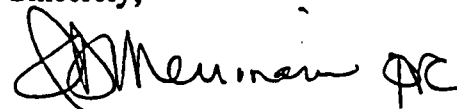
Dear Mr. Fox:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8



Charter Schools Institute
State University of New York

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Sr. Marianne Poole
St. Charles Borromeo School
214 W. 142nd St.
New York, NY 10030

Re: Harbor Science and Arts Charter School

Dear Sr. Poole:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Sincerely,

James D. Merriman IV
General Counsel

JDM/pc

SpIC.Nif.Hs.9-8

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Sr. Noreen Nolan
St. Elizabeth School
612 W. 187th St.
New York, NY 10033

Re: Harbor Science and Arts Charter School

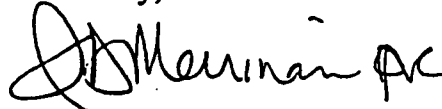
Dear Sr. Nolan:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Br. Paul Beaudin
St. Francis de Sales & St. Lucy Academy
340 E. 104th St.
New York, NY 10029

Re: Harbor Science and Arts Charter School

Dear Br. Beaudin:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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General Counsel

JDM/pc

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PURCHASE, NY 10577-1400
PHONE: 914-251-7922
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E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Ms. Deborah Hurd
St. Gregory The Great School
138th W..90th St.
New York, NY 10024

Re: Harbor Science and Arts Charter School

Dear Ms. Hurd:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Ms. Virginia Connor
St. Hilda & Hugh School
619 W. 114th St.
New York, NY 10025

Re: Harbor Science and Arts Charter School

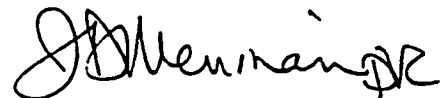
Dear Ms. Connor:

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JDM/pc

Sp1C.Ntf.Hs.9-8

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PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Mr. Michael Deegan
St. Jude School
433 W. 204th St.
New York, NY 10034

Re: Harbor Science and Arts Charter School

Dear Mr. Deegan:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Sr. Luanne Carmon
St. Mark The Evangelist School
55 W. 138th St.
New York, NY 10037

Re: Harbor Science and Arts Charter School

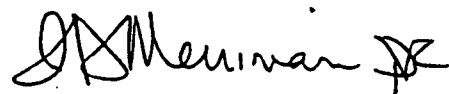
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www.newyorkcharters.org

September 8, 1999

Ms. Cynthia Rowen Gargano
St. Paul School
114 E. 118th St.
New York, NY 10035

Re: Harbor Science and Arts Charter School

Dear Ms. Gargano:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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James D. Merriman IV
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**CSI****Charter Schools Institute
State University of New York**

1

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Mr. Joseph Lopez
St. Rose of Lima School
517 W. 164th St.
New York, NY 10032

Re: Harbor Science and Arts Charter School

Dear Mr. Lopez:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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JDM/pc

SptC.Nt.Hs.9-8



735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Ms. Janet Rotter
Studio Early Childhood & Elementary School
124 W. 95th St.
New York, NY 10025

Re: Harbor Science and Arts Charter School

Dear Ms. Rotter:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Should you have any questions, please do not hesitate to contact Peter Murphy of the Charter Schools Institute at (518) 443-5011.

Sincerely,

James D. Merriman IV
General Counsel

JDM/pc

SptC.Nif.Hs.9-8

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Ms. Marlene Barron
West Side Montessori School
309 W. 92nd St.
New York, NY 10025

Re: Harbor Science and Arts Charter School


Dear Ms. Barron:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8

**CSI****Charter Schools Institute
State University of New York****148**

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Ms. Leah Teller
Yeshiva Ketana of Manhattan
346 W. 89th St.
New York, NY 10024

Re: Harbor Science and Arts Charter School

Dear Ms. Teller:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Sincerely,

James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Mr. Richard Soghoian
Columbia Grammar & Prep School
5 West 93rd St.
New York, NY 10025

Re: Harbor Science and Arts Charter School

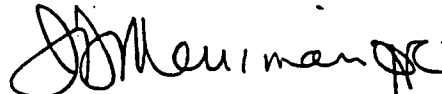
Dear Mr. Soghoian:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Sr. Nancy Salisbury
Convent - Sacred Heart School
1 East 91st St.
New York, NY 10128

Re: Harbor Science and Arts Charter School

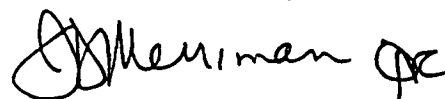
Dear Sr. Salisbury:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SptC.Nlf.Hs.9-8

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Mr. Peter Esty
The Dalton School
108 E. 89th St.
New York, NY 10128

Re: Harbor Science and Arts Charter School

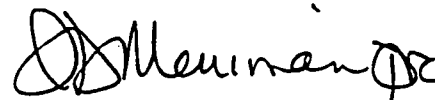
Dear Mr. Esty:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SpIC.Nif.Hs.9-8

735 ANDERSON HILL ROAD
 PURCHASE, NY 10577-1400
 PHONE: 914-251-7922
 FAX: 914-251-7923
 E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Bm. Padolecchia Goodrich
 La Scuola New York
 12 E. 96th St.
 New York, NY 10128

Re: Harbor Science and Arts Charter School


Dear Bm. Goodrich:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Sincerely,



James D. Merriman IV
 General Counsel

JDM/pc

SptC.Nif.Hs.9-8

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Mr. Gerard Roubichou
Lycee Francais de NY
3 E. 95th St.
New York, NY 10128

Re: Harbor Science and Arts Charter School

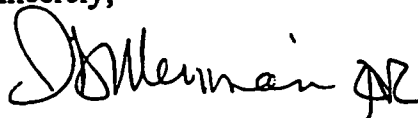
Dear Mr. Roubichou:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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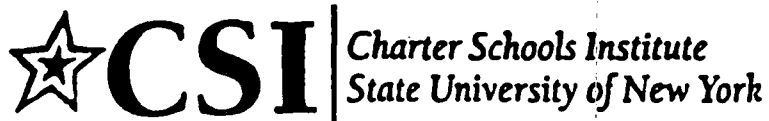
Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SptC.Nif.Hs.9-8



735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Mr. Alex Colozzo
Manhattan Christian Academy
401 W. 205th St.
New York, NY 10034

Re: Harbor Science and Arts Charter School

Dear Mr. Colozzo:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Should you have any questions, please do not hesitate to contact Peter Murphy of the Charter Schools Institute at (518) 443-5011.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Merriman IV".

James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Ms. Dorothy Hutcheson
Nightingale Bamford School
20 E. 92nd St.
New York, NY 10128

Re: Harbor Science and Arts Charter School

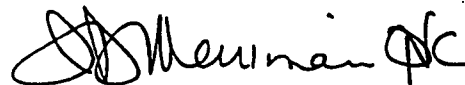
Dear Ms. Hutcheson:

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Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

Sp/C.Ntf.Hs.9-8

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Mr. Melcher Monk
Northeastern Academy
532 W. 215th St.
New York, NY 10034

Re: Harbor Science and Arts Charter School

Dear Mr. Monk:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SptC.Nf.Hs.9-8

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Br. Theodore Dausch
Rice High School
74 W. 124th St.
New York, NY 10027

Re: Harbor Science and Arts Charter School

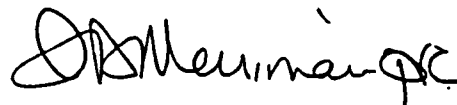
Dear Br. Dausch:

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Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8

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PURCHASE, NY 10577-1400
PHONE: 914-251-7922
Fax: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Ms. Roslyn Stein
The Solomon Schecter High School of NY
3080 Broadway
New York, NY 10027

Re: Harbor Science and Arts Charter School

Dear Ms. Stein:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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General Counsel

JDM/pc

SptC.Ntl.Hs.9-8

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
Fax: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Ms. Edes Gilbert
Spence School
22 E. 91st St.
New York, NY 10128

Re: Harbor Science and Arts Charter School

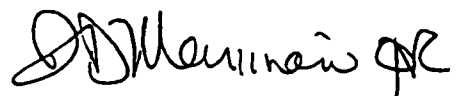
Dear Ms. Gilbert:

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James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Mr. Henry Moses
Trinity School
139 W. 91st St.
New York, NY 10024

Re: Harbor Science and Arts Charter School

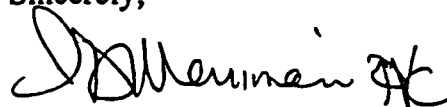
Dear Mr. Moses:

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James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8

735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
Fax: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Rabbi Michael Taubes
Yeshiva University High School
2540 Amsterdam Ave.
New York, NY 10033

Re: Harbor Science and Arts Charter School

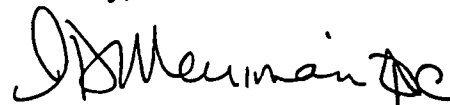
Dear Rabbi Taubes:

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Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SptC.Nif.Hs.9-8

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PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Ms. Roanna Shorofsky
Abraham Joshua Heschel School
270 W. 89th St.
New York, NY 10024

Re: Harbor Science and Arts Charter School

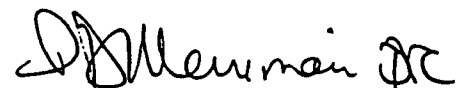
Dear Ms. Shorofsky:

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Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntl.Hs.9-8

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PURCHASE, NY 10577-1400
PHONE: 914-251-7922
Fax: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Sr. Marguerite Lewis
All Saints School
52 E. 130th St.
New York, NY 10037

Re: Harbor Science and Arts Charter School

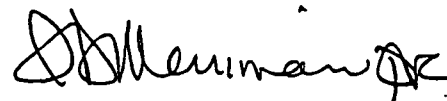
Dear Sr. Lewis:

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Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8

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PHONE: 914-251-7922
Fax: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Sr. Kathleen Murphy
Ascension School
220 W. 108th St.
New York, NY 10025

Re: Harbor Science and Arts Charter School

Dear Sr. Murphy:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

We would welcome any comments you may have on the proposed school. Copies of the application are available for review by appointment at our offices in Purchase and in Albany, or can be ordered from us for a modest cost to cover copying and shipping. A copy of the application has been forwarded to the Chancellor of the New York City Board of Education.

Should you have any questions, please do not hesitate to contact Peter Murphy of the Charter Schools Institute at (518) 443-5011.

Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SptC.Ntf.Hs.9-8



735 ANDERSON HILL ROAD
PURCHASE, NY 10577-1400
PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Mr. Reuel Jordan
Bank Street School For Children
610 W. 112th St.
New York, NY 10025

Re: Harbor Science and Arts Charter School

Dear Mr. Jordan:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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www.newyorkcharters.org

September 8, 1999

Mr. Phillip Foote
Cathedral School
1047 Amsterdam Ave.
New York, NY 10025

Re: Harbor Science and Arts Charter School

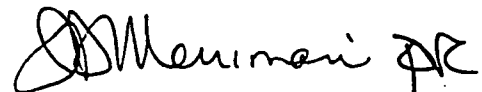
Dear Mr. Foote:

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PHONE: 914-251-7922
FAX: 914-251-7923
E-MAIL: charters@purchase.edu
www.newyorkcharters.org

September 8, 1999

Mr. Shawn Kleitz
Children's Storefront School
70 E. 129th St.
New York, NY 10035

Re: Harbor Science and Arts Charter School

Dear Mr. Kleitz:

Pursuant to subdivision 2857(1) of the New York Charter Schools Act of 1998, please be advised that the Board of Trustees of the State University of New York, at a meeting on June 15, 1999 at the State University of New York College of Optometry, approved the application of the above-named charter school to open in the year 2000. The application was approved subject to the applicant meeting all the requirements of the Charter Schools Act and of the Charter Schools Institute. Those requirements include soliciting your comments and giving them serious consideration should you decide to reply.

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Should you have any questions, please do not hesitate to contact Peter Murphy of the Charter Schools Institute at (518) 443-5011.

Sincerely,



James D. Merriman IV
General Counsel

JDM/pc

SptC.Nif.Hs.9-8



330 BROADWAY
ALBANY, NY 12207
PHONE: 518-443-5011
Fax: 518-443-5227
www.newyorkcharters.org

ROBERT J. BELLAFIGLIO
EXECUTIVE DIRECTOR

**To: Superintendents, Members of Boards of Education, School District Personnel,
Educators**

From: Robert J. Bellafiore, Executive Director

Re: SUNY Board of Trustees approval of charter school applications

Date: January 27, 2000

Pursuant to Section 2857(1) of Article 56 of the Education Law (the New York Charter Schools Act of 1998), we are hereby notifying you that the Board of Trustees of the State University of New York, at its public meeting on January 25, 2000, approved the following applications for charter schools:

- King Center Charter School (Buffalo)
- South Buffalo Charter School, (Buffalo)
- Bronx Preparatory Charter School (NYC - South Bronx)
- Community Partnership Charter School (NYC - Brooklyn)
- Merrick Academy-Queens Public Charter School (NYC - southeastern Queens)
- Harbor Science and Arts Charter School (NYC - Manhattan)
- Amber Charter School (NYC - Manhattan)
- Child Development Center of the Hamptons Charter School (East Hampton)
- Eugenio Maria de Hostos Charter School (Rochester)
- Rochester Leadership Academy Charter School (Rochester)
- Charter School of Science and Technology (Rochester)
- Roosevelt Children's Academy Charter School (Roosevelt)
- Schenectady International Charter School (Schenectady)
- Central New York Charter School for Math and Science (Syracuse)

Each of the above applications was approved for a planned opening in Fall 2000, with the exception of the Schenectady International Charter School, which was approved for an opening in Fall 2001. Three of the applications, Amber, Harbor and Roosevelt, had been preliminarily approved previously on June 15, 1999.

As a result of the Trustees' action approving the applications listed above, and pursuant to section 2852(1) of the Charter Schools Act, the Trustees and the applicants must now

enter into proposed charters by February 1, 2000 and submit the proposed charters to the Board of Regents no later than five days thereafter.

As we have made you aware in previous correspondence, the Charter Schools Act grants to those school districts in which a charter school is proposed to be located the explicit right to comment on the proposed charter (which incorporates in its entirety the application for a charter school) before it issues, as well as the right to convene a public hearing. To facilitate a school district's right to comment, copies of the applications as well as of the model charter were previously forwarded to those school districts in early and late December respectively.

Any comments that you may have going forward may be submitted to us, in which case they will be forwarded to the Board of Regents for its consideration, or, in the alternative, submitted directly to the Board of Regents.

Please be advised that, at the present time, it appears that the Board of Regents will act on the proposed charters that the Trustees will shortly submit to them sometime in early April. If approved, provisional charters, incorporating the school, will issue shortly thereafter. If the Regents fail to act within sixty days of a proposed charter's submission, the proposed charter will be deemed approved and will issue as a matter of law. If not approved, and returned to the Trustees with the Regents' comments and recommendation, the Trustees may choose to resubmit the proposed charter (with or without modifications) or to withdraw it. Upon resubmission, the Regents have thirty days to approve and issue a provisional charter; if they do not act within that time, the proposed charter will be deemed approved and will issue as a matter of law.

As always, should you have any questions, please do not hesitate to contact me or members of the Charter Schools Institute's staff.

AMENDMENT TO THE CHARTER

This agreement is executed on this 16th day of March, 2000 by and between the undersigned to amend the charter agreement between them entered into on or about the 1st day of February, 2000.

WITNESSETH:

WHEREAS, the undersigned have previously entered into an agreement, known before its issuance by the Board of Regents (the "Regents") as a proposed charter, and known thereafter as a provisional charter (either as a proposed or provisional charter, the "Charter"), pursuant to the provisions of the New York Charter Schools Act of 1998, Article 56 of the Education Law (the "Act"); and

WHEREAS, the Charter incorporates the Application submitted earlier to the Board of Trustees of the State University of New York, such that the Application is an integral part of the Charter; and

WHEREAS, pursuant to section 2852, subdivision 5 of the Act, the Charter, with the Application, was submitted to the Regents for its review and approval; and

WHEREAS, the State Education Department, in its review of the Charter for the Regents, has recommended certain changes be made to the Charter and/or the Application; and

WHEREAS, the undersigned are in agreement that some or all of such changes should be adopted; and

WHEREAS, the undersigned agree that certain other technical changes should be made to the Charter to better conform to the parties' understanding and the Act; and

WHEREAS, the Charter requires that all amendments to it be in a writing signed by both parties thereto;

NOW, THEREFORE, the undersigned hereby agree to amend the Charter as follows.

1. Paragraph 1.3~~1~~ is amended by deleting from the first sentence of such paragraph the words struck through below:

~~, and shall not be eligible to receive funds from the
local school district as provided in section 2856 of
the Act;~~

2. Paragraph 1.5 is amended by adding the italicized sentence set forth below, immediately after the last sentence of such paragraph:

Pursuant to Section 2851, subdivision 2, paragraph j of the Act, and notwithstanding any contrary provision of this paragraph, in the event that the Application does not identify the School Facility, the School shall notify the Trustees and the Regents within ten business days of the School Facility having been identified.

3. Paragraph 8.1 is amended by deleting from the first sentence of such paragraph the following words struck through below

~~the thirtieth of December in the year~~

and substituting in their place the following italicized words

six months

4. The Application is amended in the form and manner set forth in the pages attached hereto as Exhibit A.

Capitalized terms used in this amendment are defined as set forth in the Charter unless otherwise indicated as is the use and validity of facsimile signatures and the execution of this amendment to the Charter by counterpart.

[remainder of page intentionally blank]

BOARD OF TRUSTEES OF THE
STATE UNIVERSITY OF NEW YORK

Robert J. Bellafiore 3/15/00
Date

By: Robert J. Bellafiore, acting for the Board of
Trustees of the State University

Title: Executive Director, Charter Schools Institute,
State University of New York

HARBOR SCIENCE AND ARTS CHARTER SCHOOL

Date

By: Robert North

Title: Lead Applicant

BOARD OF TRUSTEES OF THE
STATE UNIVERSITY OF NEW YORK

Robert J. Bellafiore 3/15/00
Date

By: Robert J. Bellafiore, acting for the Board of
Trustees of the State University

Title: Executive Director, Charter Schools Institute,
State University of New York

HARBOR SCIENCE AND ARTS CHARTER SCHOOL

Robert North 3/15/00
Date

By: Robert North

Title: Lead Applicant

EXHIBIT

A

The Harbor Science and Arts
Charter School

1 East 104th Street, Suite 603, New York, NY 10029, (212) 427-2244 3627



176

March 17, 2000

Mr. James R. Butterworth, Assistant Commissioner
The New York State Education Department
Office of Regional School and Community Services
Room 475 EBA
Albany, New York 12234

Dear Mr. Butterworth,

In response to your letter of March 8, 2000, I am enclosing the following:

1. Three of the four applicants and four of the five board members are affiliated (as board members or employees) with Boys Harbor, the partner institution. Since the application has been submitted in conjunction with a college, university, museum, educational institution or not-for-profit corporation, then the board of trustees shall include voting members of whom at least sixty percent (not including remainders) are not directors, officers, employees, agents or otherwise affiliated with such entity.

As indicated in section I page 2 and section VII page 1 of the Charter Application, the proposed board of trustees for The Harbor Science and Arts Charter School includes four people affiliated with Boys Harbor (Robert North, Richard Asche, Gail Furman and Vivian Gamon. However, the board also includes two parent representatives. The application also provides for other members as yet undesignated (president, vice president, secretary, and treasurer). Once the Charter School exists we will be able to fill these and other positions so that we can achieve the requirement of 60% of the voting board who are not affiliated with Boys Harbor.

2. A) Please provide the rationale for your determination that the proposed Boys Harbor Charter School is not a conversion of the Boys Harbor Academy, a New York City public school currently

operating at the same site in collaboration with the institutional partner for this proposal. Describe the distinction between the Harbor Charter School and the Boys Harbor Charter School. B) Provide a rationale for the belief that if Boys Harbor excels in certain things, we should expect that the charter school would be likewise excellent.

A) The Harbor Academy is a New York City Board of Education entity, which is housed in the Harbor's facility. The Harbor has no control over this institution and has no authority to convert the school to a Charter School. The fact that the school has "Harbor" in its name is a quirk of the fact that the Harbor suggested the school's creation and offered to locate the school in our facility. The name does not imply that we have control or governance responsibility over the Academy. The staff of the school are Board of Education employees and students are enrolled with the New York City Board of Education. In essence, we are terminating our collaboration with the New York City Board of Education and starting our own Charter School. See Attached Letter to Robert Bellafiore from Richard Asche, Harbor Chair and Counsel – see attachment 1.

B) There is no guarantee that an institution that has excelled in one activity will excel at another. However, in the case of the Harbor's sponsorship of a Charter, there is very close contractual relationship between the activities that we provide to pre-schoolers and after-schoolers and those that will be provided to students in the Charter. The Charter School activities build upon an existing educational philosophy that we have found to be successful as we have worked with children in Boys Harbor. Thus we have every expectation to succeed. In addition, the directors of our science programs, our literacy programs our technology initiatives and our other successful educational programs in the Harbor are available to the school for curriculum support and for staff development.

3. Of the expressed outcomes that are academically pertinent, none are quantifiable, and this does not meet the requirements of 2851 (2)(b) or 2854(1)(d) of Education law. The performance standards are vague or incorrect, and there is no evidence that any attempt was made to align them with the New York State Learning Standards (see item II-14).

A significant portion of section 4 of the application is devoted to the description of the performance outcomes for each grade in the Harbor Charter School. These are all carefully aligned with the state standards as well as with the state performance outcomes for grades 4 and 8. These performance outcomes are very specific, particularly in the area of Language Arts, Math, Science and Technology. The theme of the Harbor Science and Arts Charter School is the integration of math, science, technology and the arts into a theme based curriculum. Social Studies and the other standards are carefully integrated into these themes as well.

At the end of section 4 is the description of how a theme web is developed to assure that all of the specific performance outcomes are integrated into the theme. The list of expectations for each grade is based upon the New York State Standards. As the themes are developed, the teaching team for each grade has the standards directly in front of them. The computer is used to guarantee that all themes include a rigorous approach to the meeting of the standards.

A possible source of confusion is that Section 4 is labeled "Learning Standards and Student Assessment". The Learning Standards that are listed are the New York State Standards. Perhaps this wording should be added to this section. In this section, the New York State Performance Standards for grades 8 and 4 are provided for reference in each subject area (Language Arts, Math/Science/Technology, etc.). In addition we have itemized the expectations for each grade to show how we will meet or exceed each of these expectations.

4. A) No definition of at-risk was provided (see item III-2).
- B) Please clarify the implication of expectations for parent participation and clarify whether students are required to attend after-school and camp. Indicate if there is a cost to be borne by the parents. Note that the charter school cannot charge fees for any required part of its program or curriculum per 2854(2) of Education Law. C) Describe the anticipated impact that the orientation will have on admissions selection.

A) Because the Charter School cannot screen applicants to determine if the students are at risk by any definition, we must rely on the demographics of the community served by the Charter. In general well over half of the children in New York City scored below the state standards for 4th and 8th grade reading and math as measured by the state tests. These results suggest that the children of this area are "at risk" to educational failure.

B) At the current time, participation in after school and camp is voluntary. We will encourage students to participate and if funding is available will make the after school and camp programs available to students at no cost. As indicated in section VI of the application as well as in section III p 67-68, we expect parents to support the educational goals of the charter, help their children to arrive at school on time and ready to learn, and to participate in the parents association and in school events.

C) The Impact of Orientation is expected to describe the type of educational experience that the child will have. As described in detail in the latter half of section IV of the charter application as well as in section III, the school will be doing a lot of explorational learning and we will be integrating many of the curriculum subjects. The school will not look or feel like what the parent may have experienced in their own schooling. Therefore to avoid conflict after the school starts, it is important to let parents know what to expect. Similarly, we want parents to know that they are partners in this effort and that we will be making demands on them. The impact of orientation will be to dissuade parents who are looking for a regimented, rigid, textbook driven educational experience.

- 5. Preference to students from CSD#4 is permissible, as long as it does not exclude students from other districts. An admissions preference may not be made for students of Boys Harbor preschool, per the requirement of 2854(2)(a)(b) of Education Law.**

We do not give preference to children in CSD#4. We have been instructed that this is not allowed. Rather, the entire New York City is considered one district. We are allowed to give preference to children from New York City (all 5 boroughs) and to siblings of children who have been admitted through the lottery process. All

of our recruiting and selection procedures are designed to support that mandate.

6. The proposed discipline policy (see item III-22) refers to involuntarily transferring a student to another school. There is no provision in Article 56 for such an involuntary transfer; please delete this reference.

The Involuntary Transfer for Disciplinary Reasons is deleted. Section III describes the due process for any infractions. It is clear that the overall procedures emphasize parent involvement and are designed to be open to all interested parties. We will scrutinize the wording of this section to make sure that this is clear to all readers.

7. The methods and strategies by which services for students with disabilities will be provided does not meet the requirements of 2851(2)(s) or 2853(4)(a) of Education Law, or the Individuals with Disabilities Education Act (IDEA. It is not clear whether the Committee on Special Education (CSE) will be that of the student's district of residence. The charter school cannot constitute its own CSE. The following information must be provided:
 - a). the enrollment method that will ensure equal access;
 - b). those services to be provided directly by the proposed charter school and those to be provided by the student's district of residence;
 - c). how the proposed charter school will interact with the student's district of residence to ensure that the services listed on the IEP are provided;
 - d). how the proposed charter school will ensure that the teacher(s) of a student with a disability will participate in CSE meetings, and will have access to and understand their responsibility to implement the IEP;
 - e). the processes to be followed that will ensure compliance with Child Find provisions of IDEA;
 - f). the processes to be followed to ensure compliance with IDEA reporting requirements;
 - g). the processes to be followed that will ensure compliance with FERPA and IDEA regarding confidential student records; and
 - h). the processes that will be followed to ensure that parents are kept informed of their child's progress in meeting his/her IEP goals.

Because the charter school has yet to begin admitting students, it is unknown what specific special education services will be needed by the students at our school. Once students have been selected it will be necessary to determine the special education needs of the children in the school. We will work closely with the New York City Board of Education team of the student's home district to develop a comprehensive plan that ensures that all special education services required by the students' IEPs are provided. Such services may be provided by the charter school or by the students' districts of residence, depending upon the mix and level of services determined to be needed by the school's student population. We are currently establishing contact with the New York City Board of Education special education program to help us develop the guidelines for this relationship.

8. A) Provision of services to at-risk students are emphasized but "at-risk" is not defined. B) Repeatedly the application notes and describes connections and relationships between the charter school and Boys Harbor. This needs explication to clarify exactly what the formal and contractual connections are.

A) The definition of "at risk" refers to the fact that the students in the school come from communities with low income and low educational attainment. A definition of at risk is only relevant to the community served as there is not a mechanism to select for at risk students.

Connections between the charter school and Boys Harbor, Inc.

B) The Harbor Science and Arts Charter School and Boys Harbor, Inc. are contractually related. As stated in the attached Memorandum of Understanding as well as in sections IX and X of the application, Boys Harbor, Inc. is responsible for the infrastructure of the school which includes payroll, maintenance, space, food service, telephones, insurance, technology and other services. Boys Harbor, Inc. will provide these services on the same basis and allocation formula as it provides these services to other Harbor programs. Attached is a Memorandum of Agreement which spells out the interrelationships between the corporations – see attachment 2.

The other contractual area also involves support for the educational process (detailed in the latter half of section IV of the application. These include the following components: a. to create continuity between the school and after school programs (after school teachers will be hired as assistant teachers in the school); b. The Harbor Performing Arts Conservatory will provide the introductory performing arts instruction. Students with ability and interest will be encouraged to master their craft in the after school activities; c. The Camp will be an integral part of the educational program. When the students are required to go to camp, it will be at no cost to the parents. Camp will be used as a science laboratory and an environment to team build and develop trust through the use of the adventure ropes course. To the extent possible, we want all students to be involved in all components so that we can maximize impact on student outcomes.

9. Structured immersion is not adequate for all students with limited English Proficiency, and this does not meet the requirements of Title VI of the Civil Rights Act. The following information must be provided:
 - a). the process for identifying students whose first language is not English, and the method for determining which of these students may need assistance;
 - b). how an appropriate special language program to teach the students English will be developed and how it will be demonstrated that the program has been successful;
 - c). a provision that indicates that LEP students will not be excluded from curricular and extra-curricular activities in school because of an inability to speak and understand the language of instruction;
 - d). a plan that ensures that the needed staff, curricular materials and facilities are in place and used properly;
 - e). appropriate evaluative standards for measuring the progress of LEP students, including program exit criteria;
 - f). a process for continued program assessment and modification where needed;
 - g). an indication that national origin minority students are not assigned to classes for the disabled because of their lack of English skills; and
 - h). an assurance that parents whose English is limited receive notices and other information from the proposed charter school in their dominant language.

The end of section III p 94, of the charter application describes the approach to Limited English Proficiency that we feel is the most effective approach to working with children who are not proficient in English. We will monitor the progress of each child to determine if the method is effective and if needed we will adopt other approaches to help the child succeed in school. Students demonstrating a lack of familiarity with English will be tested with the Lab-Lau tests. Students scoring as LEP on the test will be given supplementary ESL instruction. We feel that the immersion method helps LEP students quickly gain familiarity with English. If students are not responding to this approach then we will provide other approaches as specified by law

We will clarify this approach by adding the following to the application (section II p 94): a. the charter school will incorporate strategies and methods to serve students (and families) with limited English-speaking capabilities that will ensure that LEP students will not be excluded from curricular and extra-curricular activities in school because of an inability to speak and understand the language of instruction; ensure that needed staff, curricular materials, and facilities are in place and used properly and in accordance with the school's LEP/bilingual educational plans; ensure that the national origin minority students are not assigned to classes for the disabled because of their lack of English skills; and ensure that parents whose English is limited will receive notices and other information for the proposed charter school in their native language. We will be influenced by current research such as the guidelines published by the Council of Chief State School Officers, 1992 – see attachment 3.

10. Programmatic impact of the proposed charter school was not addressed, and the potential fiscal impact not quantified in terms of dollars. This does not meet the requirements of 2851(2)(q) of Education Law.

The Harbor Science and Arts Charter School will have no negative financial impact on the New York City Board of Education. However, we expect the educational impact to be immense. Boys Harbor has a long and positive history with the NYC Board of Education, particularly with CSD#4 and CSD#5 (Harlem and East Harlem – the location of the Charter School). The Charter school

will be able to continue these relationships by participating in educational workshops and projects where our educational philosophy can be shared with others. We feel that the educational model of the Harbor Science and Arts Charter School will have positive impact on the educational approaches of many NYC Board of Education schools. In addition, we will capitalize on our relationships with teacher training institutions to augment the training of teachers to incorporate our model (see section IV for a description of some of these relationships).

11. Please provide more specific information regarding the Code of Ethics as described in 2851(2)(v) of Education Law.

The sections VII and VIII detail the code of ethics that is expected of all employees and board members of the Harbor Science and Arts Charter School. These sections emphasize that all members of the board, and all staff are required to perform their duties in a legal and ethical manner.

12. The budget shows deficits for each year. Please indicate how this will be handled, and provide evidence that the proposed budget is fiscally sound, per the requirements of 2851(2)(e) of Education Law.

As detailed in the section IX of the application as well as in the Memorandum of Understanding (see attachment 2), budget deficits will be compensated for by Boys Harbor, Inc. Boys Harbor, Inc. will actively fund raise to support and enrich the Charter School.

13. Transfer of records not in compliance with 2851(2)(t) of Education Law (records to district of residence; assets to district of school location-should be records to district of school location and assets to the charter school or district of school location).

Transfer of Records will be made to the local school district, which is Community School District 4, should The Harbor Charter School close. Assets of the Charter School should the school close, will be transferred to other charter schools or to the local school district – Community School District #4.

14. Please indicate where in the budget provision is made for the nurse's position.

The Harbor Science and Arts Charter school will add a budget line for a consultant nurse position. In addition, we will enter into discussions with the New York Department of Health to develop a way to put a nurse into the school on a more full-time basis. In addition, all faculty and staff will be certified in CPR and first aid.

Additional Requests

1. A) Explain what will happen to the Harbor Academy once the Charter School comes into operation. B) If this is not already an existing school, explain how a parent representative for the board of trustees has already been selected. C) Explain why portions of the application appear to be verbatim copies of existing Harbor Academy documents.

A) The Harbor Academy is a NYC Board of Education school that will move to PS 50, the parent school of the Academy which is a program of NYC Community School District #4. B) The parent representative on the current board agreed to help establish the school even though there is no guarantee that her child will be admitted to the school (admission is through a lottery process as required by law and described in the charter application). C) The documents that appear to be based upon Harbor Academy documents were policies and procedures that we feel were effective when applied to the Academy and we wanted to continue them in the Harbor Science and Arts Charter School. We benefited from other resources as well including documents from other charter schools and the experiences of experts that we brought into the planning process. Thus the Charter documents have benefited from a variety of successful experiences but are unique in totality.

2. Please explain more clearly the role of the Center for Educational Innovation as an institutional partner.

The CEI has provided and will continue to provide technical assistance in the development of the Charter School plan and its ultimate implementation. They have no direct role in the operation of the charter school.

3. Preference to students from CSD #4 is not permissible.

As stated above, there is no preference given to children residing in CSD #4.

4. Please justify why the provisions of the discipline policy that allow for suspensions based upon any actions deemed inappropriate by

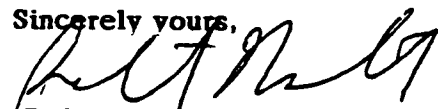
school staff should not be considered overly vague and therefore removed from the policy.

As stated in section 6 in the initial response section, the procedures are meant to provide due process and be very specific. We will delete any vague terminology as described in the question in order for the process to be clear and fair to all concerned.

5. Please explain why students are encouraged to secure accident insurance. Explain why is the school insurance not deemed sufficient to cover any foreseeable contingencies.

As stated in the charter application, the Harbor Charter School does carry accident insurance. We do not ask parents to obtain accident insurance. We do ask parents for their health insurance card number if they have one so that can be part of their medical records in case of an accident.

Sincerely yours,



Robert North
Executive Sirector

Attachments

Attachment 1



BOYS HARBOR, INC.

The Harbor for Girls and Boys



December 2, 1999

Mr. Robert Bellafiore
President
Charter Schools Institute
State University of New York
735 Anderson Hill Road
Purchase, New York 10577-1400

Re: Harbor Science and Arts Charter School

Dear Mr. Bellafiore:

We are in receipt of a copy of a letter to you from Rudolph F. Crew, in which he recommends against the approval of the application of Boys Harbor to institute a charter school. Mr. Crew's letter does not criticize Boys Harbor's programs, the competence of Boys Harbor, or the appropriateness of Boys Harbor running a charter school. Indeed, in his letter, Mr. Crew states that he hopes "to continue to have a fine working relationship with Boys Harbor in varied educational settings, and continue to offer the Chancellor's conversion process as an option."

The thrust of Mr. Crew's objection to the Harbor Charter School is his belief that the charter school is "an attempt to circumvent the 'conversion' process." Mr. Crew's objections are not well founded.

1. Contrary to Mr. Crew's contention, the Charter School will not be a continuation of the Harbor Academy. Mr. Crew contends that the Charter School intends to solicit existing students, teachers and administrators from the Academy, occupy space currently

OFFICERS

NICHOLAS D. BIDDLE
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Mr. Robert Bellafiore
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occupied by the Academy and operate under the same educational philosophy as the Harbor Academy. He also claims that Dr. North has stated that the Harbor Academy will be "dissolved." In virtually every particular, Mr. Crew is misinformed.

a) Students: The Charter School cannot select its students. Admission will be by lottery. The Charter School will be publicized throughout the Harlem and East Harlem communities. These outreach measures are fully documented in our application, whereby the Harbor will inform current students, along with many others, of the new Charter School. It cannot give preference to those students. Accordingly, the student body will be determined by demand, and in the case of over subscription, random selection. In no case will the student body be determined by Boys Harbor.

b) Teachers: The Charter School has not yet hired teachers for next year. While we do not rule out considering some of the staff of the Academy for positions at the Charter School, we do not plan to offer jobs to more than two members of the teaching staff.

c) Administrators: The only Board of Education administrator at the Academy is the principal. We do not intend to hire her for the Charter School.

d) Space: It is true that the Charter School will be housed at Boys Harbor. However, it is not true that the Academy is being evicted to make room for the Charter School. Boys Harbor cannot continue to offer space to the Academy for one simple reason: the Academy does not pay rent. We have allowed the Academy to exist rent free at the Harbor for six years, but that arrangement would have been terminated next year whether or not Boys Harbor had created a charter school.

e) Educational Philosophy: The Charter School will reflect the educational philosophy of Boys Harbor. The Harbor Academy, unfortunately, does not. All educational decisions at the Harbor Academy are made by the principal, a Board of Education employee. She follows educational directives from the District Superintendent. Boys Harbor has very little input. Indeed, most of the in-school enrichment programs Boys Harbor provided during the first few years of the Academy's existence are no longer

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permitted by the Board of Education. This has been extremely frustrating for Boys Harbor. If the Board of Education wishes to operate the Academy, it can and should; Boys Harbor will operate the Charter School.

f) The claim that the Academy will be dissolved:
District Superintendent Castro has advised us that she will move the Academy elsewhere next year. Boys Harbor has neither the power nor the desire to affect that decision or to "dissolve" the Academy; that decision is per force solely in the hands of the Board of Education and Community School District 4. In short, the Harbor Charter School will definitely not be a continuation of the Harbor Academy. It will be a new school, with a new principal, a new staff, a new student body chosen at random. It will operate under a different educational philosophy.

2. Contrary to Mr. Crew's contention, Boys Harbor will not withdraw services from the Harbor Academy's students. Boys Harbor is a social services agency. We have provided after-school service to children for more than 62 years. We have advised the Board and hereby pledge that every child who, as a student at the Harbor Academy, participated in the Harbor programs will continue to be offered space in those programs.

3. Mr. Crew complains about "the withdrawal of additional student support services during the school day..." Mr. Crew may not be aware that during the school year 1998-99, it was the Board of Education which forced Boys Harbor to withdraw certain services from the students at the Academy due to perceived violations of the Board's contract with its union and/or Board of Education regulations. Thus, Boys Harbor has been prevented from providing many such services.

4. Contrary to Mr. Crew's current contention, the Board of Education took the position at the onset of the chartering process that the Harbor Academy is not a "Board of Education" school at all, and is therefore ineligible for "conversion." In the spring of this year, Boys Harbor learned, through the grapevine, of a proposed meeting of all Board of Education schools interested in becoming charter schools. When Elsa Morse, a Boys Harbor official, called Arthur Greenberg (the Chancellor's assistant who is overseeing the Board's charter program) for

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details about the meeting, Mr. Greenberg told Dr. North that Boys Harbor was not invited to the meeting because the Harbor Academy is not a Board of Education school. Rather, according to Mr. Greenberg, the Harbor Academy is a "program" of District 4. The Board's position that the Harbor was not a Board school was further evidenced by the Board's failure to provide the Academy with funding on a per capita, or any other reasonable basis sufficient to enable the Academy to operate. While the Board provided professional staff and paid for certain items, at least half of the Academy's budget was required to be paid for by Boys Harbor. For example, the Board failed to pay for or provide any space to house the Academy.

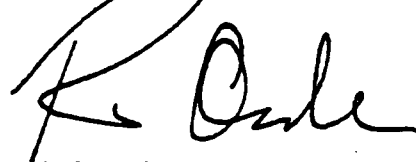
In sum, while Mr. Crew makes it appear that the existing Academy will disappear because of the decision by Boys Harbor to seek a charter school, this is not the case. First, we are given to understand that the existing academy will move elsewhere next year. Second, Boys Harbor would not have operated the Harbor Academy next year at Boys Harbor's space under the arrangement which existed between Boys Harbor and the Board of Education. The decision by Boys Harbor not to continue the collaboration with the Board of Education is based only in part on the failure of the Board of Education to reimburse Boys Harbor for its substantial expenditures of time, space and money. It is also based in part on the difficulty we have had attempting to operate the school as an institution which serves two masters.

To reiterate, it was apparently the affirmative policy of the Board of Education to maintain the Harbor Academy in a limbo status as a program, not a school, so that the Board of Education would not be required to fully fund the program. Even after the passage of the charter school's legislation, the Board of Education took the position with Boys Harbor that the Harbor Academy would not be eligible to be a conversion charter school. Boys Harbor relied on this position expressed by the Board and did not seek to assist the parents of students in the Harbor Academy to affect a conversion. Instead, Boys Harbor decided to devote its time and energy to the preparation of an application to the State for a separate school. Indeed, Boys Harbor delivered its application to the District Superintendent simultaneously with delivering it to you, and between the time the application was

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filed and the time it was preliminarily approved, we heard no objections or complaints from Mr. Crew or any employee of the Board of Education. I believe it is grossly unfair for Mr. Crew now to reverse field and to claim Boys Harbor's proposed charter school as one of his own.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Asche", written over the word "Sincerely,".

Richard M. Asche

RMA:lc

cc: Dr. Rudolph Crew

Attachment 2

MEMORANDUM OF AGREEMENT

This agreement is entered into between Boys Harbor Inc. and the Harbor Science and Arts Charter School for the purpose of outlining the administrative, management and support services to be provided by Boys Harbor for the operation of the Harbor Science and Arts Charter School, and how said services will be paid for by the Harbor Science and Arts Charter School.

Finance – The Boys Harbor Finance Office will provide accounting services including payroll, accounts payable, accounts receivable, general ledger and other accounting services as required. The Harbor Charter School will be set up as a separate corporation on our Fundware Accounting system. The allocation of costs will be as follows:

- **PAYROLL**. ADP is responsible for providing payroll services to the Harbor. The Harbor Charter School as a separate corporation will have a separate account that they will pay for directly.
- **ACCOUNTING SERVICES**. The cost of managing the books of the Harbor Charter School will be allocated as it is amongst all of the Harbor programs, based on the amount of time spent on the program.
- **AUDIT**. The Harbor will solicit bids for the cost of conducting an audit following the guidelines of the State Education Department or SUNY and the cost of the audit will be paid directly by the Harbor Charter School.
- **PERSONNEL SERVICES** costs will be allocated based on the number of employees of the Harbor Charter School with the costs prorated based on total the number of employees of both corporations.

SPACE. The Harbor Charter School will utilize space within Boys Harbor. The cost of space is allocated based on the actual space used by each program in the Harbor. If space is shared, the cost will be shared based on the amount of time and space is used by the program. The cost of space will be paid to Boys Harbor who pays its rent to the East Harlem Arts and Education Local Development Corporation.

MAINTENANCE OF SPACE. The Harbor Charter School maintenance costs will be prorated based on the amount of time utilized for the maintenance of space used by the school.

FOOD SERVICE. Boys Harbor will provide food services to the Harbor Charter School, as part of the Harbor food service to its pre and after

school program. The Harbor Charter School will make application to participate in the National School Lunch Program to pay for the costs of operating the food service program. The Harbor Charter School will reimburse Boys Harbor on the basis of the meal cost as allocated amongst all of the programs for which food is provided.

BEHAVIORAL HEALTH SERVICES. Boys Harbor will make school psychological evaluation and mental health services available to the Charter School students and their families. Similarly, school personnel may refer students for specific evaluation or assistance. The cost of these services will be paid for the family's health insurance. Should parents not be covered by insurance, a nominal fee based on the ability to pay will be charged.

PERFORMING ARTS – Boys Harbor will provide performing arts programming for the Harbor Charter School. Initially, the Harbor will provide a basic dance movement class as part of the Charter School Curricula. Additional performing arts classes will be added in subsequent years.

AFTER SCHOOL SERVICES – The after school program, while not an official part of the school, will be an integral part of the school program. Students, selected through the lottery system, will be assisted to gain admission to the program. To insure continuity between the school and the after school programs, the teaching staff from the after school program will be hired to be teachers in classroom assistant or specialty teacher in the school program.

CAMPING. The Harbor Charter School will utilize the Harbor Camp as part of the school curriculum. The Charter School will pay the direct cost of the camp's operation on the same basis as other Harbor programs. Specifically, the cost of travel, food, staff, utilities and any other relevant costs will be allocated to the Charter School as they are allocated to other Harbor programs.

INSURANCE. The Harbor Charter School will be added to our insurance policy as an additional insured and the total cost of the insurance will be allocated among the programs based on the number of students insured or by an allocation developed by the insurance company.

TELEPHONE. The Harbor Charter School will be added to our telephone system and the cost of the telephone service allocated based on our "call accounting system" which indicates the number, length and destination of all calls from each extension with an allocation of base costs.

FINANCIAL DEFICITS Boys Harbor will compensate the Harbor Charter for any financial deficit.

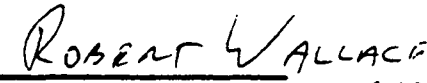
TECHNOLOGY. The Harbor Charter School will be added to our agency network and the cost of the maintenance of the network will be allocated based on the number of terminals and their usage.

MISCELLANEOUS. If there are other shared services or shared costs not mention herein, these costs will be allocated between Boys Harbor and the Harbor Charter school, in an equitable and straigh forward manner as was done for the items listed above.

Agreed to


Boys Harbor Inc

Date 11/1/99


Harbor Charter School

Date 11/1/99

Attachment 3

Summary of Recommendations and Policy Implications for Improving the Assessment and Monitoring of Students With Limited English Proficiency

<http://www.ccsso.org/leppol.html>

Council of Chief State School Officers, 1992

Recommendations For Identification And Placement Of Students

The following recommendations reflect a model for the identification and placement of LEP students into appropriate learning experiences and the assessment and monitoring of success of these children while they are receiving language-assistance services and after they are no longer receiving these services. Though we discuss separate steps for identifying placing students and monitoring their progress, these steps often overlap at the local level

1. Screening for a native language background other than English.

Schools should conduct a home-language survey for every student in the student's native language within ten school days of registration.

The purpose of this survey should be clearly indicated; and a statement should be added to this screening device specifying that (a) Children have a legal right to public education regardless of their immigration status and (b) the results of the survey and subsequent screening/placement procedures will not be reported to immigration officials

The survey should be standardized to ensure that all students who may be eligible for language-assistance programs are identified and receive further assessment

The contents of the survey should include the following items (a) place of birth (b) first language acquired and (c) language other than English spoken in the home

Schools should make efforts to ensure the accuracy of information contained in the home language survey. If school personnel complete the survey they should be trained to administer the survey properly and consistently.

The surveys should serve as the basis for the development of all initial home-environment profile for use in determining the appropriate placement of the student.

2. General recommendations concerning the selection of assessment instruments for purposes of classification, placement and exiting students from language support programs.

Educators should select assessment instrument based on sound psychometric practice and theoretically based research including contemporary theories and research on language proficiency and communicative competence.

Educators should select language-proficiency tests and assessments in both English and the native language according to the following criteria:

Collectively, tests should cover all communicative competencies, i.e. receptive (listening and reading) and productive (speaking and writing) skills.

Tests should represent the age grade and attendant development of the student and reflect increasing complexity of language skills as maturation and language development continue

Assessments should measure the functional competence (what the children can do) in relation to the full range of demands of the classroom and the academic language needed to succeed.

When more than one test or assessment instrument is used, tests should be equated to ensure comparability and complementarily in addition, norming study may be necessary to ensure comparability.

3. Assessment for classification of English proficiency with attention to evidence of limited English-language skills that restrict a student's successful participation in English-only classes.

Because placement decisions currently are made using existing English-language assessment measures that do not address all four modalities (reading listening writing and speaking) or do not meet the high standards of validity stated previously, then sufficiently stringent cutoff criteria should be used. That is, selection criteria should require a high level of English-language performance for classification as fully English proficient. This would ensure that assessment practices are safely inclusive of all students who need language-assistance services.

Schools should not base placement decisions about language assistance services on a single test score, but on a profile that summarizes results of multiple assessments (tests, clinical assessments, interviews and teacher observations and attends to the multidimensional aspects of language skills--reading writing, listening and speaking.

A student's profile should contain information about his or her linguistic and general cognitive abilities in the native language.

The home-environment profile developed initially during the screening process should be updated during the classification, placement and exiting process. The profile should contain affective, linguistic and cognitive needs of the students as well as other pertinent information. **4. Assessment for placement** into the appropriate learning experiences and language- assistance programs.

Content testing and assessment in the student's native language should be part of the overall assessment strategy.

Educators should use achievement test scores and a clinical assessment of a student's classroom performance together with other measures (e.g. structured interviews) to give a complete picture of the student's capabilities.

Schools should not use achievement test scores as proxy measures for language-proficiency assessment. Rather, educators should examine relationships among achievement test scores and other relevant assessments to discern a student's educational and language development.

5. Assessment for monitoring academic progress and for making changes in the nature of language assistance services received (reclassification).

Testing for monitoring purposes should include measures of English and non-English-language proficiency and curricular achievement. These tests should be given at least annually.

Schools should compare LEP students' achievements to that of academically successful English -speaking backgrounds, as well as main streamed language minority students. Educators should use the results of the tests to revise a student's academic program or change the types of language assistance services he or she is receiving.

Achievement testing for LEP students, as for all students, should reflect ambitious and high-level goals uses state-of-the-art testing methods that reflect the goals of schooling, and be accompanied by viable programs for instructional improvement.

Achievement testing in a student's native language is needed to accurately and comprehensively look at the student's academic progress if instruction is occurring in the native non-English language.

Two types of achievement testing should take place. Standardized tests are needed to assess how LEP students are doing compared with FEP students. In addition, educators should use observations and other forms of performance assessment in the classroom to determine how students are doing on a daily basis.

The determination that students no longer need Certain types of language assistance should be based on two types of proficiencies: language proficiency (in all four modalities) and academic proficiency. For LEP students to be considered sufficiently proficient in English to benefit from English-only instruction they should meet an absolute standard of language proficiency, indicating that they have English language skills comparable to native English speakers.

Language-minority students must be compared with their non-language-minority peers in knowledge of subject matter. It is important to assess a student's foundation for the acquiring of new information, as well as the ability to participate successfully in English only classes.

The exit process should requires (a) multiple criteria (such as testing, portfolios and writing samples), performance of the student at grade level (c) a level of achievement comparable with that of FEP students.

Services for LEP students should represent a continuum of appropriate programs, not be dichotomous (i.e. provided or not based on entry or exit requirements). Once a student enters a mainstream English only class, he or she may need language development and the types of support beyond the normal classroom instruction. An important component of language assistance programs should be that students can be reclassified, yet continue receiving (or resume receipt of) language-development services, if needed, in the mainstream classroom. This concept requires the collaboration and coordination of all relevant programs (e.g. Title VII and Chapter I programs).

In deciding whether to reclassify a student, educators should consider the extent of services available after the student has entered mainstream English-only classes. Schools should provide appropriate instructional services to enable the reclassified student to succeed academically

Assessment procedures for monitoring student success after reclassification should reflect the characteristics used in identification procedures: validity, multimodality and school-related language proficiencies. Decisions to have students participate fully in regular classrooms without special services should not be based on inappropriately low criteria. "Trigger" procedures for service changes and program exits should be based on defensibly sound multiple and empirically based criteria not simply determined by one teacher's recommendations, a single test score or the length of time in the program. After reclassification students should be monitored for continuing success. **6. Collection of data for monitoring students' success** and evaluating program effectiveness while students are in language assistance programs and after they leave the programs.

Comprehensive and comparable data on all students are needed at the district level to evaluate the success of students in obtaining an effective and appropriate education. Ideally, maintaining these data in a computerized database will facilitate the use of data for monitoring the success of individual students as well as evaluating the success of specific programs. Data on LEP students are especially important, but they should be maintained as a part of a system that includes all students. Thus, comparisons can be made between students in language assistance programs and their peers in regular academic programs.

School districts should maintain the following types of information about any students identified as limited English proficient as part of their individual student profiles: -- background information (e.g. race/ethnicity, sex, date of birth, place of birth, native language, information about the parents and migrant status); --assessment information (e.g. tests taken, scores and dates); and --academic information (e.g. courses taken, grades, attendance and promotion/retention).

For students participating in special programs such as there should be information about: -- types of services received, --dates of placement and withdrawal, and --criteria used for placement

State education agencies (SEAs) and school districts should collect and maintain other data from program monitoring. Program evaluation information may be obtained from administrative records (such as certification and personnel files) or through data-collection efforts (such as surveys, observation studies or interviews). Quality of the instructional programs for LEP students can be assessed using data on: --training and certification of bilingual/English-as-a-second language teachers, --amount of time spent in content and English-language instruction, and --materials and other resources available in programs.

Educators should obtain summary information concerning levels of student participation and student success from the individual student record database. Schools and districts should compare LEP students' success with the success of regular education students.

SECOND AMENDMENT TO THE CHARTER

This agreement is executed as of this 27th day of March, 2000 by and between the undersigned to further amend the charter agreement between them entered into on or about the 1st day of February, 2000 and amended previously on the 16th day of March, 2000.

The undersigned hereby agree to amend the Charter by amending the Application attached thereto, in the form and manner attached hereto as Exhibit A.

Capitalized terms used in this amendment are defined as set forth in the Charter unless otherwise indicated as is the use and validity of facsimile signatures and signatures in counterpart.

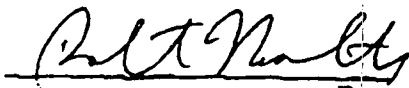
**BOARD OF TRUSTEES OF THE
STATE UNIVERSITY OF NEW YORK**

 3/23/00
Date

By: Robert J. Bellafiore, acting for the Board of
Trustees of the State University

Title: Executive Director, Charter Schools Institute,
State University of New York

HARBOR SCIENCE AND ARTS CHARTER SCHOOL


Date

By: Robert North

Title: Lead Applicant

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Title: Executive Director, Charter Schools Institute,
State University of New York

HARBOR SCIENCE AND ARTS CHARTER SCHOOL

Date

By: Robert North

Title: Lead Applicant

RECEIVED

MAR 27 2000

REGIONAL SCHOOL SERVICES

EXHIBIT

A

6. Harbor Science and Arts Charter School

1. *The methods and strategies by which services for students with disabilities will be provided does not meet the requirements of §2851(2)(s) or §2853(4)(a) of Education Law, or the Individuals with Disabilities Education Act (IDEA). The charter school cannot constitute its own CSE. The following information must be clearly provided:*
 - a). *the enrollment method that will ensure equal access;*
 - b). *those services to be provided directly by the proposed charter school and those to be provided by the student's district of residence;*
 - c). *how the proposed charter school will interact with the student's district of residence to ensure that the services listed on the IEP are provided;*
 - d). *how the proposed charter school will ensure that the teacher(s) of a student with a disability will participate in CSE meetings, and will have access to and understand their responsibility to implement the IEP;*
 - e). *the processes to be followed that will ensure compliance with Child Find provisions of IDEA;*
 - f). *the processes to be followed to ensure compliance with IDEA reporting requirements;*
 - g). *the processes to be followed that will ensure compliance with FERPA and IDEA regarding confidential student records; and,*
 - h). *the processes that will be followed to ensure that parents are kept informed of their child's progress in meeting his/her IEP goals.*

The Harbor Science and Arts Charter School is committed to implementing its responsibilities to serve all children who enroll in the school, regardless of ability or disability, as reflected in our admissions policy, and in accordance with §2854(2) of the Education Law. We are committed to meeting the IEP needs of children entering the HSACS in accordance with §2853(4)(a) of the Education Law and as prescribed by the child's Committee on Special Education of their home district. As we develop our special education program in more detail during the start-up phase of the charter school, prior to fall opening, we will continue to work with the New York City Board of Education to arrange for speech, occupational therapy and other specialized services to be either performed on site, or off-site depending on the level of the child's needs. We will have a process in place for Child Find so that children can be referred to his or her CSE for evaluation and IEP determination. Because the child's teacher plays an integral role and has a familiarity with the child's learning needs, the school will ensure, as required, that teachers attend CSE meetings (with substitutes available for regular classroom instruction during this time) and involved in all necessary steps to implement service requirements for the child. The school will develop and implement the procedures to comply with FERPA as it relates to the confidentiality of student records and will institute a communication program to ensure that parents are fully informed of their child's progress toward meeting the goals of the IEP, evaluations, CSE meetings, or referrals, by using both regular formal notices and phone calls.

2. *The proposed plan for providing services to LEP students does not meet the requirements of Title VI of the Civil Rights Act. The following information must be provided:*

- a). how an appropriate special language program to teach the students English will be developed, and how it will be demonstrated that the program has been successful;*
- c). appropriate evaluative standards for measuring the progress of LEP students, including program exit criteria;*
- d). a process for continued program assessment and modification where needed;*

We will be instituting a program for students upon entering the Harbor Science and Arts Charter School to check for non-native English speaker status using teacher observation and a language survey of parents. Children identified as non-native speakers will take Lab-Lau tests and those scoring as LEP will undergo language immersion with supplementary ESL instruction as necessary should the child fail to demonstrate adequate progress on the assessment program used in the specific grades. We also will administer the Lab test at least annually and students achieving a 40th percentile achievement score qualify to exit the program.

- b). a plan that ensures that the needed staff, curricular materials, and facilities are in place and used properly;*

As we state in our amendments to our application submitted to the Department and as reflected in our start-up budget, necessary curricula, staff and space will be available to carry out all the school's programs for its students, including LEP services.

- e). an assurance that parents whose English is limited receive notices and other information from the proposed charter school in their dominant language.*

The Harbor Science and Arts Charter School commits to ensuring that parents whose English is limited receive notices and other information in their dominant language.

3. *Please provide assurance that the trustees of the school who are affiliated with Boys Harbor, Inc. will recuse themselves from school decisions regarding services to be provided by Boys Harbor, Inc.*

The HSACS commits to ensuring that, consistent with its ethics policy submitted as part of the application, trustees of the charter school who are affiliated with Boys Harbor shall recuse themselves from decisions regarding services provided by Boys Harbor for remuneration.

paragraphs (c)(2)(ii) and (iii) of this section.

(d) *Non-employee requirement; compensation.* A person who otherwise qualifies to be a surrogate parent under paragraph (c) of this section is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.

(e) *Responsibilities.* The surrogate parent may represent the child in all matters relating to—

(1) The identification, evaluation, and educational placement of the child; and

(2) The provision of FAPE to the child.

(Authority: 20 U.S.C. 1415(b)(2))

§ 300.516 [Reserved].

§ 300.517 *Transfer of parental rights at age of majority.*

(a) *General.* A State may provide that, when a student with a disability reaches the age of majority under State law that applies to all students (except for a student with a disability who has been determined to be incompetent under State law)—

(1)(i) The public agency shall provide any notice required by this part to both the individual and the parents; and

(ii) All other rights accorded to parents under Part B of the Act transfer to the student; and

(2) All rights accorded to parents under Part B of the Act transfer to students who are incarcerated in an adult or juvenile, State or local correctional institution

(3) Whenever a State transfers rights under this part pursuant to paragraph (a)(1) or (a)(2) of this section, the agency shall notify the individual and the parents of the transfer of rights.

(b) *Special rule.* If, under State law, a State has a mechanism to determine that a student with a disability, who has reached the age of majority under State law that applies to all children and has not been determined incompetent under State law, does not have the ability to provide informed consent with respect to his or her educational program, the State shall establish procedures for appointing the parent, or, if the parent is not available another appropriate individual, to represent the educational interests of the student throughout the student's eligibility under Part B of the Act.

(Authority: 20 U.S.C. 1415(m))

Discipline Procedures

§ 300.519 *Change of placement for disciplinary removals.*

For purposes of removals of a child with a disability from the child's current

§§ 300.520–300.529, a change of placement occurs if—

(a) The removal is for more than 10 consecutive school days; or

(b) The child is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year, and because of factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.

(Authority: 20 U.S.C. 1415(A))

§ 300.520 *Authority of school personnel.*

(a) *School personnel may order—*

(1)(i) To the extent removal would be applied to children without disabilities, the removal of a child with a disability from the child's current placement for not more than 10 consecutive school days for any violation of school rules, and additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under § 300.519(b));

(ii) After a child with a disability has been removed from his or her current placement for more than 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under § 300.121(d); and

(2) A change in placement of a child with a disability to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days, if—

(i) The child carries a weapon to school or to a school function under the jurisdiction of a State or a local educational agency; or

(ii) The child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a State or local educational agency.

(b)(1) Either before or not later than 10 business days after either first removing the child for more than 10 school days in a school year or commencing a removal that constitutes a change of placement under § 300.519, including the action described in paragraph (a)(2) of this section—

(i) If the LEA did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the child before the behavior that resulted in the removal described in paragraph (a) of this section, the agency shall convene an IEP meeting to develop

(ii) If the child already has a behavioral intervention plan, the IEP team shall meet to review the plan and its implementation, and, modify the plan and its implementation as necessary, to address the behavior.

(2) As soon as practicable after developing the plan described in paragraph (b)(1)(i) of this section, and completing the assessments required by the plan, the LEA shall convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.

(c)(1) If subsequently, a child with a disability who has a behavioral intervention plan and who has been removed from the child's current educational placement for more than 10 school days in a school year is subjected to a removal that does not constitute a change of placement under § 300.519, the IEP team members shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

(2) If one or more of the team members believe that modifications are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

(d) For purposes of this section, the following definitions apply:

(1) *Controlled substance* means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(2) *Illegal drug—*

(i) Means a controlled substance; but

(ii) Does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

(3) *Weapon* has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (c) of section 930 of title 18, United States Code.

(Authority: 20 U.S.C. 1415(A)(1), (10))

§ 300.521 *Authority of hearing officer.*

A hearing officer under section 615 of the Act may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 days if the hearing officer, in an expedited due process hearing—

(a) Determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of the child is substantially likely to result in injury to the child or

(b) Considers the appropriateness of the child's current placement;

(c) Considers whether the public agency has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and

(d) Determines that the interim alternative educational setting that is proposed by school personnel who have consulted with the child's special education teacher, meets the requirements of § 300.522(b).

(e) As used in this section, the term *substantial evidence* means beyond a preponderance of the evidence.

(Authority: 20 U.S.C. 1415(A)(2), (10))

§ 300.522 Determination of setting.

(a) *General.* The interim alternative educational setting referred to in § 300.520(a)(2) must be determined by the IEP team.

(b) *Additional requirements.* Any interim alternative educational setting in which a child is placed under §§ 300.520(a)(2) or 300.521 must—

(1) Be selected so as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and

(2) Include services and modifications to address the behavior described in §§ 300.520(a)(2) or 300.521, that are designed to prevent the behavior from recurring.

(Authority: 20 U.S.C. 1415(A)(3))

§ 300.523 Manifestation determination review.

(a) *General.* If an action is contemplated regarding behavior described in §§ 300.520(a)(2) or 300.521, or involving a removal that constitutes a change of placement under § 300.519 for a child with a disability who has engaged in other behavior that violated any rule or code of conduct of the LEA that applies to all children—

(1) Not later than the date on which the decision to take that action is made, the parents must be notified of that decision and provided the procedural safeguards notice described in § 300.504 and

(2) Immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, a review must be conducted of the relationship between the child's disability and the behavior subject to the disciplinary action.

(b) *Individuals to carry out review.* A

team and other qualified personnel in a meeting.

(c) *Conduct of review.* In carrying out a review described in paragraph (a) of this section, the IEP team and other qualified personnel may determine that the behavior of the child was not a manifestation of the child's disability only if the IEP team and other qualified personnel—

(1) First consider, in terms of the behavior subject to disciplinary action, all relevant information, including—

(i) Evaluation and diagnostic results, including the results or other relevant information supplied by the parents of the child;

(ii) Observations of the child; and

(iii) The child's IEP and placement; and

(2) Then determine that—

(i) In relationship to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement;

(ii) The child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and

(iii) The child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.

(d) *Decision.* If the IEP team and other qualified personnel determine that any of the standards in paragraph (c)(2) of this section were not met, the behavior must be considered a manifestation of the child's disability.

(e) *Meeting.* The review described in paragraph (a) of this section may be conducted at the same IEP meeting that is convened under § 300.520(b).

(f) *Deficiencies in IEP or placement.* If, in the review in paragraphs (b) and (c) of this section, a public agency identifies deficiencies in the child's IEP or placement or in their implementation, it must take immediate steps to remedy those deficiencies.

(Authority: 20 U.S.C. 1415(A)(4))

§ 300.524 Determination that behavior was not manifestation of disability.

(a) *General.* If the result of the review described in § 300.523 is a determination, consistent with § 300.523(d), that the behavior of the child with a disability was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without

would be applied to children without disabilities, except as provided in § 300.521(d).

(b) *Additional requirement.* If the public agency initiates disciplinary procedures applicable to all children, the agency shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.

(c) *Child's status during due process proceedings.* Except as provided in § 300.526, § 300.514 applies if a parent requests a hearing to challenge a determination, made through the review described in § 300.523, that the behavior of the child was not a manifestation of the child's disability.

(Authority: 20 U.S.C. 1415(A)(5))

§ 300.525 Parent appeal.

(a) *General.* (1) If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the child's disability or with any decision regarding placement under §§ 300.520-300.528, the parent may request a hearing.

(2) The State or local educational agency shall arrange for an expedited hearing in any case described in paragraph (a)(1) of this section if a hearing is requested by a parent.

(b) *Review of decision.* (1) In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the public agency has demonstrated that the child's behavior was not a manifestation of the child's disability consistent with the requirements of § 300.523(d).

(2) In reviewing a decision under § 300.520(a)(2) to place the child in an interim alternative educational setting, the hearing officer shall apply the standards in § 300.521.

(Authority: 20 U.S.C. 1415(A)(6))

§ 300.526 Placement during appeals.

(a) *General.* If a parent requests a hearing or an appeal regarding a disciplinary action described in § 300.520(a)(2) or 300.521 to challenge the interim alternative educational setting or the manifestation determination, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in § 300.520(a)(2) or 300.521, whichever occurs first, unless the parent and the local educational agency

(b) *Current placement.* If a child is placed in an interim alternative educational setting pursuant to § 300.520(a)(2) or 300.521 and school personnel propose to change the child's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement the child must remain in the current placement (the child's placement prior to the interim alternative educational setting), except as provided in paragraph (c) of this section.

(c) *Expedited hearing.* (1) If school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, the LEA may request an expedited due process hearing.

(2) In determining whether the child may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards in § 300.521.

(3) A placement ordered pursuant to paragraph (c)(2) of this section may not be longer than 45 days.

(4) The procedure in paragraph (c) of this section may be repeated, as necessary.

(Authority: 20 U.S.C. 1415(A)(7))

§ 300.527 Protections for children not yet eligible for special education and related services.

(a) *General.* A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of the local educational agency, including any behavior described in §§ 300.520 or 300.521, may assert any of the protections provided for in this part if the LEA had knowledge (as determined in accordance with paragraph (b) of this section) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

(b) *Basis of knowledge.* An LEA must be deemed to have knowledge that a child is a child with a disability if—

(1) The parent of the child has expressed concern in writing (or orally if the parent does not know how to write or has a disability that prevents a written statement) to personnel of the appropriate educational agency that the child is in need of special education and related services;

(2) The behavior or performance of the child demonstrates the need for these services, in accordance with § 300.7;

(3) The parent of the child has requested an evaluation of the child pursuant to §§ 300.530-300.536; or

(4) The teacher of the child, or other personnel of the local educational agency, has expressed concern about the behavior or performance of the child to the director of special education of the agency or to other personnel in accordance with the agency's established child find or special education referral system.

(c) *Exception.* A public agency would not be deemed to have knowledge under paragraph (b) of this section if, as a result of receiving the information specified in that paragraph, the agency—

(1) Either—

(i) Conducted an evaluation under §§ 300.530-300.536, and determined that the child was not a child with a disability under this part; or

(ii) Determined that an evaluation was not necessary; and

(2) Provided notice to the child's parents of its determination under paragraph (c)(1) of this section, consistent with § 300.503.

(d) *Conditions that apply if no basis of knowledge.* (1) *General.* If an LEA does not have knowledge that a child is a child with a disability (in accordance with paragraphs (b) and (c) of this section) prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures as measures applied to children without disabilities who engaged in comparable behaviors consistent with paragraph (d)(2) of this section.

(2) *Limitations.* (i) If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under § 300.520 or 300.521, the evaluation must be conducted in an expedited manner.

(ii) Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

(iii) If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with the provisions of this part, including the requirements of §§ 300.520-300.529 and

(Authority: 20 U.S.C. 1415(A)(5))

§ 300.528 Expedited due process hearings.

(a) Expedited due process hearings under §§ 300.521-300.526 must—

(1) Meet the requirements of § 300.509, except that a State may provide that the time periods identified in §§ 300.509(a)(3) and § 300.509(b) for purposes of expedited due process hearings under §§ 300.521-300.526 are not less than two business days; and

(2) Be conducted by a due process hearing officer who satisfies the requirements of § 300.508.

(b)(1) Each State shall establish a timeline for expedited due process hearings that results in a written decision being mailed to the parties within 45 days of the public agency's receipt of the request for the hearing, without exceptions or extensions.

(2) The timeline established under paragraph (b)(1) of this section must be the same for hearings requested by parents or public agencies.

(c) A State may establish different procedural rules for expedited hearings under §§ 300.521-300.526 than it has established for due process hearings under § 300.507.

(d) The decisions on expedited due process hearings are appealable, consistent with § 300.510.

(Authority: 20 U.S.C. 1415(A)(2), (6), (7))

§ 300.529 Referral to and action by law enforcement and judicial authorities.

(a) Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(b)(1) An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.

(2) An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

(Authority: 20 U.S.C. 1415(A)(9))

Procedures for Evaluation and Determination of Eligibility

§ 300.530 General.

Part 300



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ROBERT J. BELLAFIORI
EXECUTIVE DIRECTOR

March 30, 2000

James R. Butterworth
Assistant Commissioner
State Education Department
475 EBA
Albany, New York 12234

Dear Mr. Butterworth:

As referenced in my letter to you of March 27, 2000, please find enclosed additional amendments to the charter for the following schools.

- Central New York Charter School for Math and Science
- Community Partnership Charter School
- Eugenio Maria de Hostos Charter School
- Harbor Science and Arts Charter School
- International Charter School of Schenectady
- Rochester Leadership Charter School
- South Buffalo Charter School

These "Third Amendments" have been executed by all applicants, lead applicant and co-applicants alike, and affirm the validity of amendments to the charter submitted previously to the Department.¹

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert J. Bellafiore". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert J. Bellafiore

¹ Please note that one applicant for the Harbor Science and Arts Charter School, Vivian Gamon, has resigned as an applicant and, therefore, was not a signatory to that school's amendment.