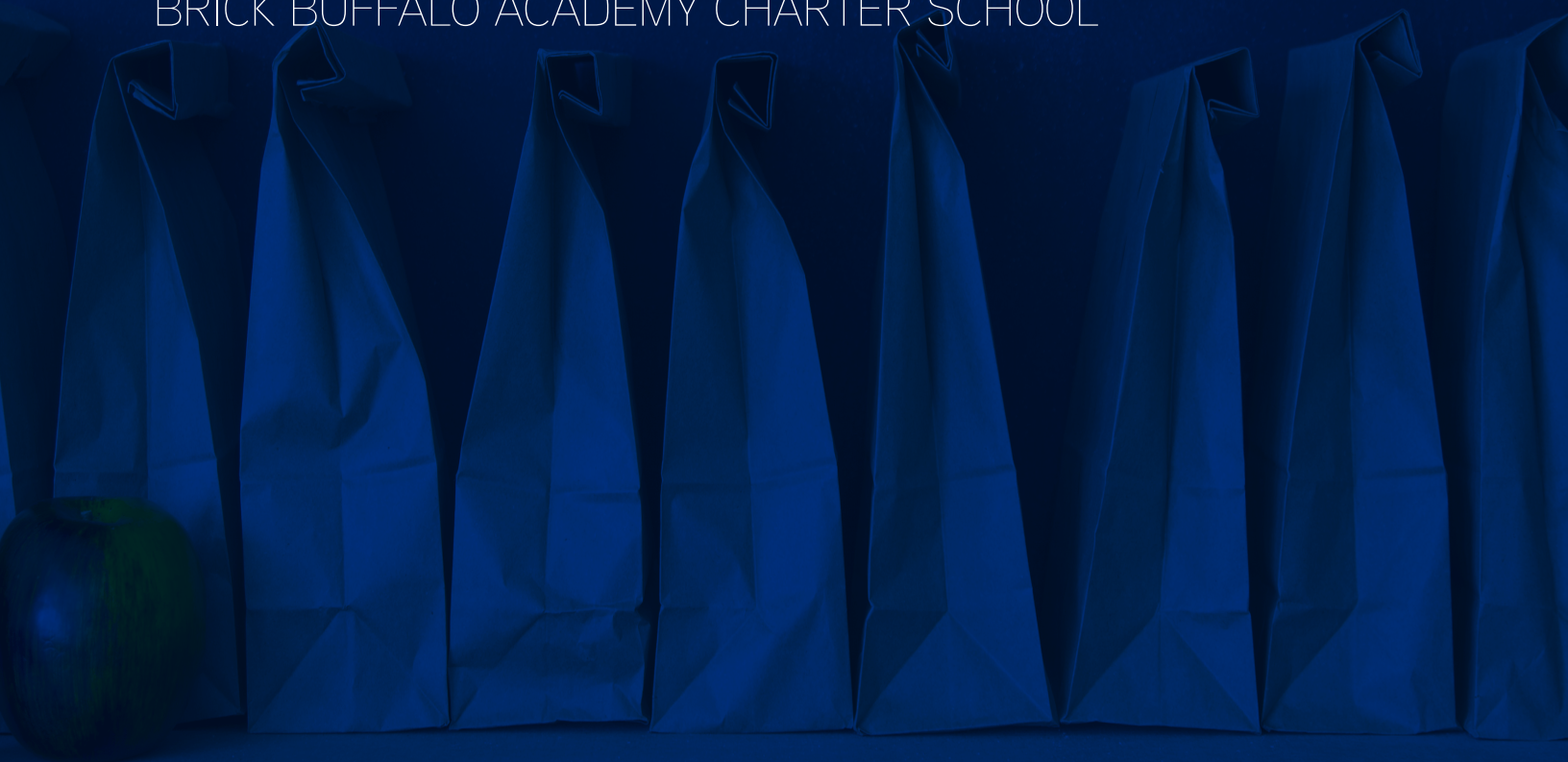




# SUMMARY OF FINDINGS AND RECOMMENDATIONS

PROPOSAL TO AUTHORIZE  
BRICK BUFFALO ACADEMY CHARTER SCHOOL



# EXECUTIVE SUMMARY

The applicants submitted the proposal to establish BRICK Buffalo Academy Charter School (“BRICK Buffalo”) to the SUNY Charter Schools Institute (the “Institute”) on February 22, 2022, in response to the Institute’s 2022 Request for Proposals (the “RFP”) (available at: [www.newyorkcharters.org/wp-content/uploads/2022/01/2022-SUNY-Request-for-Proposals-RFP-1-1.pdf](http://www.newyorkcharters.org/wp-content/uploads/2022/01/2022-SUNY-Request-for-Proposals-RFP-1-1.pdf)), released on behalf of the SUNY Trustees on January 20, 2022. The Institute makes copies of applications available at: [www.newyorkcharters.org/request-for-proposals/2022-rfp-cycle-round-1/](http://www.newyorkcharters.org/request-for-proposals/2022-rfp-cycle-round-1/).

If approved, the proposed school will replicate the successful program currently in place at Achieve Community Charter School (“Achieve”), a charter school located in Newark, New Jersey that currently serves students in Kindergarten-8<sup>th</sup> grade. If authorized, BRICK Buffalo will open in August 2023 in the Buffalo City School District (the “district”), with 162 students in Kindergarten-1<sup>st</sup> grade, will add students in the elementary grades each year, and ultimately serve 486 students in Kindergarten-5<sup>th</sup> grade during its first charter term.

BRICK Buffalo will contract with the charter management organization (“CMO”) Building Responsible Intelligent Creative Kids (“BRICK” or, the “network”), a New Jersey-based Internal Revenue Code § 501(c)(3) non-profit organization, which will provide support in the areas of school leader development, curriculum and instruction, operations, human resources, and financial services.

After a thorough review process consistent with the New York Charter Schools Act of 1998 (as amended, the “Act”), the Institute finds that the proposal to establish BRICK Buffalo rigorously demonstrates the criteria detailed in the Institute’s 2022 RFP, which align with the Act.

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

The Institute recommends that the SUNY Trustees approve the proposal to authorize BRICK Buffalo Academy Charter School.



# TABLE OF CONTENTS

FINDINGS

| 2

PREFERENCE  
SCORING

| 11

BACKGROUND &  
DESCRIPTION

| 4

CONCLUSION &  
RECOMMENDATIONS

| 11

NOTIFICATION &  
PUBLIC COMMENTS

| 11

APPENDIX A

Summary of Public Comments  
Received

APPENDIX B

District Information

APPENDIX C

Fiscal Dashboard

# FINDINGS

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

1. The charter school described in the proposal meets the requirements of the Act and other applicable laws, rules, and regulations as reflected in (among other things):
  - the inclusion of appropriate policies and procedures for the provision of services and programs for students with disabilities and English language learners (“ELLs”);
  - the required policies for addressing student discipline, personnel matters, and health services;
  - an admissions policy that complies with the Act and federal law;
  - by-laws for the operation of the education corporation’s board of trustees;
  - analysis of the projected fiscal and programmatic impact of the school on surrounding public and private schools.
2. The applicants have demonstrated the ability to operate the school in an educationally and fiscally sound manner as reflected in (among other things):
  - an educational program that meets or exceeds state performance standards;
  - evidence of adequate community support for, and interest in, the charter school sufficient to allow the school to reach anticipated enrollment;
  - a culture of self-evaluation and accountability at both the administrative and board level;
  - high student achievement goals articulated by the applicants;
  - appropriate rosters of educational personnel;
  - a sound mission statement;
  - a comprehensive assessment plan;
  - sound start-up, first-year, and five-year budget plans;
  - a plan to acquire comprehensive general liability insurance to include any vehicles, employees, and property;
  - descriptions of programmatic and independent fiscal audits, with annual fiscal audits;
  - school calendar and school day schedule that provide at least as much instruction time during the school year as required of other public schools; and,
  - methods and strategies for serving students with disabilities which are educationally sound and in compliance with federal laws and regulations.
3. Granting the proposal is likely to: a) have a significant educational benefit to the students expected to attend the proposed charter school; b) improve student learning and achievement; and, c) materially further the purposes of the Act. This finding is supported by (among other things):
  - a rigorous, inclusive, and culturally responsive curriculum that offers both academic challenge and connection to the students and families the charter would serve;
  - a strong proposed board whose members have meaningful ties to the local community and represent a diversity of backgrounds and experiences;
  - the support of BRICK, which will add capacity in the areas of school leader development,

- curriculum and instruction, human resources, and financial services; and,
  - significant need within the Buffalo City School District, which has a history of low student outcomes and a high percentage of students with disabilities, ELLs, and students from economically disadvantaged families.
- 4. The proposed charter school would meet or exceed enrollment and retention targets, as prescribed by the SUNY Trustees, of students with disabilities, ELLs, and students who are eligible applicants for the federal Free and Reduced Price Lunch (“FRPL”) program as required by Education Law § 2852(9-a)(b)(i).
- 5. The applicant has conducted public outreach for the school, in conformity with a thorough and meaningful public review process prescribed by the SUNY Trustees, to solicit community input regarding the proposed charter school and to address comments received from the impacted community concerning the educational and programmatic needs of students in conformity with Education Law § 2852(9-a)(b)(ii).
- 6. The Institute has determined that the proposal rigorously demonstrates the criteria and best satisfies the objectives contained within the RFP, and, therefore, is a “qualified application” within the meaning of Education Law § 2852(9-a)(d) that should be submitted to the New York State Board of Regents (the “Board of Regents”) for approval.

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

The Institute conducted a rigorous evaluation of the proposal under consideration including academic and fiscal soundness, and legal reviews. In addition, the Institute engaged independent consultants to evaluate the proposal based on the criteria set forth in the RFP. Pursuant to its protocols, the Institute conducted an interview with the founding team, including the applicants, the proposed board of trustees, and key BRICK Buffalo leadership. SUNY Trustee Joseph Belluck, Chairman of the SUNY Trustees’ Charter Schools Committee, and Trustee Eunice Lewin also met with the founding team.

## BACKGROUND & DESCRIPTION

BRICK is an established CMO seeking to open an elementary charter school in East Buffalo, New York. BRICK Buffalo will implement a rigorous and culturally responsive instructional program that challenges students academically, embraces inclusivity, and builds social emotional competencies. The proposed new charter will be modeled after the program in place at Achieve Community Charter School in Newark, New Jersey. In 2019, Achieve had the second highest student growth percentage in mathematics among schools in New Jersey, and its student growth in English language arts (“ELA”) placed it in the top 15% of more than 1700 schools across the state. Achieve is considered a high-performing school according to the State of New Jersey Charter School Performance Framework, having received the highest ranking of Tier 1 in academics and student achievement during its most recent renewal.

The New Jersey Department of Education (“NJDOE”) placed Achieve on probationary status on February 1, 2021 as a result of chronic absenteeism and a need for additional board development. The Institute has engaged extensively with both BRICK and NJDOE to understand the concerns that led to the probationary status and the progress Achieve has made to date. The Institute is satisfied that BRICK is implementing effective and sustainable strategies that will continue to strengthen attendance and board capacity at Achieve, while providing valuable lessons that would lead to stronger systems at BRICK Buffalo if approved.

Uniquely positioned to serve the high-need student demographic in East Buffalo, where the population is 82% African American and three out of four children live in poverty, BRICK is committed to providing students and families with a holistic, community-driven school model that incorporates a variety of wraparound service partners. Similarly situated in a high-need community in Newark, Achieve’s student population is similar to that of the proposed BRICK Buffalo charter school, with 83% of enrolled students living in households receiving public assistance, Supplemental Nutrition Assistance Program, and/or supplemental security income benefits.

Establishing a strong local presence over the past two years, the BRICK Buffalo team engaged in extensive community outreach to develop connections with community partners and organizations as well as with the district, and to assess the need and demand for a new charter school in East Buffalo. BRICK Buffalo will offer comprehensive support for students, families, and school staff through BRICK’s Promise Navigation System, which reflects the proposed founding group’s commitment to replicating the immersive ecosystem of wraparound services Achieve currently provides including early childhood education, health care, affordable housing, and workforce development. BRICK’s deep expertise in brokering these services stems from its experience in leading two federal promise neighborhood initiatives in New Jersey that currently provide families with services from more than 25 local social service agencies. This innovative support system provides effective case management to ensure that all students and families receive the highest quality of individualized supports needed to achieve and thrive.

The BRICK Buffalo founding board and leadership team are a diverse group of high-capacity individuals with deep personal and professional ties to the East Buffalo community and Niagara region. Leveraging their shared commitment to the school’s mission and extensive expertise in education, real estate, law, financial oversight, governance, and community organizing, they collectively and individually demonstrate the ability to successfully launch BRICK Buffalo.

## MISSION, PHILOSOPHY, AND KEY DESIGN ELEMENTS

The BRICK Buffalo mission states:

*At BRICK Buffalo, we will graduate a community of learners who will contribute positively to our global society and embrace their role as architects in building a just and better world. We use a holistic approach to ensure that students from East Buffalo neighborhoods have the knowledge, skills and support needed to be college, career, and life-ready upon graduation. Our school provides a rigorous, inclusive*



*and culturally responsive curriculum that challenges students academically and builds their social emotional competencies. We also immerse our families in an ecosystem of rich community partnerships to support them in maintaining the stable and healthy homes necessary for children to thrive. In partnership with our families, we empower our students to draw strength from their identity and become leaders in their communities.*

BRICK Buffalo will implement the following key design elements:

- **Rigorous and culturally responsive educational program.** BRICK Buffalo will implement an instructional program that maintains high expectations while celebrating student identity and providing the differentiated instruction necessary to ensure student success. The charter will also offer a longer school day and extended school year.
- **Ubuntu cultural program.** BRICK Buffalo will offer a proven cultural program, modeled after the African humanist philosophy Ubuntu, that creates a warm, belonging-based school environment by focusing on culturally sustaining practices, social-emotional development, trauma-informed practices, and positive identity development. The charter will also emphasize the recruitment of diverse staff and leadership and the use of restorative practices.
- **Ecosystem approach to whole child development.** BRICK Buffalo will develop structures and partnerships to provide families with the comprehensive wraparound supports they need to thrive. The charter will leverage community partnerships to provide an ecosystem of programming to help families including connections with early childhood education services, workforce development, health services, and other critical needs.

## CALENDAR AND SCHEDULE

BRICK Buffalo will offer approximately 191 days of instruction each year. The first day of instruction for the 2023 school year will be on or around August 21, 2023, and the last day will be on or around June 21, 2024. Subsequent school years will follow a similar calendar. The school day will begin each morning at 7:30 A.M. and end each day at 4:30 P.M. BRICK Buffalo will provide students with more than 1,066 hours of instruction per year, which meets the requirements of 900 hours for 1<sup>st</sup>-6<sup>th</sup> grade mandated by Education Law § 2851(2)(n) and 8 NYCRR § 175.5.

## ACADEMIC PROGRAM

BRICK Buffalo will model its academic program after the effective program already in place at Achieve, which has a proven track record of helping students attain significant academic growth. Ensuring that all grade level instruction and curriculum content aligns to New York State learning standards, BRICK Buffalo will offer robust programming in the core content areas of ELA, mathematics, science, and social studies. Additionally, the school will offer special area programming such as art, music, dance, theater, and physical education. The proposed charter's selected curricula have been externally validated through independent rating systems like EdReports and the What Works Clearinghouse and have a demonstrated

record of success at high-performing charter schools in New York State. This will ensure BRICK Buffalo students receive exposure to rigorous material that will prepare them for college and career.

Teachers will engage in differentiated instruction and prioritize the inclusion of curricular resources and supports necessary to ensure that all students make significant academic gains and attain grade level mastery. Collectively, the instructional program will ensure that all students have access to rigorous work, individualized support, social emotional learning (“SEL”), and high-quality arts and physical education classes to enrich the educational experience.

In addition to New York State annual assessments, BRICK Buffalo will administer the NWEA MAP test twice each school year in reading and mathematics across all grade levels. Additionally, the charter school will incorporate diagnostic, formative and summative assessments in each content area throughout the year to assess skill attainment, determine individual student needs, and identify instructional modifications necessary to support academic achievement. Finally, BRICK will support BRICK Buffalo teacher and leader training based on the Achievement First Accelerator Institute, a comprehensive leadership training program that supports school leaders in building systems that lead to sustained instructional progress.

### **English Language Arts (Reading and Writing)**

BRICK Buffalo will employ distinct, specialized curricula for its Kindergarten-2<sup>nd</sup> grade and 3<sup>rd</sup>-5<sup>th</sup> grade ELA programs. In keeping with the charter’s key design elements, BRICK Buffalo is committed to the goal of cultural responsiveness to help students transition from being dependent learners to being independent learners. The Kindergarten-2<sup>nd</sup> grade ELA curriculum components support student reading growth and ensure that all students read on grade level by the end of 3<sup>rd</sup> grade. BRICK Buffalo will utilize the Strategic Teaching and Evaluation of Progress (“STEP”) literacy program, developed by UChicago Impact, an initiative of the University of Chicago’s Urban Education Institute. Teachers will also use the Lucy Calkins Writing Units of Study to support and strengthen student writing development. Strategic Read Aloud units of study will feature a variety of complex texts to develop background knowledge and vocabulary in a variety of subjects. In 3<sup>rd</sup>-5<sup>th</sup> grade, BRICK Buffalo teachers will utilize Achievement First’s literacy curriculum for reading and writing. Instruction will focus on preparing students to engage in increasingly rigorous activities aimed at developing their ability to read critically, analyze works of literature, and write persuasively.

### **Mathematics**

BRICK Buffalo will use Achievement First’s Navigator Math curriculum in all grades, which has a track record of producing strong outcomes in a number of schools, including SUNY authorized charter schools serving a similar population of students. Achievement First’s lesson materials demonstrate a high level of rigor and incorporate a focus on conceptual understanding and emphasize connections across and between mathematical concepts. Instructional periods for mathematics at BRICK Buffalo will prioritize time for student collaboration, problem-solving, discourse, and reflection. Math-rich classrooms will feature a rotating math vocabulary word wall, a number line, mathematical practice anchor charts, displays of student work with feedback, and class academic goals. This approach will support teachers in making mathematics accessible and engaging for all children.

### **Science**

BRICK Buffalo students will engage in science curricula that foster inquiry-based learning through hands-on experiments and investigations. Teachers in Kindergarten-2<sup>nd</sup> grade will implement Full Option Science System (“FOSS”), a hands-on science curriculum that allows students to uncover new ideas through collaboration and problem solving. Teachers in 3<sup>rd</sup>-5<sup>th</sup> grade will utilize Amplify Science, a practice-based curriculum that also provides hands-on, collaborative problem-solving opportunities. Both curricula blend



literacy-rich activities that will increase reading skills and empower students to think, read, write, and argue through science instruction.

### **Social Studies**

BRICK Buffalo will implement the Core Knowledge History and Geography curriculum for social studies in Kindergarten-2<sup>nd</sup> grade. The network has strategically chosen units that will build students' historical and geographical knowledge. Objectives for social studies align with the Common Core English Language Arts standards in order to reinforce the school's literacy focus. In 3<sup>rd</sup>-5<sup>th</sup> grade, BRICK Buffalo will implement the Achievement First social studies curriculum, which also reinforces the school's approach to literacy by focusing on students' ability to critically read and evaluate rigorous grade-level texts. As students progress through the curriculum, they increasingly learn and evaluate connections between their personal identity and their impact on the larger world.

### **Physical Education**

BRICK Buffalo's physical education classes will focus on a variety of developmentally appropriate physical skills and sports. Lessons will provide students with an understanding of how movement affects the body and mind while introducing and reinforcing the concepts of personal responsibility and prosocial behavior. Students will also participate in whole school activities such as an annual health fair for students and families and community physical activity events such as a dance marathon or jump rope-athon.

### **Music**

The charter's music program will provide a music-rich environment, offering students the opportunity to sing, play, and compose musical pieces. Lessons will include a wide variety of musical forms such as opera, jazz, and African drumming. Older students will also have the opportunity to take lessons in particular instruments and participate in the school jazz ensemble.

### **Visual Art**

BRICK Buffalo's visual arts classes will allow students to develop a range of artistic skills by designing and creating a variety of art projects each year. Units of study will include topics such as world art, American art, and modern art. Notably, art courses will be revised each year in collaboration with community members to ensure that they reflect the interests and cultures of the students and families the school intends to serve.

## EXISTING SCHOOL PERFORMANCE

BRICK has consistently worked to create more high-performing seats for underserved children. In 2016, BRICK made the strategic decision not to renew its contract managing two traditional public schools in New Jersey, citing lack of flexibility and autonomy in the operating structure. In 2017, BRICK opened Achieve, an open-enrollment charter school. All three schools, while operated by BRICK, demonstrated annual growth in ELA and math as measured by the nationally normed, Common Core aligned Partnership for Assessment of Readiness for College and Careers ("PARCC") assessments.

Notably, in 2018-19, Achieve was recognized as having the second highest student growth percentages in mathematics among all schools in New Jersey. Achieve received the highest ranking of Tier 1 on the State of New Jersey Charter School Performance Framework in academics and student achievement during its most recent renewal. Based on Achieve's 2018-19 PARCC results, 44% of students achieved grade level proficiency in ELA and 37% of students achieved grade level proficiency in mathematics. Achieve's median growth percentile for ELA was 60, which is at the high end of the typical growth range (35-65), and its median growth score for mathematics was 84.5, well above the high growth range (above 65).

The New Jersey Department of Education (“NJDOE”) placed Achieve on probationary status on February 1, 2021 as a result of chronic absenteeism and need for additional board development. BRICK worked diligently to implement several structural changes and strategies to address chronic absenteeism, including developing a team of success mentors to work directly with families to overcome barriers to attendance, increasing referrals to wraparound services, and implementing proactive planning meetings with students and families with frequent absences. The Achieve board of trustees also took various steps to develop their governing capacity, including participating in four trainings with Ed Board Partners, developing a subcommittee structure to enhance oversight, and expanding membership to increase the board’s areas of expertise.

The Institute engaged extensively with BRICK and NJDOE to understand the action steps and strategies Achieve is implementing to address these growth areas. BRICK has worked purposefully to address the concerns, and the most recent attendance data shared by BRICK and confirmed by NJDOE indicate substantial improvement. While a final determination as to the charter’s probationary status is forthcoming, the Institute is satisfied that BRICK is implementing effective and sustainable strategies that will continue to strengthen attendance and that have bolstered the BRICK board’s ability to carry out highly effective oversight.

Based on the strong track record of growth, BRICK Buffalo has the capacity to launch a school in Buffalo that attains excellent student outcomes and a high-quality choice to families.

## SCHOOL CULTURE AND DISCIPLINE

BRICK Buffalo’s school culture and climate program blends trauma-informed research, SEL, and progressive and restorative discipline practices. Modeled after the Ubuntu cultural program at Achieve, BRICK Buffalo will create a school environment that establishes a sense of predictability and consistency while cultivating a sense of belonging for all students. Teachers will integrate culturally responsive and SEL programming into daily instruction and classroom activities. BRICK Buffalo will also utilize the widely implemented and evidence based Collaborative for Academic, Social, and Emotional Learning (“CASEL”) curriculum to inform lessons and professional development. The school-wide approach to behavior management will incorporate ongoing opportunities for social emotional development and a robust intervention system to ensure that students receive individualized support. BRICK Buffalo will promote positive behavior and build school culture through the use of progressive restorative practices rather than exclusionary discipline practices. Progressive discipline uses incremental interventions to address inappropriate behavior with the ultimate goal of teaching pro-social behavior. Restorative practices recognize that relationships between students and staff are a critical part of school culture. To reinforce this effort, BRICK Buffalo will work to recruit and retain a diverse community of leaders and teachers within the school that reflect student identities and cultural backgrounds. Further, BRICK Buffalo intends to implement several of the successful strategies Achieve put in place to ensure strong and consistent student attendance, such as data-driven attendance meetings and including dedicated success mentors to support families struggling with attendance.

## ORGANIZATIONAL CAPACITY

The BRICK Buffalo board of trustees will contract with BRICK to provide comprehensive management services. The contract will enable the charter to access back-office supports related to talent recruitment, human resource management, finance, curriculum development, and instructional leadership. In addition to the BRICK network supports, a regional director of operations and regional director of instruction/

superintendent will be based full-time in Buffalo and dedicated solely to managing BRICK Buffalo. At present, the team is conducting a local and national search for the school principal, who will be appointed by the BRICK Buffalo board. The BRICK Buffalo principal will have oversight of the school's instructional and cultural program including supervision of matters related to student achievement, school culture, teacher training, and curriculum implementation. Teachers and school-based staff will be employees of the New York charter school education corporation and will report directly to the school leaders at BRICK Buffalo. BRICK Buffalo will also partner with City Year, a national service program which places young adults in full-time community service placements in underserved communities, and the Relay Graduate School of Education, a graduate level teacher training program, to create a pipeline of future staff members necessary to ensure high-quality growth.

## GOVERNANCE

The bylaws of BRICK Buffalo indicate that the education corporation board will consist of no fewer than five and no more than 15 voting members. The proposed members of the board of trustees are set forth below:

### **1. Yolanda Wood, Board Chair**

Ms. Wood is a Buffalo city resident and university administrator at Niagara University. Ms. Wood brings significant experience in postsecondary education administration and project management to BRICK Buffalo's board. She is a graduate of Medaille College, where she received a master of science in mental health counseling, and the University at Buffalo, where she received a bachelor of arts degree in sociology. Ms. Wood is currently pursuing a doctoral degree in educational leadership from D'Youville College. She is a member of Alpha Kappa Alpha Sorority.

### **2. Dr. Takesha Leonard, Vice-Chair**

Dr. Leonard currently serves as the East Side medical director at Jericho Road Community Health Center. Dr. Leonard is a board-certified family nurse practitioner, and recently served on the New York State COVID task force. She also gained experience supporting the rising immigrant population in Buffalo because her team helped directly resettle more than 200 Afghan refugees this year. More recently she launched a summer enrichment program for high school students on the East Side of Buffalo who are interested in medicine. She holds a doctor of education in health policy and administration and master of science from D'Youville College. She earned her bachelor's degree at the University at Buffalo.

### **3. Adam M. Desmond, Treasurer**

Mr. Desmond is regional market leader for the Buffalo market at Tompkins Bank of Castile. Mr. Desmond has more than 16 years of finance and banking experience and has been responsible for expanding the bank's commercial presence in Erie and Niagara counties. His experiences include corporate and industrial lending, commercial real estate lending, and small business banking. Mr. Desmond earned a bachelor's degree in finance from the University of Buffalo and a master's in business administration from Canisius College.

### **4. Chris Porpiglia, Secretary**

Mr. Porpiglia currently serves as vice president and senior client consultant at Manning and Napier Advisors. He is a certified financial planner in Western New York. He earned his bachelor's degree from the University at Buffalo.

## 5. Dr. Ramone Alexander, Trustee

Dr. Alexander is currently director of inclusivity and community building at the Nichols School (“Nichols”). At Nichols, he has experience teaching algebra to middle school students and a service and social justice class to high school students. Prior to joining Nichols, Dr. Alexander served as a principal investigator in the Graduate School of Education at the University at Buffalo. A lifelong Buffalonian, Dr. Alexander graduated from Columbia University with a bachelor’s degree in Psychology, and he earned his doctor of medicine degree from the University at Buffalo School of Medicine.

## 6. Reverend Jeff Carter, Trustee

Reverend Carter is a nationally recognized faith-based leader and pastor of Ephesus Ministries. He has served as the executive director of the Pastoral and Church Ministries Program at Houghton College at Buffalo, where he is also an adjunct math professor. Reverend Carter has earned a bachelor of science in mathematics education from Grambling State University, and a master of science in education from Canisius College in Buffalo.

## FACILITIES

BRICK Buffalo plans to secure a facility on Buffalo’s East Side that is readily accessible to multiple city neighborhoods with close proximity to ecosystem partners and the surrounding historical area, thereby supporting the proposed charter’s goal to reflect the diversity of the district. The founding team has developed relationships with several local development companies and real estate agents to assist in the selection of a facility, including companies that have located and renovated facilities for other area charter schools in the past. The proposed charter expects to engage in robust facility negotiations that will yield multiple suitable sites upon authorization. Additionally, the founding team will have support from BRICK in the facility acquisition process.

## FISCAL IMPACT

The fiscal impact of BRICK Buffalo on the district is summarized below.

Charter Year	A.	B.	C.	D.	E.	F.	G.
	Expected Number of Students	Basic Charter School Per Pupil Aid	Projected Per Pupil Revenue (AxB)	Other District Revenue (SPED, Food Service, Grants, etc.)	Total Project Funding from District to Charter School (C+D)	Buffalo School District Budget	Projected District Impact (E/F)
Year 1 (2023-2024)	162	\$13,416	\$2,173,392	\$831,611	\$3,005,003	\$1,021,000,000	0.29%
Year 5 (2027-2028)	486	\$13,416	\$6,520,176	\$576,380	\$7,096,556	\$1,021,000,000	0.69%

The chart above reflects the applicant’s expectation regarding the number of students of the total Year 1 (162) and Year 5 (486) enrollment who will reside in the district. The Institute finds that the fiscal impact of the proposed school on the district, public charter schools, public district schools, and nonpublic schools



in the same geographic area will be minimal. In the event that the school opens with a slightly higher enrollment, the Institute has determined that the fiscal impact of the proposed school on the district, public charter schools, public district schools, and nonpublic schools in the same geographic area will also be minimal. As a conservative measure, the Institute slightly increased the other district revenue affecting the local district and used the same district budget for Year 5, resulting in the fiscal impact reflected above to be a maximum projection.

The Institute reviewed the charter's proposed startup and fiscal plans and supporting evidence for each year of the proposed charter term and considered COVID-19 related financial implications and determined that the school is prepared to implement contingency budgeting measures as it navigates pre-opening planning. The Institute finds that the budgets and fiscal plans are sound and that sufficient startup funds will be available to the proposed charter school. The Institute also conducted a fiscal review of BRICK and determined that recent adjustments to staffing levels are in alignment with the overall business plan, and that future projections appear reasonable. Appendix C contains a fiscal dashboard for BRICK that shows an improving fiscal condition overall.

## NOTIFICATION & PUBLIC COMMENTS

The Institute notified the district as well as public and private schools in the same geographic area of the proposed school about receipt of the proposal, and posted it on the Institute's website for public review in March 2022. The district held a public hearing pertaining to the proposed school on September 14, 2022. The Institute carefully reviews and considers all district and public comments received prior to finalizing its recommendation. A summary of the district hearing, district's comments, and any other public comments is provided in Appendix A.

## PREFERENCE SCORING

Education Law § 2852(9-a)(c) requires authorizers to establish a scoring rubric and grant priority to applications meeting both statutory and authorizer standards. The purpose of the preference criteria is to prioritize proposals in the event that the number of proposals meeting the SUNY Trustees' requirements exceeds the maximum number of charters to be issued.

As the Institute is recommending approval of one application for only one new charter; the number of proposals meeting the SUNY Trustees' requirements does not exceed the maximum number of charters to be issued in 2022. Thus, additional scoring of the application based on Preference Criteria contained in the RFP was not required.

## CONCLUSION & RECOMMENDATIONS

Based on its review and findings, the Institute recommends that the SUNY Trustees approve the proposal for BRICK Buffalo Academy Charter School to open in August 2023.

# APPENDIX A:

## SUMMARY OF PUBLIC COMMENTS RECEIVED

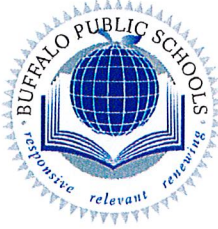
### SUMMARY OF PUBLIC COMMENTS RECEIVED DURING THE SUNY PUBLIC COMMENT PERIOD THROUGH SEPTEMBER 28, 2022

On or about March 8, 2022, in accordance with Education Law § 2857(1), the Institute notified the district as well as public and private schools in the same geographic area of the proposed school about receipt of the proposal to establish BRICK Buffalo. The notice reminded the district that the New York State Commissioner of Education's regulations require the school district to hold a public hearing within 30 days of receipt of the notice for a new charter application. A redacted copy of the BRICK Buffalo proposal was also posted on the Institute's website for public review at: <https://www.newyorkcharters.org/request-for-proposals/2022-rfp-cycle-round-1/>.

The district held a hearing pertaining to the proposed school on September 14, 2022 and provided the Institute with a summary of comments from the hearing. Members of the BRICK Buffalo team made a presentation about the school's mission, key design elements, and community outreach efforts. The lead applicants and several proposed board members spoke on behalf of the proposed charter school and emphasized that their community engagement efforts indicate that there is strong demand for BRICK's multigenerational wraparound supports and rigorous academic program in the proposed location on the East side of Buffalo. The lead applicants also emphasized their desire to collaborate and work with the district. Members of the district school board asked the lead applicants questions about the application's history and cited concerns about the proposed school's capacity to serve students with severe disabilities and ELLs, the number of administrative staff, Achieve's probationary status and disciplinary policies, and the potential financial impact of the proposed charter school on the district.

The applicants provided evidence of support for the proposed school in the form of letters from a variety of individuals and organizations including the Cullen Foundation; the Park School of Buffalo; Mitchell Nowakowski, Fillmore District Buffalo City Council Member; Dr. Kamontá Heidelberg, education and psychology professor at the University at Buffalo; Jennifer Ramos, dean, New York Relay Graduate School of Education; Kathleen Sullivan, managing director, Relay Graduate School of Education; Shajuana Day, college student; and, Nicole Gugliuzza, principal at Achievement First Illuminar in Rhode Island. Letters of support noted BRICK's established track record in serving economically disadvantaged students, culturally responsive approach, and the need for additional high-quality school options in the district.

On September 22, 2022 the district board of education submitted a letter requesting that the SUNY Trustees reject the BRICK Buffalo application, citing a lack of need for additional schools in the district, concerns about the proposed school's plans to serve students with disabilities and ELLs, and recent improvements in the district. The Institute also notes that the district passed a resolution in 2017 requesting a moratorium on charter schools in Buffalo.



## BOARD OF EDUCATION

65 Niagara Square • Room 801 City Hall  
Buffalo, New York 14202  
Phone: (716) 816-3570 • Fax: (716) 851-3937

## BOARD OF EDUCATION MEMBERS

MR. LOUIS J. PETRUCCI  
President

DR. ANN R. RIVERA  
Vice-President-Executive Affairs

DR. KATHY EVANS-BROWN  
Vice-President-Student Achievement

MRS. SHARON M. BELTON-COTTMAN

MR. TERRANCE L. HEARD

MS. HOPE R. JAY

MS. JENNIFER L. MECOZZI

MR. LAWRENCE SCOTT

MS. PAULETTE WOODS

September 21, 2022

SUNY Charter Schools Institute  
SUNY Board of Trustees  
353 Broadway  
Albany, NY 12207

# COPY

RE: BRICK Charter School Application

Honorable Trustees:

On September 14, 2022, the Buffalo Board of Education convened a public hearing and received a presentation from representatives of the BRICK Education Network. Based in Newark, New Jersey, BRICK has submitted an application to the SUNY Charter Schools Institute seeking approval.

This is the second proposal from BRICK since March, 2021 presented to the Buffalo community. After receiving the presentation and completing a question and answer period, the Buffalo Board of Education is unanimous in its belief that BRICK is wholly unqualified and unprepared to open the elementary school it proposes. We strongly urge the SUNY Charter Schools Institute to deny the application for BRICK's proposed school in Buffalo.

The Board has several concerns:

1. Although BRICK submitted a voluminous application for a Buffalo school, they did not identify a single unmet need for our students in the Buffalo Public Schools that BRICK was prepared to address. Their proposal is to open another general elementary charter school in a school district where the majority of traditional public schools are in Good Standing. BRICK was unable to justify the relevance and validity of their application for a Buffalo-located school.
2. It was unclear to the public if any of the BRICK representatives would actually work in the proposed charter school. While presenters continued to reference their objectives in Newark, New Jersey, none provided evidence of any knowledge, skills, or professional commitments related to operating a school—anywhere.

3. Although presenters kept deferring to other presenters when questions regarding special education were posed, at the end of the deferrals, no one was able to describe anything about the levels of service parents of students with disabilities could expect. It was clear that presenters were unfamiliar with even the minimal requirements for implementing the Individualized Education Plans of their enrollees. **The Board, staff, and the public were alarmed when a presenter suggested that services for ENL students and students with disabilities, as a matter of course, are routinely merged. Apart from general references to relying on co-teaching, presenters could not articulate how students with disabilities will be specifically supported in their proposed school.**
4. It was clear during the presentation, that the applicants were unfamiliar with the demographic changes in our City. Presenters were unaware that our schools in East Buffalo, the referenced location for the proposed charter school, are among the fastest growing locations for English Language Learners. When asked about protecting parent and student rights by satisfying Part 154 requirements, presenters again kept deferring to each other. **Not one presenter understood, even at a basic level, what these Regulations contain on behalf of students. BRICK presenters were wholly unqualified and unable to discuss how New American students would access services to support their language needs at the proposed school.**

The Buffalo City School District is on the move and rising. As examples, we have:

1. The highest number of schools in Good Standing in our history (45);
2. More full-service Community Schools open 6 days per week than any other district in the state outside of New York City (28);
3. Full academic enrichment, mental health, and primary health services available for all students through our strategic partnership with Say Yes Buffalo;
4. Nationally-recognized training and practices in culturally-responsive teaching and leadership;
5. Consistently rising 4-year graduation rates since 2015, moving from under 50% to over 78% in 2020-2021;
6. A 3-Year Strategic Plan that clearly articulates the District's goals and objectives developed with the broad engagement of our valued stakeholders.

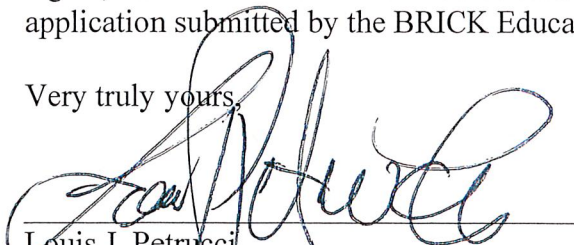
The Board of Education believes that the BRICK Education Network application represents an unwarranted redundancy in elementary school seats in Buffalo. We believe that approving this school will contribute to the ongoing local shortage in staffing, particularly teachers in charter and tradition public schools. Finally, the Board of Education finds that BRICK is a wholly unqualified applicant, unprepared to open an elementary school that will meet the basic needs of its students, and insufficiently organized to meet the standards for approval established by the SUNY Charter Schools Institute.


REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

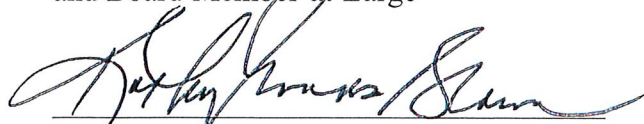


Again, the Buffalo Board of Education respectfully requests, in the strongest terms, that the application submitted by the BRICK Education Network be denied.

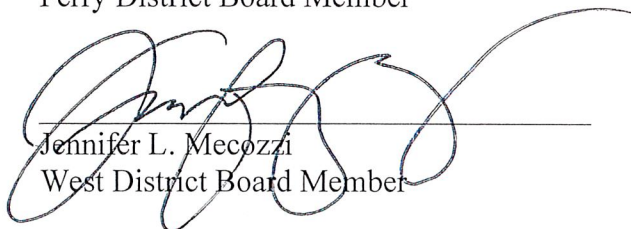
Very truly yours,

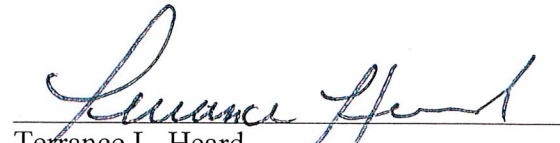
  
Louis J. Petrucci  
President and Park District Board Member


  
Dr. Ann R. Rivera  
Vice-President of Executive Affairs  
and Board Member-at-Large

  
Dr. Kathy Evans Brown  
Vice-President of Student Achievement  
and East District Board Member

  
Sharon M. Belton-Cottman  
Ferry District Board Member

  
Jennifer L. Mecozzi  
West District Board Member

  
Terrance L. Heard  
Board Member-at-Large

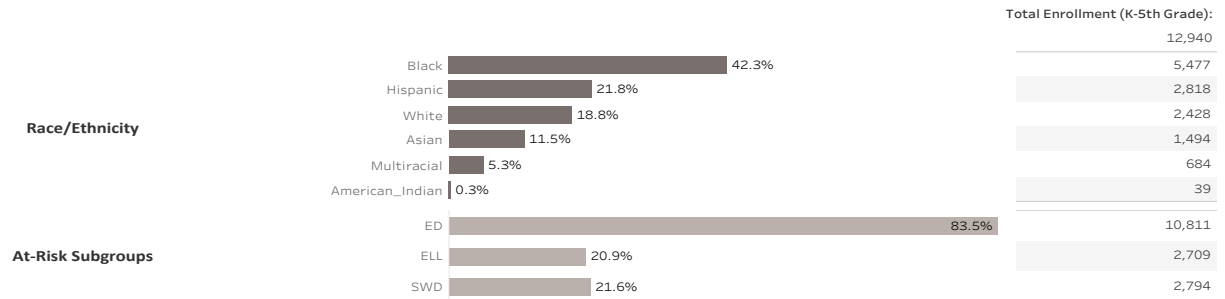
  
Lawrence L. Scott  
Board Member-at-Large

  
Paulette Woods  
Central District Board Member

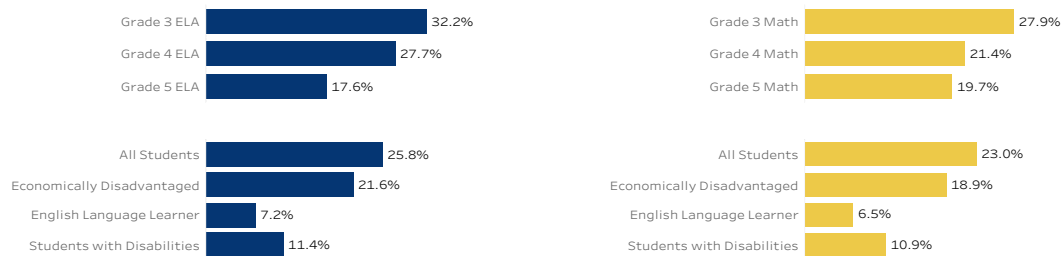
  
Hope R. Jay  
North District Board Member

# APPENDIX B: DISTRICT INFORMATION

**Buffalo City School District Elementary School Grades Demographics 2020-21**



**Buffalo City School District Elementary School Grades ELA and Math Proficiency 2018-19**



# APPENDIX C:

## FISCAL DASHBOARD

### BRICK Education Network

#### SCHOOL INFORMATION

##### BALANCE SHEET

##### Assets

##### Current Assets

Cash and Cash Equivalents - **GRAPH 1**  
 Grants and Contracts Receivable  
 Accounts Receivable  
 Prepaid Expenses  
 Contributions and Other Receivables

##### Total Current Assets - GRAPH 1

Property, Building and Equipment, net  
 Other Assets

##### Total Assets - GRAPH 1

##### Liabilities and Net Assets

##### Current Liabilities

Accounts Payable and Accrued Expenses  
 Accrued Payroll and Benefits  
 Deferred Revenue  
 Current Maturities of Long-Term Debt  
 Short Term Debt - Bonds, Notes Payable  
 Other

##### Total Current Liabilities - GRAPH 1

Deferred Rent/Lease Liability

All other L-T debt and notes payable, net current maturities

##### Total Liabilities - GRAPH 1

##### Net Assets

Without Donor Restrictions  
 With Donor Restrictions

##### Total Net Assets

##### Total Liabilities and Net Assets

##### ACTIVITIES

##### Operating Revenue

Management Fees  
 Services Rendered  
**Grants and Contracts**  
 Federal  
 Other  
 Sale of Investments  
 Subsidiaries  
 Rental Income  
 Other

##### Total Operating Revenue

##### Expenses

Regular Education  
 SPED  
 Occupancy  
**Total Program Services**  
 Management and General  
 Fundraising

##### Total Expenses - GRAPHS 2, 3 & 4

##### Surplus / (Deficit) From School Operations

##### Support and Other Revenue

Contributions  
 Fundraising  
 Miscellaneous Income  
 Net assets released from restriction

##### Total Support and Other Revenue

Total Unrestricted Revenue

Total Temporally Restricted Revenue

##### Total Revenue - GRAPHS 2 & 3

##### Change in Net Assets

##### Net Assets - Beginning of Year - GRAPH 2

Prior Year Adjustment(s)

##### Net Assets - End of Year - GRAPH 2

2016-17	2017-18	2018-19	2019-20	2020-21
		45,679	720,641	230,052
		2,249,802	436,870	1,414,850
		484,669	31,690	59,574
		2,780,150	1,189,201	1,704,476
		10,447	6,410	4,360
			667,036	4,896,343
		2,790,597	1,862,647	6,605,179

		217,937	263,422	341,885
				133,219
				3,060,000
		1,137,954	1,322,683	1,726,064
		1,355,891	1,586,105	5,261,168
			275,000	275,000
		1,355,891	1,861,105	5,536,168

		1,434,706	1,542	1,069,011
		1,434,706	1,542	1,069,011
		2,790,597	1,862,647	6,605,179

		3,407,674	4,076,661	5,053,450
				39,530

		848,619	1,921,907	2,106,929
			2,728,676	4,933,735
		500	6,236	
		4,256,793	8,733,480	12,133,644

		2,439,127	5,954,418	9,164,075
		2,439,127	5,954,418	9,164,075
		262,230	2,211,407	1,720,058
		69,739	108,488	201,624
		2,771,096	8,274,313	11,085,757
		1,485,697	459,167	1,047,887

		21,416	39,807	19,582
		(6,924)		
		14,492	39,807	19,582

		4,256,793	8,773,287	12,153,226
		4,256,793	8,773,287	12,153,226

		1,500,189	498,974	1,067,469
		(65,483)	(497,432)	1,542
		1,434,706	1,542	1,069,011

# APPENDIX C: FISCAL DASHBOARD

## BRICK Education Network

### SCHOOL INFORMATION - (Continued)

#### Financial Responsibility Composite Scores - GRAPH 6

Score  
Fiscally Strong 1.5 - 3.0 / Fiscally Adequate 1.0 - 1.4 /  
Fiscally Needs Monitoring < 1.0

2016-17	2017-18	2018-19	2019-20	2020-21
#N/A	#N/A	Fiscally Strong	Fiscally Needs Monitoring	Fiscally Strong

#### Working Capital - GRAPH 7

Net Working Capital  
As % of Unrestricted Revenue  
Working Capital (Current) Ratio Score  
Risk (Low  $\geq 3.0$  / Medium 1.4 - 2.9 / High < 1.4)  
Rating (Excellent  $\geq 3.0$  / Good 1.4 - 2.9 / Poor < 1.4)

0	0	1,424,259	(396,904)	(3,556,692)
0.0%	0.0%	33.5%	-4.5%	-29.3%
0.0	0.0	2.1	0.7	0.3
N/A	N/A	MEDIUM	HIGH	HIGH
N/A	N/A	Good	Poor	Poor

#### Quick (Acid Test) Ratio

Score  
Risk (Low  $\geq 2.5$  / Medium 1.0 - 2.4 / High < 1.0)  
Rating (Excellent  $\geq 2.5$  / Good 1.0 - 2.4 / Poor < 1.0)

0.0	0.0	1.7	0.7	0.3
N/A	N/A	MEDIUM	HIGH	HIGH
N/A	N/A	Good	Poor	Poor

#### Debt to Asset Ratio - GRAPH 7

Score  
Risk (Low < 0.50 / Medium 0.51 - .95 / High > 1.0)  
Rating (Excellent < 0.50 / Good 0.51 - .95 / Poor > 1.0)

0.0	0.0	0.5	1.0	0.8
N/A	N/A	MEDIUM	HIGH	MEDIUM
N/A	N/A	Good	Poor	Good

#### Months of Cash - GRAPH 8

Score  
Risk (Low > 3 mo. / Medium 1 - 3 mo. / High < 1 mo.)  
Rating (Excellent > 3 mo. / Good 1 - 3 mo. / Poor < 1 mo.)

0.0	0.0	0.2	1.0	0.2
N/A	N/A	HIGH	MEDIUM	HIGH
N/A	N/A	Poor	Good	Poor





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

[www.newyorkcharters.org](http://www.newyorkcharters.org)

H. Carl McCall SUNY Building  
353 Broadway  
Albany, New York 12246  
518-445-4250