

April 26, 2021

VIA ELECTRONIC MAIL

Yolanda Wood
[REDACTED]

Antwan Barlow
[REDACTED]

Re: Proposal to Establish BRICK Buffalo Academy Charter School – East Campus and BRICK Buffalo Academy Charter School – West Campus

Dear Ms. Wood and Mr. Barlow:

Thank you for the significant time and effort that you and your planning team devoted to the proposal to establish BRICK Buffalo Academy Charter School – East Campus (“BRICK Buffalo East”) and BRICK Buffalo Academy Charter School – West Campus (“BRICK Buffalo West”). The SUNY Charter Schools Institute (the “Institute”) recognizes that this is a challenging endeavor and commends you for the work that you and your team put into developing the proposal.

As you know, after an in-depth review by Institute staff and several external consultants, the Institute determined that the proposal was underdeveloped, preventing us from moving it forward in our review process. Further detail regarding the rationale for the Institute’s decision follows.

The Institute’s intent in providing this information is to communicate some, but not all, of its concerns generated during the review process. Ongoing experience approving, monitoring, and ultimately evaluating schools for charter renewal continues to inform our understanding of what it takes to open and run a successful charter school. This experience provides an increasingly critical lens through which we evaluate new proposals. While the school design and content of your proposal is ultimately up to you, it still must meet SUNY standards and demonstrate a strong likelihood of achieving a high level of student performance such that the school is likely to earn renewal at the expiration of the charter term.

The following list of concerns noted by the Institute staff and external reviewers is not exhaustive but captures examples of some of the most pertinent shortcomings identified during the review process. While the proposed school model presents several promising features, the proposal fell short of meeting the Institute’s rigorous standards for approval. Should you choose to submit a new application at a later time, you should not assume that modifying only the discrete elements referenced in this letter would remedy the proposal as a whole.

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Organizational Capacity

- BRICK Education Network (the “CMO” or the “network”) will lose a contract with an existing charter school in Newark at the end of the 2020-21 school year. Loss of this contract indicates a concerning lack of capacity with regard to strategic planning and managing stakeholder relationships, which will be critical to successfully open two schools in a new geography.
 - The end of the CMO's contract in Newark combined with the applicants’ challenges in submitting accurate and coherent budget and business plan materials and responsiveness to hearing requirements indicate the applicant group has yet to develop the attention to detail and strategic capacity needed to operate the proposed schools.
 - Loss of the contract necessitates that the CMO reduce staffing from 46 to 28, which includes moving regional staff from the proposed education corporation to the CMO level. The CMO's need to reduce staff by 60%, combined with the challenges in submitting a detailed, coherent, and accurate application prior to the loss of the Newark contract, raises additional concerns about capacity to effectively oversee the startup of two schools in a new geography.
 - The CMO has not fully outlined the impact of the lost contract on its modelling in the form of a new business plan and accompanying budgets, organizational charts, and programmatic planning. Should the applicant apply in a future round, detailed development of these items in light of the changes to the overall portfolio of schools will be critical. A completely aligned application package allows internal and external reviewers to analyze how the proposed schools will operate as well as the overall functions of the CMO.
- The application lacks strategic plans for anticipating and navigating likely obstacles, such as delays in district and/or state funding, transportation challenges, and/or the potential for low enrollment, thereby indicating a lack of understanding of the unique challenges of the chosen district.
- The proposal conveys a desire for two charters in Buffalo to reinforce the growth of any individual school due to the need to scale CMO supports; however, the application does not describe sufficient plans for a second school (BRICK Buffalo West). These plans include the identification and training of a school leader, evidence of community outreach and demand in the West Campus catchment area, and an action plan sufficient to convey to the Institute the school will open in a timely manner. The lack of detail provided in the request for a second charter raises concerns regarding strategic planning capacity.

Fiscal Soundness

- The business plan (BPA S08b - Listing of Philanthropic Support) includes \$29.5 million from a USDOE Promise Neighborhood grant; however, this revenue is not traceable to audited financial statements and is not present in the application narrative as evidence of historical support. The business plan does not clearly address what happened to this funding. Clarity on all revenue streams and consistency within the business plan is essential to ensure a coherent application package.
- Materials submitted with the business plan requests suggest that the CMO and an existing charter school in Newark, Achieve Community Charter School (“Achieve”), lend operational funds to one another as needed, as do the CMO and the South Ward Children’s Alliance. It is not clear from the materials submitted if the parties appropriately record funds transfers or whether the boards of

each organization are aware of or, when appropriate, approve the transfer of funds. The use of intercompany transfer accounts undermines the CMO's financial stability and calls into question its understanding of the financial relationship between CMOs and education corporations in New York State, which necessitates the complete separation of funds.

- The responses to the Request for Amendments ("RFAs") reference a merger between Achieve and an existing high school at the beginning of the 2023-24 school year; however, the responses do not sufficiently address the status of this merger or its impact on the CMO's future capacity. It is not clear if the CMO has the capacity to continue operations in both New Jersey and New York should the merger not succeed or should either location fail to meet projected enrollment.
- The proposed budgets for both BRICK Buffalo East and BRICK Buffalo West necessitate reaching chartered enrollment in order to maintain fiscal stability, which entails a considerable level of financial and organizational risk. It is not clear from the materials submitted if the CMO has the capacity to provide backstop support in the event the schools fail to meet projected enrollment.
 - The proposal's discussion of budgetary mitigation strategies in the event of low enrollment is weak and evidences a lack of sufficient planning for the possibility of enrollment challenges in Buffalo.
- As a general matter, the business plan submitted does not sufficiently detail the financial model of the network and the money flows associated with network operations, school startup, or when the network breaks even on the Buffalo schools.

Community Outreach and Support, and Demand for the School

- The application does not sufficiently address how the founding team incorporated feedback from community input into the proposed school design.
- It is not clear from the materials submitted whether the families who indicate interest in enrolling a child at the proposed schools have a child that is age-eligible.
- While the RFA responses include some reference to participation in focus groups by families from West Buffalo, the majority of the evidence of outreach comes from East Buffalo, calling into question the level of support and demand for the proposed school in West Buffalo.

School Model and Academic Program

- The application narrative lacks detail with regard to the implementation of the chosen curricula. While the proposed academic program references existing handbooks and guidance documents included with the supplementary materials provided, the narrative provided does not adequately address the specifics of implementation in a new state with standards and circumstances that differ from the existing districts of location in New Jersey.
- The discussion of the proposed schools' assessment program lacks detail.
 - The narrative references regular meetings among instructional staff members to discuss assessment data and plan instructional adjustments; however, the narrative does not specifically identify the frequency of these meetings or who on the instructional team will participate.

- The proposal lacks a sample assessment calendar of school-wide assessments in order to determine whether the frequency of assessment administration, data analysis, and instructional adjustments is sound.
- The proposal indicates that curriculum and instruction will be culturally responsive but includes minimal detail with regard how specifically the school intends to accomplish this.
- The course descriptions provided do not include the specific content or standards addressed in each course, indicating a lack of understanding of the academic expectations in New York State.
- While the BRICK model posts learning gains above the average performance of Newark, where the CMO's existing schools are located, that performance still leaves over half of students below proficiency. The application did not provide sufficient detail regarding the CMO's plans for improving overall performance of the academic program and the supports it will implement to spur greater improvement in the two proposed Buffalo schools.

The Institute recognizes and appreciates the effort that went into the development of the proposal to establish BRICK Buffalo East and BRICK Buffalo West and we hope that this information provides you with a better understanding of SUNY's requirements and expectations. If you have any questions regarding the review process, please do not hesitate to contact me at (518) 445-4250 or maureen.foley@suny.edu.

Sincerely,



Maureen Foley
Director for New Charters