

Date: July 26, 2017  
To: Ms. Hosanna Mahaley Jones  
Executive Director  
Illinois State Charter School Commission  
[state.charter.commission@illinois.gov](mailto:state.charter.commission@illinois.gov)  
Via: <https://filet.illinois.gov>  
From: Kerin Kelly, President  
Elgin Charter School Initiative  
RE: Appeal of District U-46 Denial of the Elgin Charter School Initiative Charter School Proposal

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## I. Illinois Charter School Law Supports the Approval of EMSA's Proposal

The Elgin Charter School Initiative ("ECSI"), an Illinois 501(c)(3) nonprofit organization, was formed in 2012 by local parents and community stakeholders to establish the Elgin Math and Science Charter School ("EMSA") in School District U-46, which serves almost 40,000 students and has no charter schools.<sup>1</sup> EMSA filed its Proposal for a charter school on January 31, 2017. On April 10, 2017, the U-46 School Board (the "Board") voted 6-1 to approve EMSA's Proposal. As a part of the Board's Resolution, the Board delegated authority to the U-46 administration to negotiate and execute a charter school contract by June 30, 2017. On June 21, 2017, the parties reached an agreement. Nonetheless, on June 26, 2017, the U-46 School Board voted 4-3 to adopt a Resolution that denied EMSA's Proposal for a charter school and rejected the agreement that the parties had reached.

The Illinois State Charter School Commission (the "Commission") may reverse a local school board's decision to deny a proposal when the Commission finds that the proposal (i) is in compliance with the Charter Schools Law and (ii) is in the best interests of the students the charter school is designed to serve. See 105 ILCS 5/27A-8(h); *Comprehensive Cmty. Solutions, Inc. v. Rockford Sch. Dist. No. 205*, 216 Ill. 2d 455, 471 (2005). To determine whether a proposal satisfies these standards, the Commission conducts a *de novo* review of the proposal and the school district's response. 23 Ill. Admin. Code § 650.110 (d)(1). See also *Bd. of Educ. v. Ill. State Bd. of Educ.*, 358 Ill. Dec. 285 (App. Ct. 1st Dist. 2011). Because EMSA's Proposal satisfies both of these statutory tests, we respectfully request that the Illinois State Charter School Commission reverse the Board's decision to deny EMSA's Proposal.

## II. EMSA's Proposal Aligns with the Purpose of the Charter Schools Law

The Illinois General Assembly authorized the creation of charter schools to "promote new options within the public school system" and "provide pupils, educators, community members, and parents with the stimulus to strive for educational excellence." 105 ILCS 5/27A-2(a)(3). The Charter Schools Law was enacted:

- "To increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for at-risk pupils...." (105 ILCS 5/27A-2(b)(2))

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<sup>1</sup> In 2014, ECSI submitted a proposal for a charter school (EMSA), which was denied by the U-46 School Board and which denial was affirmed by the Illinois State Charter School Commission.

- “To encourage the use of teaching methods that may be different in some respects than others regularly used in the public school system. (105 ILCS 5/27A-2(b)(3))
- “To allow the development of new, different, or alternative forms of measuring pupil learning and achievement.” 105 ILCS 5/27A-2(b)(4)
- “To create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.” 105 ILCS 5/27A-2(b)(5)
- “To provide parents and pupils with expanded choices within the public school system.” 105 ILCS 5/27A-2(b)(6)
- “To encourage parental and community involvement with public schools. 105 ILCS 5/27A-2(b)(7).

In authorizing charter schools, the General Assembly sought “to create a legitimate avenue for parents, teachers, and community members to take responsible risks and create new, innovative, and more flexible ways of educating children within the public school system” 105 ILCS 5/27A-2(c).

EMSA meets the criteria identified by the General Assembly in 105 ILCS 5/27A-2(a), 2(b) and 2(c) and typifies the type of school that the General Assembly encourages:

- EMSA’s Design Team and Board includes two veteran elementary educators, a professor of education at NIU, a professor of marketing and design at Judson University, nonprofit leaders, financial experts, lawyers, an architect, a contractor, retired principals, and parents, all who “strive for educational excellence.”
- EMSA’s goal is to offer a high-quality educational opportunity and to enroll 60% of its student body from at-risk backgrounds. EMSA’s outreach has been tightly focused on reaching at-risk students.
- EMSA’s innovative teaching methods, using student-led, hands-on, Expeditionary Learning (EL) techniques are different than those “regularly used in the public school system.”
- EMSA will foster the development of new, different, or alternative forms of measuring pupil learning and achievement: EMSA will measure and track student progress based on EL Education’s *three dimensions of student achievement*: 1) mastery of knowledge and skills, 2) character, and 3) high-quality work.
- Teachers at EMSA’s Expeditionary Learning school will have significant, active roles in curriculum design and implementation; they also will have new opportunities for leadership roles such as coaching and dean positions, and team leaders for grade levels or subjects.
- EMSA will offer parents a high-quality public school option in the second largest school district in Illinois. U-46 has no charter schools.
- EMSA’s model deeply involves parents and the community, as discussed further in this memo. Every class expedition includes significant community input, and ends with a product to benefit the community.

### III. EMSA’ Proposal Should Be Given Preference By The Commission

The Charter Schools Law also requires that the Commission should give preference to a proposal that: 1) demonstrates a high level of community support, 2) sets rigorous student achievement standards and demonstrates feasible plans by which to attain such results, and 3) is designed to enroll a substantial proportion of at-risk students. 105 ILCS 5/27A-8(a)(1-3).

**1. EMSA has demonstrated a high level of community support for its proposed charter school.**

EMSA has built on its broad community support from its last proposal for a charter school. Since December 2016, 199 families have registered their interest in applying to EMSA, and 302 individuals have signed statements of support. Between EMSA has more than 800 engaged email subscribers. On Facebook, EMSA has over 860 followers. EMSA has had thousands of website visits. In the fall, EMSA invited the community to two information sessions, both held at The Haight in downtown Elgin. More than 100 attendees shared their hopes for a new educational opportunity in U-46.

The City of Elgin supports EMSA's efforts, and has demonstrated this with a long-term lease agreement for the Fox River Country Day School property (which is scheduled to be approved by the City Council on July 26, 2017) and a willingness to lease EMSA a second property (Rakow Building), on similarly favorable terms as a back-up site for the school. Two city council members spoke in favor of EMSA at U-46 Board meetings and others publicly indicated their strong support for EMSA in their initial approval of the lease arrangement. State Representative Anna Moeller has been supportive of EMSA since its inception when she was a member of the design team. The Boys and Girls Club of Elgin has worked with EMSA and supported EMSA's recruitment efforts at its facility. EMSA has met with officials at the Housing Authority of Elgin which will allow us to participate in HAE events. EMSA hosted a community leaders meeting in August of 2016; more than 75 attendees toured the campus and then strategized how EMSA could create a community learning space at our campus. EMSA concluded that the community would be very supportive of a community farm/edible garden, conservation programs and/or sustainability studies. EMSA intends to open our campus to the community, pursuing one or more of the identified themes, which align strongly with our EL Education approach and STEM focus. This will expand EMSA's hands-on learning opportunities to students and community members from the broader area.

At the official public hearing for the EMSA Proposal, during the March 13 U-46 School Board meeting, 24 community members spoke in favor of EMSA and seven community members spoke in opposition. At the April 10 and June 26 public meetings, 21 individuals spoke in favor of EMSA. Many speakers in favor of EMSA were parents of young children, including Black and Latino parents. At the March 13 public hearing, several parents who intended to speak had to leave before they were able to do so due to the late hour. Testimony written by three such parents is attached in the "Documents Exchanged Between EMSA and U46" folder. Parent quotes in support of EMSA include the following:

- "We the parents deserve options because sometimes we cannot afford to send our kids to a Montessori school or to a fancy private academy and having a charter school in the U-46 would be a dream come true to some of us parents who see the benefits of having a charter school education." --Corina Garcia
- "Allow me as a parent to choose what is best for my family." --Denise Momadu
- "Opening the doors of this charter school is a great opportunity for parents that are looking for better and great education for their children.... One of the great advantages of the charter school is that they're looking at the individual needs of each student and the different learning styles of the students." -- Wendy Sandoval (translated from Spanish)

2. EMSA has set rigorous student achievement standards and demonstrates feasible plans by which to attain such results.

EMSA will focus specifically on narrowing racial and income achievement gaps; this is reflected in our student achievement standards and goals as set forth in our Proposal at pp 86-88. EMSA's academic program will implement rigorous student achievement standards that will lead our students to outperform district peer group results.<sup>2</sup> The results of EL Education programs with at-risk populations have been found to be "statistically significant [and] meaningful, and appear to be greater than the effects of other interventions that have been designed to serve similar purposes and student and school populations."<sup>3</sup> EL Education schools "are making significant, substantial and sustained progress toward closing city-wide achievement gaps for populations of chronically underachieving students."<sup>4</sup> Another independent study concluded that the magnitude of the "positive impact estimates" suggests that the EL Education schools studied are "substantially increasing student achievement."<sup>5</sup> EL Education partners with more than 150 schools and 4,000 teachers, serves over 50,000 students in 30 states, and mentors thousands of other teachers through professional services work. EL Education is considered one of the nation's most innovative and successful approaches to education<sup>6</sup>.

EMSA's Proposal details the extensive assessments (Proposal pp 38-43) that will be implemented to measure student achievement. EMSA will conduct universal screenings of all entering students every year using Aimsweb and MODEL for its English Learners. These will support EMSA's Multi-Tiered System of Support including Response to Intervention (RTI) and tiered instruction. EMSA will administer MAP testing three times per year to allow staff to closely monitor growth and mastery of knowledge in ELA and math. This will also provide opportunities to adapt teaching methods as necessary to address identified needs. EMSA will annually administer ACCESS tests to our English Learners to measure and track growth in the English language. EMSA students will also participate in PARCC and science testing as required by the State.

Students' mastery of knowledge in math will be routinely assessed as provided in the common core-based Eureka Math program. Every module has daily "exit ticket" assessments, mid-module assessments, and end-of-module assessments. Teacher training is available online and at seminars offered throughout the year. For ELA, EMSA will be implementing EL Education's Comprehensive Literacy Curriculum. This curriculum is aligned with the Common Core and includes multitudes of assessments that are appropriate for the age and content. EMSA staff will undergo extensive training in the EL Education program and design. With EMSA's math and ELA programs, teachers will be able to assess students' level of mastery

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<sup>2</sup> "Students in EL Education Schools Outperform Their Peers" graph. The graph illustrates a 12-percentage point increase for low-income EL Education students reaching proficiency in ELA compared to their demographic peers, and a 7-percentage point increase in math. [EL Education By The Numbers](#) See also EL Education Overview, Attachment 1.

<sup>3</sup> "Comprehensive School Reform and Student Achievement: a Meta-Analysis, 2002" Conducted by The Center for Research on the Education of Students Placed At Risk (CRESPAR). CRESPAR is a national research and development center supported by a grant (No. R-117-D40005) from the Office of Educational Research and Improvement (OERI), U.S. Department of Education.

<sup>4</sup> UMass Donahue Institute, "Expeditionary Learning Analysis of Impact on Achievement Gaps" (2011). This independent study found that EL Education schools closed achievement gaps in ELA for African American, Hispanic, low-income students, and English language learners in the cities of New York and Rochester.

<sup>5</sup> [Mathematica Policy Research](#), "Impacts of Five Expeditionary Learning Middle Schools on Academic Achievement," July 8, 2013.

<sup>6</sup> "Expeditionary Learning Receives \$12M Investing in Innovation Grant" (Attachment 2 to EMSA Proposal).

with regard to the specific standard identified in the Common Core Curriculum. Scores will be included in the portfolios that every student maintains through their time at EMSA. EMSA students will be very familiar with their areas of strength and growth. They will monitor these and report on their progress at each of their student-led conferences which will be attended by their parents and teachers. In grades 6 and 8, these conferences become “passages” and students will present their progress to an audience that includes community members and experts.

The above-described assessments are only the first dimension of achievement that EMSA will measure and track: mastery of knowledge. The other two dimensions are character and high-quality work. EMSA will implement a system to actively teach, assess and report on students’ character, which we call “habits of scholarship.” EMSA’s assessment will be based upon EL Education’s “Essential Qualities of Character” rubric which includes measurements of perseverance, collaboration, effort, and responsibility. These assessable qualities of character positively impact students’ academic achievement (Farrington, *et al*, 2012; US DOE, 2013). High-quality work is a hallmark of EL Education. EMSA students will be expected to create final products that are of a very high quality and appropriate for presentation to the community outside of the the school (for example, a water quality report produced for a city council). Students’ work will go through many iterations and drafts. Through this process, students learn that high-quality work takes time and perseverance. They will also learn that they can create beautiful, meaningful products of which they can be proud.

### 3. EMSA is designed to enroll a substantial proportion of at-risk students.

EMSA will attract and retain its target at-risk population through recruitment and outreach, staffing and staff training, and curriculum. EMSA has developed an outreach plan that focuses its resources with the goal of enrolling a majority of students from at-risk backgrounds and has developed relationships with local agencies that serve this population, including the Boys and Girls Club, the Housing Authority of Elgin, and the YWCA. From these outreach efforts, hundreds of families have pre-registered their desire that their children attend EMSA. Additionally, EMSA’s staffing plan is designed specifically to meet the needs of its at risk students.

#### Staffing and Staff Training

In its first year of operation, EMSA will have a student population of 208 K-3 students (26 students per class, two classes per grade). EMSA’s staff will include:

- One full time social worker;
- One full time nurse;
- One full time special education teacher;
- One full time special education director (added as LEA);
- One full time bilingual education coordinator;
- .5 FTE speech therapist;
- .5 FTE additional related service providers, as needed (i.e., psychologist, occupational therapist);
- .5 FTE teaching coach;
- One full time dean of culture;
- Full time paraprofessionals or teaching assistants in every classroom;
- Bilingual certified or ESL certified teachers in every classroom.

EMSA's staff will make calls and home visits to facilitate and encourage enrollment and attendance. EMSA will strive to hire its teachers and staff to reflect the diversity of its student body. EMSA will make every effort to require that at least one teacher per grade (two classes per grade) be bilingual certified and that the other teacher be at least ESL certified. EMSA will strive to have at least one teacher's assistant per grade level who is fluent in Spanish. This will guarantee at least one Spanish-speaking adult in every classroom.

EMSA teachers will be highly trained in EL Education practices as well as ESL strategies, special education supports, behavior modification strategies (MTSS, e.g.) and learning about diversity. Staff will work with parents and support personnel to ensure that all students feel welcomed and nurtured and ready to learn. This includes providing specialized services in accordance with student IEPs and 504 plans with a goal of inclusion. English Language Learners will receive instruction from a bilingual certified teacher in their native language in the Transitional Bilingual Education classroom, as well as English as a Second Language instruction.

### Recruitment

EMSA's strategies for student recruitment will include: 1) Utilizing EMSA's Design Team and Founding Board's ties in the community to reach at-risk groups of potential students. 2) Personally presenting information about EMSA at preschools, Head Start, religious institutions, sports events, and other community organizations. 3) Posting information at community businesses, including Spanish-speaking businesses (e.g., beauty shops, day care centers, candy stores, health clinics, laundromats, and restaurants). 4) Participating in community fairs and events to market our school. 5) Maintaining a user-friendly website with information in both English and Spanish. 6) Working with groups such as the YWCA, YMCA, Boys and Girls Club of Elgin, the Housing Authority of Elgin, Centro de Informacion, Elgin Hispanic Network, EPEL, Salvation Army, Elgin Recreation Center, and the Greater Elgin Family Center to inform potential parents and students about our school and the enrollment process, lottery, and deadlines. 7) Purchasing ads in Spanish-language newspapers. 8) If finances permit, purchasing ads on cable TV and radio stations that have a high minority viewership and listening audience. The EMSA team has four members--two board members and two design team members--who speak Spanish fluently and who are committed to engaging and enrolling students from the Latino community.

### Curriculum

EMSA's EL Education program of hands-on, active, and relevant learning will help keep students and families coming to school. As described above, our chosen curricula are proven to be effective with low-income and minority populations. Studies have shown that English language learners and low-income students benefit from the type of integrated curriculum, active pedagogy, and college bound culture supported by EL Education and embodied by EMSA. The Wow and Wonder that EMSA will bring to education will help it retain families from all backgrounds.

Another way our program will retain and serve at-risk students is through a focus on academic mindsets. For example, "I belong in this academic setting," will be nurtured from the first day of school and everyday at EMSA with EL Education's unique use of the concept of Crew. Every morning, students meet for about 30 minutes with their Crew (this will be the same Crew and teacher for their tenure at EMSA) to check in

(how are we feeling, what's new and important right now) and to work on social and emotional skills. Crew is an important place for learning the habits of scholarship; students practice them (showing respect or courage, e.g.) and are recognized for displaying good examples of the habits. Crew helps build a strong sense of belonging and accountability for students and it will be foundational to EMSA's program. EMSA's Dean of Culture and full-time social worker will support and supplement instructional staff in addressing the needs of at-risk students and families.

#### **IV. EMSA's Proposal meets the requirements outlined in Section 27A-7 of the Charter Schools Law.**

**EMSA's Proposal meets the relevant requirements for a proposal outlined in section 5/27A-7 of that law; therefore, it is a legally compliant proposal. See *Board of Educ. of Community Consol. School Dist. No. 59 v. Illinois State Board of Education*, 317 Ill. App. 3d 790 (2000). EMSA's extensive charter school Proposal, combined with its comprehensive answers to subsequent school board members' questions, dozens of iterations of budget scenarios, and draft outreach plan designed to enroll a majority of students from at-risk backgrounds demonstrate our compliance with the Charter Schools Law. Further discussion of the specific requirements are discussed in detail below in Section VII.**

#### **V. Approving EMSA's Proposal for a charter school will be in the best interests of the students the charter school is designed to serve.**

**EMSA's innovative Expeditionary Learning program has proven success at closing achievement gaps for students from at-risk backgrounds. EMSA's cross-curricular, language-rich approach has demonstrated improved outcomes with English learners. With its Expeditionary Learning approach, students of all abilities will be challenged to reach their highest potential through strategic groupings, differentiated instruction, student self-assessment and strategizing, and undertaking deeply engaging Learning Expeditions. Current offerings by U-46 are not meeting the needs of our target student population: English Learners, Hispanic, black, and low-income students.**

**District U-46 suffers from persistent academic achievement gaps by race and income level, as evidenced by standardized test data disaggregated by income and race on the Illinois Report Card (from ISAT and PARCC). As illustrated below the achievement gaps among U-46 students, as measured by PARCC, are significantly greater than the gaps at the state level. See charts on p. 6 of EMSA Proposal.**

**The percentage of students "Ready for the Next Level" (meeting or exceeding expectations on PARCC) decreased in the district overall and among low-income, black and Hispanic students from 2015 to 2016: from 21% to 17% of low-income students; from 14% to 11% of black students; and from 20% to 18% of Hispanic students. Elgin-area schools serve the majority of minority students in the District, with most Elgin elementary schools serving over 80% minority students. In addition, three quarters of Elgin's elementary schools have student populations that are at least 80% low-income. At the same time, twelve of the fifteen lowest performing U-46 elementary schools (out of forty) are in Elgin and all but three Elgin elementary schools perform well below the district average of 29%. See "SD U-46 Elementary Schools At-A-Glance" on the next page.**

**As shown in the charts of middle and high school performance on pages 8 and 9, students in Elgin schools continue to perform far below the district average in middle school and high school.**

SD U-46 Elementary Schools At-A-Glance  
According to Illinois Report Card 2015-2016

Academic Progress\*

■ District ■ State



\* <https://illinoisreportcard.com/District.aspx?source=trends&Districtid=31045046022>

■ Below District % on PARCC  
■ At or Above District % on PARCC  
X Bottom 15 Schools with Lowest %

School Community	School Name	Students Enrolled	Low Inc	ELL	Met or Exceeded PARCC Expectations
<b>SD U-46</b>					
Bartlett	Bartlett	640	28%	17%	46.5%
	Centennial	433	16%	12%	52.9%
	Hawk Hollow	429	25%	15%	43.2%
	Liberty	529	29%	26%	52.6%
	Nature Ridge	600	27%	24%	40.5%
	Prairieview	361	9%	13%	61.8%
	Sycamore Trails	432	17%	18%	51.5%
Carol Stream	Spring Trail	400	31%	16%	45.4%
<b>Elgin</b>					
	X Coleman	611	80%	56%	20.8%
	X Creekside	611	64%	33%	23.9%
	X Channing Memorial	701	88%	66%	9.6%
	X Century Oaks	636	75%	46%	14.2%
	X Garfield	427	93%	71%	13%
	X Lowrie	412	86%	57%	16.1%
	X Harriet Gifford	585	82%	51%	13.3%
	X Highland	533	83%	50%	19.8%
	X Hillcrest	683	82%	57%	14.5%
	X Hilltop	766	41%	29%	40.1%
	X Huff	629	88%	66%	14%
	X Lords Park	747	85%	67%	17.9%
	X McKinley	422	84%	60%	14.7%
	X Otter Creek	535	46%	31%	32.5%
	X R. D. O'Neal	537	88%	64%	29.8%
	X Washington	450	83%	53%	17.2%
<b>Hanover Park</b>					
	X Horizon	591	39%	26%	52.4%
	X Laurel Hill	543	80%	67%	21.8%
	X Ontarioville	664	87%	81%	20.7%
	X Parkwood	449	88%	67%	14.3%
<b>Hoffman Estates</b>					
	X Lincoln	698	66%	44%	29.8%
	X Timber Trails	554	48%	38%	45.5%
<b>South Elgin</b>					
	X Fox Meadow	786	26%	16%	40.9%
	X Willard	412	55%	23%	25.8%
<b>Streamwood</b>					
	X Glenbrook	569	52%	35%	43.7%
	X Hanover Countryside	477	43%	33%	41.9%
	X Heritage	525	73%	53%	22.3%
	X Oakhill	517	75%	48%	19.4%
	X Ridge Circle	499	57%	38%	29.2%
	X Sunnydale	345	69%	53%	30.4%
<b>Wayne</b>					
	X Wayne	395	11%	7%	61.5%

SD U-46 Middle School Performance  
According to Illinois Report Card 2015-2016

Academic Progress\*

■ District ■ State



\* <https://illinoisreportcard.com/District.aspx?source=trends&Districtid=31045046022>

School Name	Students Enrolled	Low Inc	ELL	Met or Exceeded PARCC Expectations	Driving Distance to EMSA
<b>Middle Schools</b>					
X Abbott	539	82.6%	12.6%	14%	7.6 mi Elgin
X Ellis	632	87.7%	27.4%	16%	5.1 mi Elgin
X Kimball	579	76.3%	23.7%	20%	7.6 mi Elgin
X Canton	654	59%	23.5%	22%	10.5 mi Streamwood
X Larson	693	72.6%	19.3%	23%	4.1 mi Elgin
X Tefft	780	73%	14%	34%	11.3 mi Streamwood
Kenyon Woods	1,020	32.2%	4.5%	43%	7.4 mi South Elgin
Eastview	850	21.5%	2.5%	55%	11.3 mi Bartlett

■ Below District % on PARCC  
■ At or Above District % on PARCC  
X Low Income % Above District %

Schools listed in order of percentage that met or exceeded PARCC expectations.



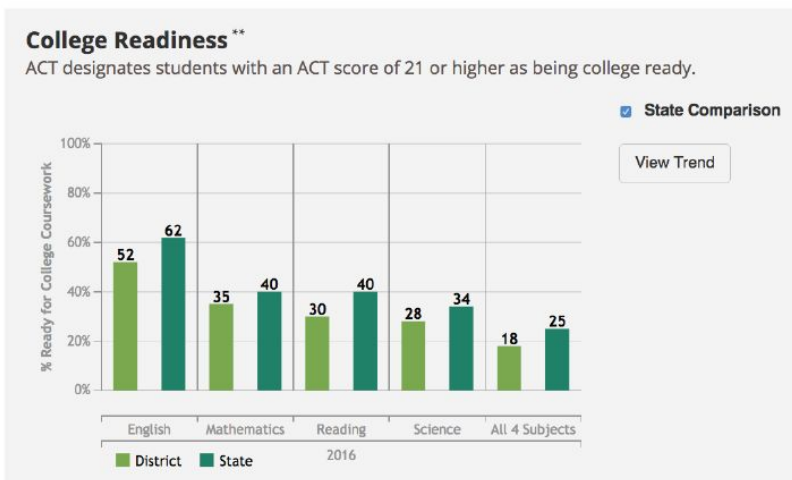
SD U-46 **High School Performance**  
According to Illinois Report Card 2015-2016



\* <https://illinoisreportcard.com/District.aspx?source=trends&Districtid=31045046022>  
 \*\* <https://illinoisreportcard.com/district.aspx?districtid=31045046022&source=trends&source2=readyforcollegecoursework>

█ Below District %  
█ At or Above District %  
 X Low Income % Above District %  
*Schools listed in order of ACT College Readiness.*

School Name	Students Enrolled	Low Inc	ELL	College Readiness	Driving Distance to EMSA
<b>High Schools</b>					
● X Elgin	2,671	73%	17%	22%	6.4 mi Elgin
● X Larkin	2,146	73%	16%	25%	8.2 mi Elgin
● X Streamwood	2,172	61%	13%	32%	9.2 mi Streamwood
● South Elgin	2,925	32%	4%	49%	8.1 mi South Elgin
● Bartlett	2,458	35%	4%	56%	15.8 mi Bartlett



EMSA’s proposed campus is well-situated to address the educational needs in Elgin. It is within three miles of four schools which are among the lowest performing schools in the district: Coleman (0.6 miles), McKinley (1.7 miles), Lords Park (2.4 miles) and Channing Memorial (2.7 miles). Among the 10 elementary schools closest to EMSA (0.6-4.3 miles), all are performing significantly below the district average, with performance ranging from 9.6% to 20.8% meeting or exceeding expectations. Two additional Elgin schools within 5 miles of EMSA’s proposed facility are performing at 14.2% and 14.5% meeting or exceeding expectations. See “SD U-46 Elementary School Performance, Low Income & Proximity Study” on page 10.<sup>7</sup>

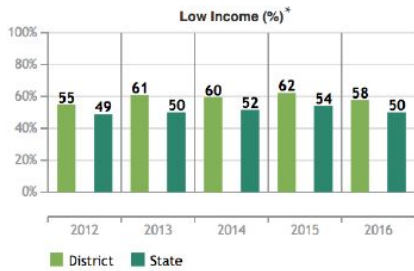
Additionally, five of U-46’s ten most overcrowded schools (out of forty) are in Elgin. EMSA may relieve the burden of overcrowding in some of these schools, helping to improve the learning environment for students and potentially saving the District the expense of mobile classrooms and busing to less crowded schools (U-46 is developing boundary changes to spread out students from overcrowded schools).

The data presented in this section demonstrate the need for an innovative, but proven approach, such as EMSA is offering. As discussed earlier, our Expeditionary Learning model has proven ability to close achievement gaps. By meeting the academic needs of our at-risk students with our proven model, EMSA will serve the best interests of the at-risk students we intend to enroll.

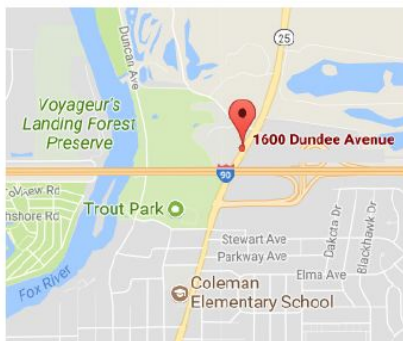
<sup>7</sup> Please see also “SD U-46 Elgin Elementary School Performance, Low Income, Hispanic Student Population & Proximity Study” in Attachment 10H, which also includes the images in this section.

For these and the reasons discussed below in Section VII, we believe EMSA will serve the best interests of the students that the charter school is designed to serve.

SD U-46 Elementary School Performance, Low Income & Proximity Study  
 Ranking According to Illinois Report Card 2015-2016



\* <https://illinoisreportcard.com/district.aspx?source=studentcharacteristics&source2=lowincome&Districtid=31045046022>



- 10 Closest to EMSA
- 10 Farthest from EMSA
- Low Income % Above District %

*Schools listed in order of percentage that met or exceeded PARCC expectations.*

School Name	Students Enrolled	Low Inc	ELL	Met or Exceeded PARCC Expectations	Driving Distance to EMSA
<b>Lowest Performing</b>					
O Channing Memorial	701	88%	66%	9.6%	2.7 mi Elgin
O Garfield	427	93%	71%	13%	3.3 mi Elgin
O Harriet Gifford	585	82%	51%	13.3%	4.3 mi Elgin
O Huff	750	88%	66%	14%	3.6 mi Elgin
O Century Oaks	636	75%	46%	14.2%	4.8 mi Elgin
O Parkwood	449	88%	67%	14.3%	17.0 mi Hanover Park
O Hillcrest	683	82%	57%	14.5%	4.9 mi Elgin
O McKinley	422	84%	60%	14.7%	1.7 mi Elgin
O Lowrie	412	86%	57%	16.1%	3.8 mi Elgin
O Washington	450	83%	53%	17.2%	3.4 mi Elgin
O Lords Park	747	85%	67%	17.9%	2.4 mi Elgin
O Oakhill	517	75%	48%	19.4%	10.0 mi Streamwood
O Highland	533	83%	50%	19.8%	3.7 mi Elgin
O Ontarioville	664	87%	81%	20.7%	12.8 mi Hanover Park
O Coleman	611	80%	56%	20.8%	.6 mi Elgin
<b>Highest Performing</b>					
Prairieview	361	9%	13%	61.8%	15.5 mi Bartlett
Wayne	395	11%	7%	61.5%	12.3 mi Wayne
Centennial	433	16%	12%	52.9%	14.6 mi Bartlett
Liberty	529	29%	26%	52.6%	11.8 mi Bartlett
Horizon	591	39%	26%	52.4%	14.7 mi Bartlett
Sycamore Trails	432	17%	18%	51.5%	13.8 mi Bartlett
Bartlett	640	28%	17%	46.5%	11.8 mi Bartlett
Timber Trails	554	48%	38%	45.5%	6.1 mi Hoffman Estates
Spring Trail	400	31%	16%	45.4%	16.8 mi Carol Stream
Glenbrook	569	52%	35%	43.7%	9.5 mi Streamwood
Hawk Hollow	429	25%	15%	43.2%	16.3 mi Bartlett
Hanover Countryside	477	43%	33%	41.9%	9.0 mi Streamwood
Fox Meadow	786	26%	16%	40.9%	10.6 mi South Elgin
Nature Ridge	600	27%	24%	40.5%	9.0 mi Bartlett
Hilltop	766	41%	29%	40.1%	7.1 mi Elgin

VI. The U-46 Board Approved EMSA’s Proposal but Refused to Endorse the Charter School Agreement

On April 10, 2017, the U-46 Board of Education rejected the Administration’s recommendation to deny and voted 6-1 to approve EMSA’s Charter School Proposal.<sup>8</sup> The resulting Resolution stated that the Board was “GRANTING APPROVAL TO THE CHARTER SCHOOL PROPOSAL BASED UPON A MUTUALLY AGREED UPON CONTRACT” (emphasis in original Resolution). The Board resolved that the District--through its Chief Executive Officer (“CEO”) or designee and its Chief Legal Officer (“CLO”)--had until June 30 (more than 75 days later) to negotiate and reach an agreement with EMSA. A school board is allowed to delegate its duties, including “negotiating and executing sound charter contracts,” to “officers, employees, and contractors” pursuant to the Charter Schools Law. 105 ILCS 5/27A-7.10(a)(4) and (b). EMSA entered and engaged in negotiations in good faith and hired legal counsel. The negotiations were time- and

<sup>8</sup> However, the District failed to file the required notification, in contravention of section 27A-8(f) of the Charter Schools Law, which states: “Within 7 days of the public meeting required under subsection (e) of this Section, the local school board shall file a report with the State Board granting or denying the proposal.” 105 ILCS 27A-8(f).

resource-consuming, as both parties focused on the six issues set forth in the Resolution, plus others brought forth by the District throughout the process. Although the Board had delegated the negotiations to the CEO and CLO, the Board required all provisions to be reviewed at length--and approved--by the School Board members. During the course of negotiations, in addition to discussions at two regular Board meetings, the Board called three special meetings (each of which lasted many hours) to discuss each of the provisions being negotiated. Although some questions were directed to the EMSA team during these meetings, typically EMSA was not provided a platform to participate in a meaningful manner. Rather, the Board's legal counsel read aloud the contract provision, questions and discussion ensued among Board members, and then the Board voted on whether to accept and/or how to phrase the provision. The chart below details the negotiations process.

<u>Date (2017) and Task</u>	<u>Summary</u>
4/10 School Board Public Meeting	Board Vote 6-1 Resolution Approving Charter School Proposal
4/17 Meeting with Administration	U-46: Tony Sanders, Miguel Rodriguez, EMSA: Kerry Kelly, Adam Gray
4/28 EMSA submits updated contract offer	EMSA offers to hire 3 special ed personnel, requests U-46 provides and pays for related services and additional expenses
5/19 EMSA Notified of special Board meeting	U-46 has not responded to contract offer
5/20 U-46 posts online its draft proposed contract	U-46 does not provide proposed contract to EMSA; Proposed contract increased nurse to FTE, U-46 still responsible for special ed, required litigation reserve fund
5/22 Special Board Mtg for EMSA issues	
5/30 Meeting with Administration	U-46: Miguel Rodriguez, Luis Rodriguez, Dale Burnidge, Brian Lindholm, Dr. Satterwhite. EMSA: Kerry Kelly, Adam Gray U-46 provided updated Proposal which Reduced PCTC to 91%, required 3 staff positions and litigation expense fund
6/2 EMSA Submits Memo re changes to proposal	EMSA proposes PCTC 100% and commit 8.5% plus categoricals to special needs expenses and set up reserve fund for extraordinary special needs and litigation issues
6/5 Regular Board Meeting	Luis Rodriguez updates Board on progress, answers Board questions; EMSA present to answer questions
6/9 District tendered updated proposal	U-46 proposes EMSA responsible for all special ed expenses and operate as own LEA, plus set up a litigation expense fund
6/13 EMSA submits Memo re requested changes	EMSA requests that U-46 share in special ed expenses
6/13 Special Board Mtg Called for EMSA issues	
6/14 Meeting with U-46	U-46: Miguel Rodriguez, Brian Lindholm, Dale Burnidge, Dr. Satterwhite; EMSA: Kerry Kelly, atty Eric Grodsky by phone
6/14 EMSA submits Draft Outreach plan	Requested by U-46

6/17 EMSA Submits updated budget	Includes budget scenarios per Board member Kerr request
6/18 EMSA submits answers to Board member Ellis' questions and Memo re changes to contract	
6/19 Regular Board Meeting	Miguel Rodriguez updates Board; EMSA available for questions
6/21 Telephone conference with Administration team	U-46: Luis Rodriguez, Brian Lindholm, Dr. Satterwhite; EMSA: Eric Grodsky, Kerry Kelly; Parties finalize contract
6/22 Final agreement in writing reviewed by teams	Agreement posted online to U-46 Board Docs; 92% PCTC, U-46 covers special ed services and expenses; EMSA hires three special ed staff
6/25 (?) CEO Sanders submits memo to Board	Sanders urges Board to deny EMSA's Proposal
6/26 Special Board Meeting	Board votes 4:3 to deny contract and EMSA Proposal

Finally, on June 21, 2017, EMSA and the Administration reached an agreement for a charter school contract, as documented in an email exchange between EMSA attorney Grodsky and the U-46 attorneys dated June 22-23 (Attachment to "Documents Exchanged Between EMSA and U46"). This agreement was presented to the Board for its June 26, 2017, special board meeting. Given that there was nothing further to negotiate, and since the only contingency in the April 10, 2017, Resolution was a contract to be negotiated between EMSA and the administrators, the Board should have simply accepted the mutually agreed upon contract that was submitted to it. However, prior to the meeting, the CEO issued a memorandum to the Board urging members to deny EMSA's Proposal. At the meeting, the Board engaged in a discussion which re-evaluated the ideas and concepts already approved in the Proposal. After the Board voted against a Resolution which would have approved the Proposal and Contract, the CEO read into the record a new Resolution which detailed the Board's reasons for denial. The first sentence of the "Rationale for Denial" in the Board's Resolution states: "The Contract and Proposal do not conform to the standards and requirements of the Charter Schools Law for granting a charter school proposal." The Board then voted to deny EMSA's Proposal and the agreed-upon contract.

Re-evaluating the Proposal was inconsistent with the Charter Schools Law. Plainly, an authorizer is obligated to either grant or deny a charter school proposal within 30 days of the public meeting. 105 ILCS 5/27A-8(e). Here, the Board granted the Proposal on April 10, 2017, and simply reversed its decision two months later, citing three primary reasons why EMSA's Proposal was allegedly weak or inadequate. The Resolution fails to state that parties satisfied the only condition of the April 10, 2017, Resolution when they negotiated a mutually agreed-upon contract.

In its "Rationale for Denial," the Board states that the contract that it negotiated for 75 days does not conform to the law. This begs the question of why the Board's lawyers would negotiate and present to the Board a contract that they did not believe conformed to the Charter Schools Law. In fact, there is no support for this conclusion. The remainder of the Resolution attacks alleged weaknesses in EMSA's Proposal, not the contract itself. The Board claims that the contract does not meet the requirements of the Charter Schools Law only because it could no longer make the same finding regarding EMSA's Proposal; as of June 26, 2017, the timeline for such a finding had already lapsed. After Board voted to deny EMSA's

proposal, School Board member Veronica Noland noted, “This is disingenuous and I strongly object to how this has been manipulated.”

Although the Charter Schools Law permits contract negotiations between an authorizer and an applicant, a school board cannot unilaterally extend the statutory “grant or deny” timeframe by its own resolution and then engage in a re-evaluation of the proposal. There is no basis in the Charter Schools Law for such an action. The re-vote on EMSA’s Proposal was not permissible under the Charter Schools Law because it followed a re-evaluation of the Proposal and the Board ignored the only condition of the April 10, 2017 Resolution. Therefore, EMSA’s Proposal should be considered approved and the Board’s subsequent “Rationale for Denial” should not be considered. The basis for denial -- the failure to reach a charter school agreement with the School Board -- is fiction: the Board legally delegated the authority to negotiate to the CEO and CLO and an agreement was reached by the parties.<sup>9</sup> EMSA’s Proposal was approved within the thirty-day deadline and the only condition to the approval--reaching an agreement with the Administration--was met within the timeframe allowed by the Board’s Resolution. Therefore, the Commission should consider EMSA’s Proposal approved but not implemented because a contract was not timely entered between U-46 and EMSA. Although EMSA addresses them in the section that follows, the several reasons for denial issued by the Board should be disregarded as moot and untimely.

VII. The Issues raised in the District’s “Rationale for Denial” are untimely; however, EMSA counters each issue.

1. EMSA’s Proposal is economically sound for the charter school and U-46.

The affordability and sustainability of EMSA is of foremost concern to our team and to the community. This concern is rooted in recognition of the public trust given to all public school operators, as outlined in the Illinois constitution, to provide a quality public education to all students who choose to attend public schools, and to do so as careful stewards of the public’s investment in that education (through state, local, and federal tax revenues). We are requesting 100% of the Per Capita Tuition Charge (PCTC) – the amount set by ISBE as the cost of educating a general education student in the district – plus categorical funding based on the students who enroll in the school, such as Title I funds for low-income students. These funds will follow the students who enroll at EMSA to the school. EMSA is requesting *no more on a per pupil basis* to educate these students than the district would receive to educate students enrolled at schools operated by the district. Plus, EMSA will bring additional resources into the community, including a \$950,000 federal grant for charter startup, additional private funds, and a new use for the beautiful site of the former Fox River Country Day School facility and grounds, *at no additional cost* to the district.

Authorizing EMSA to operate in Elgin will cost the taxpayers of Elgin and the State of Illinois no more than it would cost for them to be educated in district-operated schools. In fact, because EMSA does not have access to the same facility funding mechanisms (and associated costs in interest on bonds, for example) available to the district, EMSA will educate its students at a lower overall cost.

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<sup>9</sup> The timeline of events above shows the significant amount of time and effort put forth by EMSA during the negotiating period, as well as EMSA’s cooperation in answering all of the School Board member’s questions (more than 40 by one member) as they arose (Attachment at “Documents Exchanged Between EMSA and U46” ).

Any impact on the district is based in a reduction in the number of students being educated by the district. U-46 is the second biggest school district in Illinois. Overall, the financial impact of EMSA on the district's nearly half-billion dollar budget is miniscule. Even in our updated Appeal Budget which anticipates enrolling 208 students and drawing 100% of PCTC, reduced funding to the district (including categoricals) totals \$2,415,198. This is *one-half of one percent* of the district's revenue for FY2016 (the most recent year of the Illinois Report Card, listed below). In Year 5, EMSA's impact (again, including categoricals) will be just over 1% of the district's FY2016 revenue.

The district has regularly adjusted to enrollment fluctuations greater than the change EMSA anticipates in its first year of operation. Enrollment data from the Illinois Report Card shows that enrollment declined by 514 students from 2012 to 2013 and by 437 students from 2015 to 2016.

FY	Total Enrollment	Change in Enrollment
2012	40,687	
2013	40,173	-514
2014	40,332	159
2015	40,400	68
2016	39,963	-437

Because EMSA will grow gradually, the district will be able to plan for future enrollment in EMSA and any potential reduced enrollment in district operated schools. As highlighted in data from the Illinois Report Cards below the district has received increasing revenue over the past several years, even as enrollment decreased from 2015 to 2016. The district will readily be able to adjust for the possible net enrollment change as students enroll in EMSA who might have otherwise enrolled in a district-operated school.

FY	Students	Teachers	Expenses	Revenue
2014	40,332	2,183	\$453,709,197	\$450,779,279
2015	40,400	2,162	\$457,435,170	\$474,050,212
2016	39,963	2,129	\$477,330,882	\$482,853,723

District U-46 is financially solid; it is ranked in the highest category of financial strength by ISBE, where it is rated 3.80 on a 4 point scale. Public funding for education is generated to cover the cost of educating students. Just as a district would adjust the flow of funding when students transfer among its own schools, EMSA is merely asking the Commission to adjust the flow of funding from one public school operator to another, following the choice made by parents and students to attend a particular public school. The same accountability for serving all students and being good stewards of the public funds provided to educate those students will apply to EMSA as to the district.

EMSA has developed a financially stable budget that will sustain it through its opening years and costs of capital improvements. EMSA's budget has been extensively analyzed throughout the past three months. EMSA's finance team, which developed the budget, includes: EMSA board member and accountant Adam Gray, who has experience managing multi-million dollar projects; EMSA design team member Keith Rauschenberger, a financial consultant and President of the Board at Elgin Academy; EMSA board member Dennis Verges, a financial consultant; and EMSA board president, attorney Kerry Kelly. The Illinois Network of Charter Schools has provided assistance in developing the budget by facilitating site visits and

consultations with existing charter school leaders, including Dr. Margaret Longo, recently retired Director of Student Support Services at LEARN Charter School Network, Dan Alexander, COO at Northwestern University Settlement Association (which operates Rowe Elementary School), Craig Englert, CFO at Southland College Prep Charter High School, and Geoff Deigan, Executive Director at Prairie Crossing Charter School. From Fall 2016 through spring of 2018, INCS also provided professional consultant analyses of our budget conducted by charter finance expert Matthew Shaw of MDS Advisors. EMSA's budget was subjected to close scrutiny throughout negotiations with the District.

EMSA has adapted its budget to reflect an LEA status. Our new budget (opening at 208 students) reflects the new costs of a special education director, bilingual education coordinator, related service providers and paraprofessionals. Our projections are based upon budgets of comparably-sized charter schools that are also LEAs. At 97.5% PCTC (after the Commission's fee is deducted), EMSA feels confident that it can meet the needs and associated costs of its special education students. Additionally, EMSA proposes setting aside 2% of its PCTC in a reserve fund.

Although EMSA will not operate under a CMO, its partner agencies (EL Education and INCS) have vast experience and supports to offer EMSA. EMSA also has the benefit of a \$950,000 Federal Charter Schools Program ("CSP") grant, awarded to us by ISBE in April 2017. This will provide \$150,000 in our planning year (which becomes available upon filing this appeal) to help fund a school leader and interim consultation fees. As early as next month, EMSA intends to hire Dr. Margaret Longo, a consultant with expertise in school administration and special education, to assist with hiring and onboarding of the School Leader and Director of Special Education (Dr. Longo, most recently Director of Student Support Services at LEARN Charter School Network, was previously a district superintendent in Illinois; see her resume in the attached Folder at "New Information"). EMSA also intends to hire an interim financial consultant<sup>10</sup> this August or September to assist in implementing the CSP grant and set up financial systems and controls. EL Education advisors Nikki Lacewell and John Lydon will be guiding principal selection and curriculum design. INCS will support and advise EMSA on community outreach and charter school issues. In addition, two former U-46 principals will serve as resources to EMSA as needed: Lois Sands (who is a native Spanish speaker and will advise on English Learner concerns as well as staffing) and Ed Schock (who is a former mayor of Elgin and will assist with principal recruitment and selection). Due to the appeals process, we have adjusted the principal hiring timeline to January 2018. Combined with our incubation consultants, this will allow EMSA to start strong and still allow sufficient time for principal recruitment.

EMSA has been pre-approved with Triumph Bank in Elgin for a line of credit for up to \$200,000 for our pre-operational year (renewable for our first year of operation). (Letter Attached at "New Information" Folder) EMSA was awarded \$400,000 each year for the first two years of operations through the CSP Grant. This will fund the purchase of school furniture, computers, lab equipment, and the costs of EL Education curriculum development and staff training, among other things. In the past, EMSA received a grant for \$30,000 from the Walton Family Foundation to support charter school planning, which we have continued to leverage to cover planning costs for our current proposal, including consulting fees and recent community outreach expenses, and a grant of \$25,000 from the Gardner Foundation in Elgin. We have also raised funds from private individuals in Elgin to support team members' attendance at an EL Education

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<sup>10</sup> EMSA is interviewing with, among others, Brian Kates founder of ZATA Consulting and former Director of Finance and Operations for Intrinsic Schools, a Chicago charter school network.



conference. We are confident that, upon authorization, we will receive grants from at least one additional local foundation and will be able to raise additional funds from local donors.

In the interest of providing a strong financial plan that will ensure the long-term viability of EMSA as an independent LEA (and the increased responsibilities and financial risk inherent in this role, as compared to a charter school operating within a district), and in response to concerns raised by U-46 administration and board members, EMSA has made changes in the following areas:

**A. Increased Enrollment**

In its Proposal, EMSA described operating with two classes at every grade level, starting K-3 and adding a grade each year until it reached K-8. EMSA proposed a student enrollment that could grow to 600 students (in EMSA's proposed charter agreement). We have made two enrollment changes in our Appeal Budget. First, we have added an additional student to each classroom for a total of twenty-six students per class. Second, EMSA's new budget gradually adds a third class per grade level, starting in year three with kindergarten and finishing in year eleven with a total of 702 students. This size is comparable to several of U-46's elementary schools which enroll grades K-6. Maintaining a relatively small size with a gradual increase in student population (starting with the earliest grades) will allow EMSA to implement our school model with integrity and hire the additional positions, including a Director of Special Education, required of us as an LEA. At the same time, the increased enrollment will stabilize EMSA's budget and provide the necessary cash flow to maintain a strong long-term financial position. Increasing class sizes slightly will also help guard against revenue loss associated with attrition.

**B. Increased Facilities Budget**

In accordance with increasing our enrollment, we have reviewed and adapted our facilities plans in order to accommodate the increased number of classrooms we will ultimately need. These plans are described in detail in Section VII.2, below. EMSA intends to utilize the Neil Building in its first three years of operation. The Neil Building was built in 2005 and is in excellent condition and will require only superficial improvements estimated at \$102,000 (estimate by Shales McNutt Construction). EMSA will occupy the gymnasium building--which has four classrooms, a gym and a pool--in its fourth year. We will renovate the pool room into six additional classrooms. EMSA will occupy the Administration building in year seven and reach full capacity in year eleven. These renovations include the nine additional classrooms required by our addition of a class section at each grade level, as described above. The Gymnasium and Administration buildings need to be made watertight and undergo mold remediation; EMSA will undertake these projects, as well as more extensive improvements as recommended in Landmarks Illinois' Condition Assessment Report (April 2017), in year one to protect the buildings for future use. Our Appeal Budget reflects the costs associated with construction and renovations to accommodate our increased enrollment, as well as upfront improvement expenses to stabilize future buildings.

**C. Food Services Budget**

Our initial Proposal included a food stipend of \$60,000 in year one to provide assistance to FRL students to pack lunches, based on the model at Prairie Crossing Charter School where all students pack their lunches. During contract negotiations with the district they requested lowering our PCTC to 91%. To meet this budget constraint, EMSA revised its budget and changed the food services plan to assume a revenue neutral food services program, based upon advice we had received from charter finance experts and school



leaders that a revenue neutral program was very achievable if we charge students who do not qualify for FRL for their lunches (in part to offset costs). Given concerns raised by the district about this model, we developed more conservative budget assumptions in relation to U-46 Food Services Revenue and Expenditures as reported in the FY2016 AFR, making an adjustment for our inefficiency as a new small school in relation to a large district. Since then, we have been connected with Emily Chatelain, CEO of School Food Wellness Group, a consultant who designs school lunch programs and assists charter schools and districts across the state in implementing successful school lunch programs. She has provided us with an updated budget, reflecting her estimates of EMSA revenue and expenses (see Attachment in “New Information” Folder. We intend to hire Emily as a consultant to support EMSA in applying to become an Illinois Food Service Authority, and to run the bidding process to identify and select a food service provider. Emily’s expertise in this area will ensure an efficient process that is fully compliant with all Illinois and federal requirements.

#### D. Other Changes.

EMSA has established a reserve fund based upon contributing 4% of its PCTC annually. This will help us manage unexpected or extraordinary costs, including those assumed by the school as its own LEA, such as a special education outplacement, for example. As described above, we have also added positions required of us as an LEA and added a new line item for transportation for students with special needs and homeless students.

#### **2. EMSA has a highly desirable and viable school site.**

EMSA has identified the former Fox River Country Day School property (FRCDS), at 1600 Dundee Avenue, Elgin, IL 60120, as the preferred site for our STEM-focused charter school. The site is owned by the City of Elgin. EMSA has negotiated a lease agreement with the City which was approved at the Committee of the Whole and which we expect to be approved by the Council on July 26, 2017. The City will be leasing the campus to EMSA for \$1 per year.

The natural beauty that surrounds the FRCDS, in addition to its proximity to the at-risk families that EMSA expects to serve, makes this campus EMSA’s first choice location. Local architect, Eric Pepa of Allen & Pepa, is familiar with the property and has guided EMSA in determining feasibility regarding repairs and rehabilitation since 2012. He leads EMSA’s facilities team which includes, among others, an experienced general contractor (Alan Scimeca) and a former maintenance engineer from the FRCDS (Richard Wilson). Recently, Dan Alexander (current COO of Northwestern University Settlement Association who has significant experience with charter school facilities projects at multiple charter school networks and in his previous role at IFF) and architect Larry Kearns of Wheeler Kearns Architects (who has designed many Illinois charter school facilities), toured the FRCDS property with our facilities team and provided additional advice on utilizing the space to accommodate our increased enrollment.

In September 2016, Mike Shales of Shales McNutt Construction conducted a facility evaluation for budgeting purposes for us. His estimate ranges were similar to reports secured by the City in 2014. In April 2017, Landmarks Illinois conducted a Condition Assessment with Wiss, Janney, Elstner Associates, Inc., detailing conditions and estimating costs of improvements. The Shales McNutt report was attached to EMSA’s Proposal as Attachment 21 along with a report from Pepper Environmental Technologies and a facilities

report by architect Eric Pepa. (All of these reports are attached in the “Facilities/Property” folder.)

FRCDS is located adjacent to a county forest preserve and private nature preserve. The entire combined property was recognized as an Illinois Natural Heritage Landmark in 1989, and the Kane County Forest Preserve portion has been designated as a Forested Fen Nature Preserve by the Illinois Department of Natural Resources. With the Forest Preserve and Max McGraw Wildlife Foundation as neighbors, and the Fox River a short, walkable distance away, this site is perfectly suited for EMSA’s math and science academy. In addition, the site has existed and operated as a school for almost 100 years, with the most recent building (the Neil Building) built in 2005. The Administration building was designed by John S. Van Bergen, a protegee of Frank Lloyd Wright, and has been identified on the 2012 Ten Most Endangered Historic Places by Landmarks Illinois.<sup>11</sup> The interior space will provide spacious classrooms for our 6th - 8th grade students.

The site consists of multiple buildings. EMSA would occupy these buildings in three phases. EMSA will hire a professional Owner’s Representative – either IFF or another highly qualified private firm. This will ensure that EMSA hires the best architect, general contractor, and associated other vendors and manages them well, getting every dollar to work its hardest to make EMSA successful in its goal of getting the FRCDS campus to be a beautiful, functional, efficient, supportive space for EMSA’s students, staff, families and the community.

**Phase 1:** EMSA will occupy the Neil Building, which has thirteen classrooms, and needs only superficial improvements prior to occupancy. The Neil Building has a catering kitchen and a large common space where students will eat lunch. The building has spacious rooms with abundant natural light; it was designed to house pre-K and elementary school students and it is Illinois code compliant. Phase 1 will also include stabilizing the Gymnasium and Administration buildings to protect them for our eventual use. EMSA will seek to borrow \$750,000 from IFF (twenty-year loan at approximately 6% rate) with which we’d accomplish the “Priority 1” (require attention in the next year or two) and much of “Priority 2” (require attention in next three to five years) repairs described in the Landmarks Illinois (with WJE Associates) Condition Assessment Report. EMSA will purchase furniture and computer equipment in the first two years of Phase 1, which will be reimbursed through EMSA’s Charter Schools Program grant (\$400,000 in each year one and two).

In November 2016, EMSA met with the director of lending for schools at IFF, which offers affordable financing to charter schools, to discuss funding opportunities. IFF “is the largest nonprofit CDFI in the Midwest and one of only a few nationally to earn the CARS AAA+1 rating.”<sup>12</sup> IFF has made over \$620 million in loans and leveraged \$1.7 billion in community investments; it manages \$498 million in total assets. IFF’s Letter of Proposal for a loan of up to \$1.5 million was attached to EMSA’s Proposal at Attachment 22. EMSA’s finance team also met with Brendan Malone, Senior Vice President at BB&T Capital Markets, who believes that EMSA will be able to finance its capital improvements. Also, the EMSA Finance Team has had preliminary discussions with the Illinois Finance Authority, confirming that EMSA would be eligible for a reduced interest rate on its capital improvement loan.

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<sup>11</sup> [www.landmarks.org/ten\\_most\\_2012\\_fox\\_river\\_country\\_day\\_school.htm](http://www.landmarks.org/ten_most_2012_fox_river_country_day_school.htm)

<sup>12</sup> <http://www.iff.org/about-iff>

**Phase 2:** EMSA will improve and occupy (in Year 4) the Gymnasium--three classrooms per year for three years (a total of nine classrooms). Plans to create nine classrooms include improving and updating four existing classrooms (and installing a lift or elevator) and replacing the pool area with six classrooms. During this Phase, EMSA will renovate its catering kitchen to a cooking kitchen. The estimate for this Phase is \$4 million which would be borrowed in full in year three (or in parts in years three and five--providing another year effectively to go to the bond market). EMSA would finance this with either an additional loan from IFF or other lender, or by issuing bonds if found to be eligible. The bond transaction would retire any other existing capital debt and provide a constant interest rate for 25 or 30 years. With bonds, EMSA may be able to defer principal and interest payments in the first two years; however we have included these costs in our budget as a conservative measure.

**Phase 3:** In Year seven of operations, EMSA will occupy the Administration Building. The Administration building will be considerably less expensive than the Gym to renovate. The estimated cost to improve the Administration Building are \$2 million. EMSA will consider borrowing the funds through its prior bond financing or wait until Year Six and work with IFF or other lending entity to finance this final phase of work.

While we recognize the risk and significant costs of undertaking facilities renovations, because we have negotiated a \$1/year lease with the city, our facilities costs will still remain well under the industry standard of 15% of our operating budget per year. Based on the advice and estimates we have received from various facilities experts, we feel confident in our facilities plan and have no doubt that, pending final approval of the lease, we will be able to open at FRCDS in 2018. As a backup facility, EMSA has the assurances of the City that it will rent us a former school building in Elgin known as the Rakow Center (it had been renovated and utilized as a school by the Larkin Center until 2012), under terms similar to the lease at FRCDS.

3. EMSA's goals, objectives, pupil performance goals are extensively described and EMSA's educational program will be in the best interests of the students EMSA intends to serve.

EMSA's 99 page Proposal details its goals, objectives, and standards to be used as a measurement. Highlights of these are summarized above in Section III(2). EMSA will be an EL Education, math and science-focused hands-on, exploratory learning environment. It will be classroom-based with emphasis on group and partner work. When we open in 2018 with grades K-3, we will fully implement the EL Education Comprehensive Literacy Curriculum, which we will continue to implement through grade 5. This curriculum is fully developed and aligned to CCSS for English Language Arts (ELA). This curriculum also provides the NGSS-aligned science curriculum for one-quarter of each year in grades 3-5. The curriculum includes supports for English as a Second Language (ESL) students as well as for remedial and advanced learners. Our ELA for grades 6-8 will be based upon EL Education's common-core aligned modules available at <http://commoncoresuccess.EL Education.org/>. For all of its math classes, EMSA will implement the Eureka Math curriculum which is aligned with CCSS and available in Spanish. EMSA's social studies will be embedded in its ELA curriculum as will significant parts of its science and art program. These curricula have been proven effective for our target population of at-risk students.

EMSA's active, EL Education-based pedagogy--where challenges are meaningful and projects are authentic--instills the love of learning in the entire school community. EMSA students will learn that it is

the content of their character and the quality of their work that will lead to success in life. EMSA's curricula will be integrated around Learning Expeditions, although for the first few years these may be mini-Learning Expeditions based upon the EL Education Comprehensive Literacy Modules which we plan to implement at the start of school.

Learning Expeditions are a powerful pedagogical tool for delivering and reinforcing specific skills and content while engaging students in sustained, meaningful work that integrates literacy with science, social studies, and the arts, providing a coherent framework through which Common Core standards will be taught<sup>13</sup>. Each grade will take part in up to four Learning Expeditions a year. Expeditions will conclude with a summative project, presentation or other culminating event that synthesizes student's learning and demands the application of content skills. By drawing on students' natural inclination to contribute to society, EMSA's students will be motivated to work thoughtfully and achieve at higher levels. Research supports this outcome, indicating that student achievement is more closely tied to intrinsic, rather than extrinsic, motivation. This is especially true for English language learners; low-income and learning disabled students also benefit from approaches that make learning personally meaningful.<sup>14</sup> See EMSA Charter Proposal pp. 25-26, 28, 35-37 for further discussion of Expeditions<sup>15</sup>.

#### a. Science

True to EMSA's EL Education approach, the majority of EMSA's curriculum will be interdisciplinary. This will be especially true for EMSA's science program which will be driven by Learning Expeditions: where students solve real world problems using hands-on, interdisciplinary studies to acquire the extensive knowledge and skills necessary to produce an ambitious and substantial final product to be unveiled at a public exhibition. Students will engage in meaningful work that integrates literacy with science, social studies, and the arts. Because the community will "judge" their product, students will be motivated to put forth their best work; they will see that their learning has purpose. This develops a strong sense of ownership as students have invested significant time and focus to create a high-quality product.

EMSA's EL Education ELA Curriculum will revolve around science-based topics (plus one math-based topic every two years), such as forest ecosystems, frogs, or the function of tools. Students will consult reference materials and read nonfiction texts related to their scientific topic. Their writing will also be tied to their field of study, e.g., why is the bumblebee important? Students would access digital resources and software that directly tie into a Learning Expedition.

EMSA's science curricula will be aligned with the Next Generation of Scientific Standards (NGSS). It will, in part, be provided by EL Education in grades 3-5 for eight weeks of life science per year. In the remaining time (grades k-2, the other 24 weeks of 3-5, and grades 6-8) teachers will be designing mini or full Learning Expeditions that will coincide and extend their ELA topics. Teachers will have scheduled support, training and planning time in the summers and throughout the school year to create their Learning Expeditions.

The natural environment will play an important and focusing role in EMSA's science expeditions. While

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<sup>13</sup>National Clearinghouse for Comprehensive School Reform, 2004; Udall, Mednick, 2000; Ulichy, 2000; Academy for Education Development, 1995.

<sup>14</sup>Lepper, Corpus & Iyengar, 2005; Griffiths, 2008; Eisenman, 2007

<sup>15</sup> Additionally, <https://vimeo.com/channels/inspiringexcellence> shows how a Learning Expedition is developed.

U-46 has no science labs for its elementary students, it insists that EMSA should have science labs upon opening with grades K-3. We disagree. EMSA students will have daily access to an outdoor laboratory that is one of the rarest ecosystems in Illinois. Additionally, at such young ages students will not be working with caustic chemicals or Bunsen burners and additional science explorations can be safely accomplished in their classrooms. EMSA has will use its Charter Schools Program grant to purchase lab equipment and set-up lab stations.

Studies have shown that English language learners and low-income students benefit from the type of integrated curriculum supported by EL Education and embodied by EMSA.<sup>16</sup> The National Research Council has concluded that effective science education requires the integration of content knowledge with scientific inquiry and engineering design practices.<sup>17</sup> “Knowledge and practice must be intertwined in designing learning experiences in K-12 science education.”<sup>18</sup> EMSA’s science program will be unique within the District because it will be integrated with the ELA lessons; EMSA science will be active, problem-based, and relevant to the community.

EMSA’s program is especially important and distinguishes itself from U-46 in that at the elementary level in District U-46, science is encouraged but not required. While the district is rolling out a new science program this year, in the past, teachers have been encouraged to use non-fiction reading as a means to meet science standards. EMSA believes that students engaged in motivating science explorations become motivated students all-around. EMSA’s students will build strong foundations in science as they become stronger readers and more fluent in the English language as a result of EMSA’s focus on exploratory science and expeditionary learning program.

#### **b. Special Education**

EMSA anticipates up to a 15% special education population (based upon 13.3% District-wide statistic). In our opening year of 200 students, we would expect up to thirty students with special needs will matriculate into our school setting. As an LEA, EMSA will assume full and ultimate responsibility to fulfill the requirements for compliance with the Individual with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA), as well as state laws and regulations contained in Article 14 of the Illinois School Code and 23 Ill. Admin. Code sec. 226 as made applicable through 105 ILCS 5/27A-5(g). We will hire a special education director.<sup>19</sup> In our first year, we will hire a full-time special education teacher, a full-time paraprofessional, a .5 FTE speech therapist, and .5 FTE for additional therapists as needed (physical and occupational, e.g.). As we grow, so will our special education staff, including the addition of a case manager. We have also budgeted a full-time school nurse in our first year and a full-time school social worker. We have budgeted to create reserve fund which, in the area of special education, can be accessed to help pay for transportation costs, extended year services

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<sup>16</sup> The Education Trust--West, *Unlocking Learning: Science as a Lever for English Learner Equity*, 2017.

<sup>17</sup> National Research Council (NRC). 2012. *A Framework for K-12 Science Education: Practices, Crosscutting Concepts, and Core Ideas.*, pp. 80-82.

<sup>18</sup> NRC 2012, p. 11

<sup>19</sup> Dr. Margaret Longo holds this role at LEARN Charter Schools; Dr. Longo has agreed to serve as a consultant to EMSA beginning as early as August 2017. She will assist in helping to ensure that EMSA’s special education programming meets all state and federal requirements. She will support the recruitment, hiring and onboarding of EMSA’s Director of Special Education and other special education staff.

(ESY), assistive technology and equipment that may be required, and provide a buffer for unanticipated costs.

EMSA will conduct universal screenings of all entering students every year using Aimsweb. Aimsweb is a universal screening, progress monitoring, and data management system that supports a Multi-Tiered System of Support including Response to Intervention (RTI) and tiered instruction. Aimsweb uses brief, valid, and reliable measures of reading and math performance, which can be generalized to any curriculum. EMSA will administer MAP exams three times a year to monitor student progress and achievement. This will help target instruction and identify areas where students need additional instructional support. Interventions are then selected to ensure student skill development. Our planned MTSS process will help ensure proper identification of a learning disability. Using a fully developed MTSS model, the screenings will provide initial data regarding student's strengths and weaknesses within the academic program and may be part of the data used to determine if a further evaluation of a student is indicated. An evaluation is an individual assessment of a student to determine possible eligibility for special education and related services. Regular education interventions and supports will be attempted, as feasible, before labeling and serving a student as disabled.

EMSA will provide specialized education services in the least restrictive environment for each student, based on what that individual student requires. We will offer a continuum of services although our preference will be to provide services using an inclusion model. At EMSA, services provided in the general education setting may include modifications to the classroom space, co-teaching with a special education teacher, and accommodations such as assistive technology devices, adaptations to instruction, materials or assessments, support from a paraprofessional, and behavioral supports. General education and special education teachers can implement a variety of co-teaching models, such as working with different small groups of students, teaching the same lesson together, or having one teacher lead the instruction while the other circulates and assists individual students. Some EMSA students may need to spend part of their day outside of the general education classroom in small group or one-on-one instruction. Some EMSA students may require a self-contained setting where the special education teachers will collaborate with general education teachers to design instruction to ensure that students with disabilities are provided with the same grade-level content as their general education peers. EL Education schools across the country serve students with special needs, who participate in and benefit from the EL Education approach and high-quality curricula. Adaptations or accommodations will be made, as appropriate, based on students' IEPs or 504 plans.

EMSA will be prepared to serve children with special health care needs so that they may fully participate in school. EMSA will institute and implement 504 Plans for such children. Accommodations could include: wheelchair-accessibility; assistive technology; alternatives to handwriting; acceptance of late assignments due to illness or a hospital stay, extended time on exams; and stand and stretch breaks. EMSA understands that in rare circumstances a student may require an alternative education setting. As our own LEA, EMSA will be responsible for all of its students with special needs who enrol, including identifying and funding an alternate placement if it is found to be necessary.

#### c. English Learners

EMSA recognizes and honors the importance of students' cultures and backgrounds. EMSA will actively recruit diverse administrative and teaching staff and will work to ensure diversity comparable to the

student population. EMSA is committed to meeting all Illinois and Federal requirements for educating our English Learners. EMSA will identify potential ELL's through home language surveys, which will be administered in the summer of each year. For students who indicate that another language is spoken at home, EMSA will follow the ISBE screening tools.

EMSA anticipates having more than 20 ELL students whose native language is Spanish and whose MODEL and ACCESS scores will indicate a need for bilingual education services. To be compliant with Illinois law, EMSA intends to implement a Transitional Bilingual Education (TBE) program. If EMSA has fewer than 20 such students, then we will implement a Transitional Program of Instruction (TPI) with Spanish supports, as well as a TPI for other native languages that are identified. As an LEA, EMSA plans to hire a full-time Bilingual Coordinator (who will be a bilingual endorsed teacher) to oversee implementation of its TBE program. Among other duties, the Bilingual Coordinator will be responsible for tracking and ensuring that EMSA meets the requirements of Illinois and Federal law. EMSA will plan to hire a bilingual certified teacher for each grade level. For all other teachers, EMSA will make every effort to hire teachers who hold an ESL endorsement or demonstrate plans to attain endorsement. EMSA has budgeted for a teacher assistant in each classroom, and strives to hire assistants who are fluent in Spanish. Our Expeditionary Learning program, which includes cross-curricular studies, has proven success in increasing English language acquisition. EMSA's TBE program will provide Spanish language instruction in the core content areas: ELA, social studies, science and math. EMSA's TBE program is described in detail in our Proposal.

#### d. Social and Emotional

In addition to academics that embrace both rigor and joy, EMSA will develop systems and structures to meet the diverse social emotional needs fitting our students' development. We have budgeted for a full-time social worker at our school to support students to develop self-control and appropriate coping mechanisms for stress. We also have budgeted a full-time nurse to help meet the health needs of our students. Across the school, our "Crew" structure of daily check-ins with social and emotional components and team building helps build stability and trust. Our focus on a positive and purposeful school and classroom culture will benefit all students, including students of color and students from low-income backgrounds.

EMSA's campus is a unique assets that will support EMSA's unique culture and students' positive learning environment. The FRCDs property will provide EMSA students direct, daily contact with nature. This can have a profound effect on students, and can be especially beneficial to low-income urban students who may not have much exposure to forests and natural outdoor areas.<sup>20</sup>

At EMSA, every day will start with a "Crew" meeting. Each classroom is a Crew and a Crew meeting is held each morning where students lead activities for greeting, sharing, and appreciating each other before the academic activities start. To be a member of the Crew means to pitch in to help each other, to step up and take responsibility for everyone's well-being around you. As Crew members, students and teachers are active participants in their learning, not passive "passengers." As an EL Education school, EMSA's school culture is planned for, developed, and sustained through practices that bring the community together,

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<sup>20</sup> ([Strife and Downey 2009](#)), "Childhood Development and Access to Nature: A New Direction for Environmental Inequality Research")

promote shared understandings, and encourage all community members to become crew. The structure of Crew allows for relationship building, academic progress monitoring, and character development. Crew allows students to build positive connections with their peers and with their crew leader (teacher).

EMSA will encourage and welcome students of every background to our school. English language learners will see their language and culture studied and celebrated. Special education students will be participating members of Crew and every other aspect of EMSA possible. At-risk students will thrive with our active learning approach and many layers of support to ensure they do not fall behind their peers. EMSA's rituals and routines will ensure that every student is known and cared for, that student leadership is nurtured, and that contributions to the school and world are celebrated.

**e. Homeless and At-Risk**

The Charter Schools law defines an at-risk pupil as “a pupil who, because of physical, emotional, socioeconomic, or cultural factors, is less likely to succeed in a conventional educational environment.” 105 ILCS 5/27A-3. We discuss EMSA's investment in enrolling and meeting the needs of a high proportion of at-risk pupils in Section II(3) above. In addition to the above discussion, with its three hours of dedicated ELA<sup>21</sup>, EMSA will be highly invested in closing the achievement gap. EMSA will also encourage literacy throughout the school with celebrations of achievement. Community and home resources will be augmented for the students' benefit as well: visits to the public library, forming partnerships with local museums, adopting at-home and volunteer-based reading programs. These enrichment-type opportunities can help to close the achievement gap as well.

EMSA will work with EL Education to identify data-driven identification tools and resources for its implementation of a Response to Intervention (RTI) model within a Multi-tiered System of Supports (MTSS). MTSS allows educators to intervene early to prevent student failure and to maximize effective grade-level curriculum and instruction. A successful MTSS program will improve the quality of instruction for all students, contribute to more meaningful identification of learning and behavioral challenges, and assist with appropriate identification of learning and other disabilities.

Elgin students continue to lag behind other U-46 students at the middle and high school levels. The majority of the Elgin students are from at-risk backgrounds. At EMSA, educators will be given the tools to meet the needs of its at-risk pupils. EMSA will foster a supportive environment and provide its students the opportunity to enjoy and excel in school.

EMSA will follow the policies and procedures set out in the Illinois State Plan for the Education for Homeless Children and Youth, per the McKinney-Vento Assistance Act, Title VII, Subtitle B, Education for Homeless Children and Youths Program. EMSA's onsite social worker will be responsible for ensuring the needs of homeless students are met. EMSA will ensure that homeless children are included in all activities, including field trips and other out of school experiences. The EMSA social worker will also work closely with both homeless students and their families to seek additional services from outside agencies to meet needs not available onsite.

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<sup>21</sup> Three hours ELA in grades K-2 (includes scientific topics but ELA is focus); two hours ELA in grades 3-5 with an additional hour of science (social studies for one-fourth of the year) that supports the ELA; one hour ELA in grades 6-8 with the Learning Expedition based in science or social studies driving the ELA subject matter.



**4. EMSA will provide transportation to at-risk and homeless students and a transportation plan for all students**

Another component to EMSA's plan to attract and keep at-risk, homeless, and low-income students includes transportation. EMSA recognizes that transportation may be a significant obstacle for access to our school for low-income families who may not have time and/or access to reliable transportation to and from the school. At the same time, it is cost-prohibitive to provide transportation across a school district the size of U-46. EMSA has therefore decided to focus on providing bus transportation from neighborhoods with the highest percentage of low-income students to our school. Beyond this, EMSA will work with families to facilitate carpooling arrangements, when possible, as charter schools such as Prairie Crossing and Cambridge Lakes have done. In addition, EMSA will provide transportation for homeless students and those in transitional living situations and children with special needs whose IEPs or 504 plans require it.

**5. Enrollment is open to all U-46 students**

All U-46 students will have equal access to EMSA's admission process. Every child enrolled at EMSA will be warmly welcomed as a fellow crew member. If the number of applications exceeds the number of vacancies at EMSA, a fair and impartial lottery will be conducted and will comply with all the requirements of the Illinois Charter Schools Law.

**6. EMSA's outreach plan is designed to enroll and serve a substantial number of at-risk students.**

EMSA's outreach plan highlights are summarized above in Section III(3). EMSA has produced high-quality informational pieces in English and Spanish, maintains a strong presence on Facebook (which users can access in Spanish), and its website (available in Spanish) has been visited thousands of times. Since December 2016, EMSA has pre-registered 199 families. EMSA has demonstrated a strong demand among communities defined as at-risk for its proposed charter school. Our outreach efforts have been geared towards low-income students and many of our supporters and pre-registered families came from these events.

**VII. Conclusion**

EMSA's Proposal for a charter school was timely approved by the U-46 Board of Education and the only condition to the approval--reaching an agreement with the Administration--was met within the timeframe allowed by the Board's Resolution. Therefore, the Commission should consider EMSA's Proposal approved but not implemented because a contract was not timely entered between U-46 and EMSA. In addition, EMSA's Proposal aligns with the purpose and preferences of the Charter Schools Law. EMSA's Proposal meets the specific requirements outlined in Section 27A-7 of the Charter Schools Law and approval of its charter will be in the best interests of the students the charter school is designed to serve.