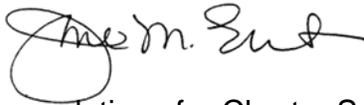




**TO:** P-12 Education Committee

**FROM:** Jhone M. Ebert 

**SUBJECT:** Renewal Recommendations for Charter Schools  
Authorized by the Board of Regents

**DATE:** February 6, 2018

**AUTHORIZATION(S):** 

## SUMMARY

### Issue for Decision

Should the Board of Regents approve the proposed renewal charters for the following charter schools authorized by the Board of Regents pursuant to Article 56 of the Education Law (the New York Charter Schools Act):

1. **Brighter Choice Charter School for Boys** (short-term, three-year renewal)
2. **Brighter Choice Charter School for Girls** (short-term, three-year renewal)
3. **New American Academy Charter School** (short-term, two-year renewal with a corrective action plan for academics and governance)

### Reason(s) for Consideration

Required by State statute.

### Proposed Handling

This issue will be before the P-12 Education Committee and the Full Board for action at the February 2018 Regents meeting.

## **Procedural History**

The New York State Education Department (“the Department”) is making the renewal recommendations to the Board of Regents for approval and issuance as required by Article 56 of the Education Law and 8 NYCRR 119.7 at the February 2018 meeting.

## **Background Information**

### **Performance Framework**

The Board of Regents Charter School Performance Framework (the “Framework”), which is part of the Board of Regents Charter School Renewal Policy and the Oversight Plan included in the Charter Agreement for each school, outlines three key areas of charter school performance: (1) Educational/Academic Success; (2) Organizational Soundness; and (3) Faithfulness to Charter and Law. The Framework sets forth ten performance benchmarks in these three areas. The Framework is designed to focus on performance outcomes, to preserve operational autonomy and to facilitate transparent feedback to schools. It aligns with the ongoing accountability and effectiveness work with traditional public schools and balances clear performance measures with Regents’ discretion.

**New York State Education Department  
Charter School Performance Framework**

<b>Performance Benchmark</b>	
<b>Educational Success</b>	<b>Benchmark 1: Student Performance:</b> The school has met or exceeded achievement indicators for academic trends toward proficiency, proficiency and high school graduation. At all grade levels and all assessments, scoring proficiently means achieving a performance level of 3 or higher (high school Regents and Common Core Regents exam score of 65 or higher).
	<b>Benchmark 2: Teaching and Learning:</b> School leaders have systems in place designed to cultivate shared accountability and high expectations and that lead to students' well-being, improved academic outcomes, and educational success. The school has rigorous and coherent curriculum and assessments that are aligned to the NYS Learning Standards (NYSLS) for all students. Teachers engage in strategic practices and decision-making in order to address the gap between what students know and need to learn so that all students experience consistent high levels of engagement, thinking and achievement.
	<b>Benchmark 3: Culture, Climate, and Family Engagement:</b> The school has systems in place to support students' social and emotional health and to provide for a safe and respectful learning environment. Families, community members and school staff work together to share in the responsibility for student academic progress and social-emotional growth and well-being. Families and students are satisfied with the school's academics and the overall leadership and management of the school.
<b>Organizational Soundness</b>	<b>Benchmark 4: Financial Condition:</b> The school is in sound and stable financial condition as evidenced by performance on key financial indicators.
	<b>Benchmark 5: Financial Management:</b> The school operates in a fiscally sound manner with realistic budgets pursuant to a long-range financial plan, appropriate internal controls and procedures, and in accordance with state law and generally accepted accounting practices.
	<b>Benchmark 6: Board Oversight and Governance:</b> The board of trustees provides competent stewardship and oversight of the school while maintaining policies, establishing performance goals, and implementing systems to ensure academic success, organizational viability, board effectiveness and faithfulness to the terms of its charter.
	<b>Benchmark 7: Organizational Capacity:</b> The school has established a well-functioning organizational structure, clearly delineated roles for staff, management, and board members. The school has systems and protocols that allow for the successful implementation, evaluation, and improvement of its academic program and operations.
<b>Faithfulness to Charter &amp; Law</b>	<b>Benchmark 8: Mission and Key Design Elements:</b> The school is faithful to its mission and has implemented the key design elements included in its charter.
	<b>Benchmark 9: Enrollment, Recruitment, and Retention:</b> The school is meeting or making annual progress toward meeting the enrollment plan outlined in its charter and its enrollment and retention targets for students with disabilities, English language learners, and students who are eligible applicants for the free and reduced priced lunch program; or has demonstrated that it has made extensive good faith efforts to attract, recruit, and retain such students.
	<b>Benchmark 10: Legal Compliance:</b> The school complies with applicable laws, regulations, and the provisions of its charter.

## **Charter School Renewal Applications**

In Article 56 of the Education Law, Section 2852(2) requires the chartering entity (in this case the Board of Regents) to make the following findings when considering a charter renewal application:

- (a) The charter school described in the application meets the requirements set out in this article and all other applicable laws, rules and regulations;
- (b) The applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner;
- (c) Granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty-one of this article; and
- (d) In a school district where the total enrollment of resident students attending charter schools in the base year is greater than five percent of the total public school enrollment of the school district in the base year (i) granting the application would have a significant educational benefit to the students expected to attend the proposed charter school or (ii) the school district in which the charter school will be located consents to such application.

In addition, Renewal Guidelines contained in the Regulations of the Commissioner (8 NYCRR 119.7(d)) were adopted by the Board of Regents, and require that the Board further consider the following when evaluating a charter renewal application:

- (a) The information in the charter school's renewal application;
- (b) Any additional material or information submitted by the charter school;
- (c) Any public comments received;
- (d) Any information relating to the site visit and the site visit report;
- (e) The charter school's annual reporting results including, but not limited to, student academic achievement;
- (f) The Department's renewal recommendation and the charter school's written response, if any; and
- (g) Any other information that the board, in its discretion, may deem relevant to its determination whether the charter should be renewed.

Beyond the requirements to make the findings set forth in the Education Law and consider the factors set forth above, the Charter Schools Act leaves the decision of whether to renew a charter to the sound discretion of the Board of Regents.

## **Related Regents Items**

### **[2006 First Renewal](http://www.regents.nysed.gov/common/regents/files/documents/meetings/2005Meetings/December2005/1205emscvesida3.htm)**

<http://www.regents.nysed.gov/common/regents/files/documents/meetings/2005Meetings/December2005/1205emscvesida3.htm>

[2008 Revision to Add Grade 5 Beginning in 2010-2011 School Year, Add Four Weeks of Schooling in the Summer, Reduce Class Sizes in Kindergarten, and Add a Reserve Fund](#)

<http://www.regents.nysed.gov/meetings/2008Meetings/April2008/0408emsca1.htm>

[2010 Revision to Eliminate Grade 5](#)

<http://www.regents.nysed.gov/common/regents/files/documents/meetings/2010Meetings/July2010/0710p12a9.doc>

[2011 Second Renewal](#)

<http://www.regents.nysed.gov/common/regents/files/documents/meetings/2010Meetings/December2010/1210p12a1.pdf>

[2015 Third Renewal](#)

<http://www.regents.nysed.gov/common/regents/files/meetings/Mar%202015/315p12a3.pdf>

[2016 Revision to Merge the Brighter Choice Charter School for Boys into Brighter Choice Charter School for Girls with the Surviving Corporation being Brighter Choice Elementary Charter Schools](#)

<http://www.regents.nysed.gov/common/regents/files/416p12a4.pdf>

## **Brighter Choice Charter School for Girls**

[2006 First Renewal](#)

<http://www.regents.nysed.gov/common/regents/files/documents/meetings/2005Meetings/December2005/1205emscvesida3.htm>

[2008 Revision to Add Grade 5 Beginning in 2010-2011 School Year, Add Four Weeks of Schooling in the Summer, Reduce Class Sizes in Kindergarten, and Add a Reserve Fund](#)

<http://www.regents.nysed.gov/meetings/2008Meetings/April2008/0408emsca2.htm>

[2010 Revision to Eliminate Grade 5](#)

<http://www.regents.nysed.gov/common/regents/files/documents/meetings/2010Meetings/July2010/0710p12a9.doc>

[2011 Second Renewal](#)

<http://www.regents.nysed.gov/common/regents/files/documents/meetings/2010Meetings/December2010/1210p12a1.pdf>

[2015 Third Renewal](#)

<http://www.regents.nysed.gov/common/regents/files/meetings/Mar%202015/315p12a3.pdf>

[2016 Revision to Merge the Brighter Choice Charter School for Girls into Brighter Choice Charter School for Boys with the Surviving Corporation being Brighter Choice Elementary Charter Schools](http://www.regents.nysed.gov/common/regents/files/416p12a4.pdf)

<http://www.regents.nysed.gov/common/regents/files/416p12a4.pdf>

### **The New American Academy Charter School**

[November 2012 Initial Charter](http://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/November2012/4TheNewAmericanAcademyCS.pdf)

<http://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/November2012/4TheNewAmericanAcademyCS.pdf>

## **Recommendations**

### **The State Education Department Renewal Recommendations**

The attached Renewal Recommendation Summary Reports provide summary information about the Renewal Applications before the Regents for action at the February 2018 meeting, as well as an analysis of the academic and fiscal performance of each of the schools over the charter term.

Pursuant to Education Law §2851(2)(p), charters may be renewed for a charter term of no more than five years. The Department typically makes renewal recommendations for a full term of five years, or a short term of three years. The Department may also make recommendations for non-renewal, and has additional flexibilities to make renewal recommendations for other charter term lengths when deemed appropriate.

The Department considers evidence related to the ten performance benchmark areas of the Charter School Performance Framework when making recommendations to the Regents concerning charter renewal applications. However, student academic performance is of paramount importance when evaluating each school. The recommendations below were made after a full due-diligence process over the charter term, including review of the information presented by the schools in their Renewal Applications, specific fiscal reviews, a two-day renewal site visit conducted by a Department team for each school, comprehensive analysis of achievement data, and consideration of public comment. Over the course of the charter term, the Department will closely monitor all charter schools based on the Monitoring and Oversight Plan.

### **Renewal Recommendations**

VOTED: That the Board of Regents finds that, **Brighter Choice Charter School for Boys**: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the

students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of **Brighter Choice Charter School for Boys** and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including **June 30, 2021**.

VOTED: That the Board of Regents finds that, **Brighter Choice Charter School for Girls**: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of **Brighter Choice Charter School for Girls** and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including **June 30, 2021**.

VOTED: That the Board of Regents finds that, **The New American Academy Charter School**: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of **The New American Academy Charter School** and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including **June 30, 2020**.

### **Timetable for Implementation**

The Regents action for the above-named charter schools will become effective on July 1, 2018.

## Brighter Choice Charter School for Boys

In accordance with Education Law, Article 56, Sections 2851(4) and 2852(2), Commissioners Regulation 119.7, and the Board of Regents Charter School Renewal Policy, the **New York State Education Department recommends a short-term renewal for a period of 3 years for Brighter Choice Charter School for Boys. The charter term would begin on July 1, 2018 and expire on June 30, 2021.**

Brighter Choice Charter School for Boys (BCCSB) is meeting several of the indicators in the academic performance benchmark and several benchmarks set forth in the Board of Regents Performance Framework. However, BCCSB is not yet meeting its enrollment and retention targets as prescribed by the Board of Regents for students with disabilities (SWDs) or those who are English language learners (ELLs). The school is making some “good faith” efforts towards meeting its enrollment targets for SWDs and ELLs. BCCSB has several legal compliance issues including data reporting errors, obtaining policy approvals, and holding board meetings in compliance with Open Meetings Law. BCCSB is working with the New York State Education Department to rectify these errors. The school is implementing the mission, key design elements, education program and organizational plan set forth in the charter.

### Charter School Summary

<b>Name of Charter School</b>	Brighter Choice Charter School for Boys
<b>Board Chair</b>	Martha Snyder
<b>District of location</b>	Albany City School District
<b>Opening Date</b>	September 9, 2002
<b>Charter Terms</b>	Initial: 01/10/2001 – 01/09/2006 1st Renewal Term: 01/10/2006 – 01/09/2011 2nd Renewal Term: 01/11/2011 – 06/30/2015 3rd Renewal Term: 07/01/2015 – 06/30/2018
<b>Current Term Authorized Grades/Maximum Authorized Enrollment</b>	k-5/325
<b>Proposed Renewal Term Authorized Grades/Proposed Maximum Authorized Enrollment</b>	k-5/325
<b>Comprehensive Management Service Provider</b>	N/A
<b>Facilities</b>	116 N. Lake Avenue, Albany, NY 12206
<b>Mission Statement</b>	<p><i>The Mission of the Brighter Choice Charter Schools is to ensure that BRIGHTER CHOICE CHARTER SCHOOL scholars have the same opportunities for future success as scholars attending the best public schools in the region. There are 3 significant components to achieving this mission:</i></p> <ul style="list-style-type: none"> <li>• <i>Exemplary instruction that prepares scholars to think critically, problem-solve effectively, and to become engaged and responsible learners, successfully prepared for middle school, high school, and college</i></li> </ul>

	<ul style="list-style-type: none"> <li>• Focus on the development of social, behavioral, and organizational skills necessary for future school success</li> <li>• An education beyond the basics that includes performing arts, visual arts, science, and history</li> </ul>
<b>Key Design Elements</b>	<ul style="list-style-type: none"> <li>• High Impact Professional Development for Educators</li> <li>• Engaging Academic Program</li> <li>• Integrated Studies</li> <li>• Data Driven Instructions</li> <li>• Focus on Character Development and Problem-Solving Skills</li> <li>• Parent and Community Partnerships</li> <li>• More Time on Task</li> </ul>
<b>Requested Revisions</b>	None

**Current Grade Levels and Maximum Authorized Enrollment**

School Year	Grades Served	Maximum Approved Enrollment	Actual Enrollment
2017-2018	k-5	325	320 <sup>1</sup>
2016-2017	k-5	325	311
2015-2016	k-4	270	289

**Proposed Renewal Term Grade Levels and Maximum Authorized Enrollment**

School Year	Grades Served	Maximum Authorized Enrollment
2018-2019	k-5	325
2019-2020	k-5	325
2020-2021	k-5	325

**Background**

In January of 2001, the Regents granted the BCCSB an initial charter. The school opened in September of 2002. In January of 2006, BCCSB was renewed for a term of five years. In January of 2011, it was renewed for four and a half years to place the end of the charter at the end of the school year for that and all subsequent renewals. In March of 2015, the school was renewed for a short, three-year charter term primarily due to financial and governance issues. In April of 2016, the Board of Regents approved the merger of the BCCSB with the Brighter Choice Charter School for Girls (BCCSG) to form the education corporation “Brighter Choice Elementary Charter Schools.” The current charter expires on June 30, 2018.

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<sup>1</sup> Self-reported by BCCSB in the Renewal Site Visit Workbook

## Summary of Evidence for Renewal

### Key Performance Area: Educational Success

#### Student Performance – Elementary/Middle School Outcomes

Over the 3-year charter term, BCCSB administered the NYS English language arts and mathematics assessments to students in Grades 3 through 5. The outcomes from these assessments serve as the basis for determination of academic success in absolute proficiency outcomes and comparisons to the state and district of location.

The BCCSB meets or comes close to meeting student achievement indicators for academic growth and proficiency on state standards, and achievement goals outlined in the school’s charter for students in the aggregate. When compared to the district of location, BCCSB has outperformed the district in the aggregate for both ELA and math assessments over the course of the charter term.

The number of students in the ELL and SWDs subgroup populations who sat for these assessments was small and so the data was suppressed by the Student Information Repository System (SIRS) in accordance with its business rules; therefore, specific numerical data was not able to be included here.

See Tables 1 and 2 below regarding 3-8 math and ELA exam aggregate and subgroup student performance compared to the district and state average.

**Table 1: Elementary/Middle School Assessment Proficiency Outcomes for All Students: School, District & State Level Aggregates**

All Students	ELA					Math				
	BCCSB	Albany City School District	Variance to Albany City School District	NYS	Variance to NYS	BCCSB	Albany City School District	Variance to Albany City School District	NYS	Variance to NYS
2014-2015	15%	14%	+1	32%	-17	55%	16%	+39	43%	+12
2015-2016	49%	19%	+30	41%	+8	38%	17%	+21	44%	-6
2016-2017	29%	19%	+10	40%	-11	32%	18%	+14	45%	-13

Note: Data in Table 1 represents tested students in Grades 3 through 4 or 5 (depending on the academic year) at BCCSB, the Albany City School District, and the state average who scored proficiently (level 3 or above) on each state assessment. This table was created using grade level data to generate the comparative values, the percent difference between the school’s performance and the district or state averages. All values were calculated to the nearest whole number; therefore, the percent differences may show a rounded value.

**Table 2: Elementary/Middle School Assessment Proficiency Outcomes for Special Populations**

Subject	School Year	<i>Students with Disabilities (Variance to the district of location)</i>	<i>English Language Learners (Variance to the district of location)</i>	<i>Economically Disadvantaged (Variance to the district of location)</i>
ELA	2014-2015	* (N/A)	* (N/A)	* (N/A)
	2015-2016	* (N/A)	* (N/A)	52% (+40)
	2016-2017	20% (+19)	* (N/A)	29% (+18)
Mathematics	2014-2015	* (N/A)	* (N/A)	* (N/A)
	2015-2016	* (N/A)	* (N/A)	42% (+32)
	2016-2017	* (N/A)	* (N/A)	31% (+21)

\*Data suppressed by SIRS.

According to the February 2016 ESEA accountability designations, BCCSB is *In Good Standing*.

**Key Performance Area: Organizational Viability**

Financial Condition

BCCSB appears to be in weak, but improving, financial condition as evidenced by performance on key indicators derived from the school’s independently audited financial statements.

The Charter School Office reviews the financial performance and management of charter schools using quantitative and qualitative methods. Near-term indicators, such as the current ratio and unrestricted days cash, are measures of liquidity and of the charter school’s capacity to maintain operations. Long-term indicators, such as total margin and debt-to asset ratio, are measures of the charter school’s capacity to remain viable and to meet financial obligations.<sup>2</sup>

A composite score is an overall measure of financial health calculated by the Department’s Office of Audit Services. This score is based on a weighting of primary reserves, equity, and net income. A charter school with a score between 1.5 and 3.0 is considered to be in strong financial health. BCCSB’s composite score for 2016-2017 is 0.0. The table below shows the school’s composite scores from 2013-2014 to 2016-2017.

<sup>2</sup> These rigorous indicators of fiscal soundness are aligned with those recommended by the National Association of Charter School Authorizers.

**BCCSB's Composite Scores  
2013-2014 to 2016-2017**

<i>Year</i>	<i>Composite Score</i>
2016-2017	0.0
2015-2016	-0.2
2014-2015	-1.0
2013-2014	-0.8

Source: NYSED Office of Audit Services

### Financial Management

The Charter School Office reviewed BCCSB's 2016-2017 audited financial statements to determine whether the independent auditor observed sufficient internal controls over financial reporting. The auditor did not identify any deficiencies in internal controls that could be considered material weaknesses.

### **Key Performance Area: Faithfulness to the Charter and Law**

#### Enrollment, Recruitment and Retention

The school has strong overall enrollment and backfills students all grades from its waitlist. While the school is exceeding its enrollment target for the ED special population subgroup, it is not yet meeting and is trending downward for both SWDs and ELLs, (Table 4).

Efforts to recruit and retain students in the ELL and SWD populations are similar to those that were used in the previous renewal and the school has further declined in the enrollment of these populations. Efforts include the following: targeted language in marketing and enrollment events to ensure that families understand how the school strives to fulfill needs of ELLs and SWDs; translated messaging into multiple languages including the most prevalent at school; expanded marketing to local radio stations targeted to ELL communities; diversified marketing images to represent scholars from the cultures the school serves; cultivated partnerships with a variety of local businesses, religious organizations, and the city's refugee services office; posted materials in local businesses serving ELL families; and the employment of a Parent Coordinator position focused on serving parents and any special family needs, among other efforts.

**Table 4: Student Demographics – BCCSB Compared to District of Location (Albany City School District)**

	2015-2016 Percent of Enrollment			2016-2017 Percent of Enrollment			2017-2018 Percent of Enrollment <sup>3</sup>
	School	District	Variance	School	District	Variance	School
<b>Enrollment of Special Populations<sup>4</sup></b>							
Economically Disadvantaged	71%	64%	+7	91%	57%	+34	85%
English Language Learners	3%	10%	-7	3%	12%	-9	4%
Students with Disabilities	7%	12%	-5	4%	13%	-9	3%

### Student Retention

According to NYSED data, the overall student retention rate at BCCSB is 74%. The district-wide retention rate at the Albany City School District is 61%.

### Legal Compliance

Brighter Charter School Charter School for Boys has been cited for several compliance issues that have occurred over the course of the charter term.

The school has experienced data reporting errors for their Annual Report submissions, document submissions to the Charter School Office in coordination with the site visit, and submission of accurate data to SIRS, specifically in the reporting of the ED special population of students in the 2014-2015 and 2015-2016 school years. The school reports having corrected this issue.

The board has not been consistently in compliance with the Open Meetings Law and their by-laws.

### Public Hearing Information

The required public hearing was held by the Albany City School District on September 14, 2017. Forty-five people attended, and 14 spoke. All were in favor with no opposition. NYSED also received emailed and handwritten comments. Combined, there were 7 comments in favor of the school’s renewal and zero comments in opposition.

<sup>3</sup> Enrollment for the 2017-18 school year is preliminary and therefore cannot be compared to the district. The enrollment figures provided for the school year have been reported by the school.

<sup>4</sup> Percentages of ELLs and SWDs include students who were exited from these services within the last three year of enrollment record.

## Brighter Choice Charter School for Girls

In accordance with Education Law, Article 56, Sections 2851(4) and 2852(2), Commissioners Regulation 119.7, and the Board of Regents Charter School Renewal Policy, the **New York State Education Department recommends a short-term renewal for a period of 3 years for Brighter Choice Charter School for Girls. The charter term would begin on July 1, 2018 and expire on June 30, 2021.**

Brighter Choice Charter School for Girls (BCCSG) is meeting several of the indicators in the academic performance benchmark and several benchmarks set forth in the Board of Regents Performance Framework. BCCSG is not yet meeting its enrollment and retention targets as prescribed by the Board of Regents for students with disabilities (SWDs) or those who are English language learners (ELLs). However, the school is making some “good faith” efforts towards meeting its enrollment targets for SWDs and ELLs. BCCSB has several legal compliance issues including data reporting errors, obtaining policy approvals, and holding board meetings in compliance with Open Meetings Law. BCCSB is working with the New York State Education Department to rectify these errors. The school is implementing the mission, key design elements, education program and organizational plan set forth in the charter.

### Charter School Summary

<b>Name of Charter School</b>	Brighter Choice Charter School for Girls
<b>Board Chair</b>	Martha Snyder
<b>District of location</b>	City School District of Albany
<b>Opening Date</b>	September 9, 2002
<b>Charter Terms</b>	Initial: 01/10/2001 – 01/09/2006 1st Renewal Term: 01/10/2006 – 01/09/2011 2nd Renewal Term: 01/11/2011 – 06/30/2015 3rd Renewal Term: 07/01/2015 – 06/30/2018
<b>Current Term Authorized Grades/Maximum Authorized Enrollment</b>	k-5/325
<b>Proposed Renewal Term Authorized Grades/Proposed Maximum Authorized Enrollment</b>	k-5/325
<b>Comprehensive Management Service Provider</b>	N/A
<b>Facilities</b>	250 Central Avenue, Albany, NY 12206
<b>Mission Statement</b>	<p><i>The mission of the Brighter Choice Charter Schools is to ensure that Brighter Choice Charter School scholars have the same opportunities for future success as scholars attending the best public schools in the region. There are 3 significant components to achieving this mission:</i></p> <ul style="list-style-type: none"> <li>• <i>Exemplary instruction that ensures competency and mastery in reading, writing and mathematics.</i></li> <li>• <i>Focus on the development of social, behavioral, and organizational skills necessary for future school success.</i></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>An education beyond the basics that includes performing arts, visual arts, science, and history.</i></li> </ul>
<b>Key Design Elements</b>	<ol style="list-style-type: none"> <li>1. An intense and serious focus on academic achievement</li> <li>2. An equally rigorous standard for scholar behavior, with an emphasis on core values</li> <li>3. Single-gender classroom instruction</li> <li>4. An extended school day and extended school year</li> <li>5. Mandatory school uniforms</li> <li>6. A high level of parental/guardian participation in the life of the school</li> <li>7. Frequent standardized testing, beginning in Kindergarten.</li> </ol>
<b>Requested Revisions</b>	None

#### Current Grade Levels and Maximum Authorized Enrollment

School Year	Grades Served	Maximum Approved Enrollment	Actual Enrollment
2017-2018	k-5	325	338 <sup>5</sup>
2016-2017	k-5	325	317
2015-2016	k-4	270	284

#### Proposed Renewal Term Grade Levels and Maximum Authorized Enrollment

School Year	Grades Served	Maximum Authorized Enrollment
2018-2019	k-5	325
2019-2020	k-5	325
2020-2021	k-5	325

#### Background

In January of 2001, the Regents granted the BCCSG an initial charter. The school opened in September of 2002. In January of 2006, BCCSG was renewed for a term of five years. In January of 2011, it was renewed for four and a half years to place the end of the charter at the end of the school year for that and all subsequent renewals. In March of 2015, the school was renewed for a short, three-year charter term primarily due to financial and governance issues. In April of 2016, the Board of Regents approved the merger of the BCCSG with the Brighter Choice Charter School for Boys (BCCSB) to form the education corporation “Brighter Choice Elementary Charter Schools.” The current charter expires on June 30, 2018.

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<sup>1</sup> Self-reported by BCCSG in the Renewal Site Visit Workbook

**Summary of Evidence for Renewal**

**Key Performance Area: Educational Success**

**Student Performance – Elementary/Middle School Outcomes**

Over the 3-year charter term, BCCSG administered the NYS English language arts and mathematics assessments to students in Grades 3 through 5. The outcomes from these assessments serve as the basis for determination of academic success in absolute proficiency outcomes and comparisons to the state and district of location.

The BCCSG meets or comes close to meeting student achievement indicators for academic growth and proficiency on state standards, and achievement goals outlined in the school’s charter for students in the aggregate. When compared to the district of location, BCCSG performed slightly better in ELA and math in the 2016-2017 year. ELA scores have been relatively flat for growth over the charter term, but math scores have dropped from the 2015-2016 to the 2016-2017 school year. BCCSG is performing below the state in both ELA and math.

The number of students in the English language learner and SWDs subgroup populations who sat for these assessments was small and so the data was suppressed by the Student Information Repository System (SIRS) in accordance with its business rules; therefore, specific numerical data was not able to be included here.

See Tables 1 and 2 below regarding 3-8 math and ELA exam aggregate and subgroup student performance compared to the district and state average.

**Table 1: Elementary/Middle School Assessment Proficiency Outcomes for All Students: School, District & State Level Aggregates**

All Students	ELA					Math				
	BCCSG	Albany City School District	Variance to Albany City School District	NYS	Variance to NYS	BCCSG	Albany City School District	Variance to Albany City School District	NYS	Variance to NYS
2014-2015	17%	14%	+3	32%	-15	29%	16%	+13	43%	-14
2015-2016	25%	19%	+6	41%	-16	33%	17%	+16	44%	-11
2016-2017	26%	19%	+7	40%	-14	23%	18%	+5	45%	-22

*Note: Data in Table 1 represents tested students in Grades 3 through 4 or 5 (depending on the academic year) at BCCSG, the Albany City School District, and the state average who scored proficiently (level 3 or above) on each state assessment. This table was created using grade level data to generate the comparative values, the percent difference between the school’s performance and the district or state averages. All values were calculated to the nearest whole number; therefore, the percent differences may show a rounded value.*

**Table 2: Elementary/Middle School Assessment Proficiency Outcomes for Special Populations**

Subject	School Year	<i>Students with Disabilities (Variance to the district of location)</i>	<i>English Language Learners (Variance to the district of location)</i>	<i>Economically Disadvantaged (Variance to the district of location)</i>
ELA	2014-2015	* (N/A)	* (N/A)	* (N/A)
	2015-2016	* (N/A)	- (N/A)	23% (+11)
	2016-2017	* (N/A)	* (N/A)	24% (+11)
Mathematics	2014-2015	* (N/A)	* (N/A)	* (N/A)
	2015-2016	* (N/A)	- (N/A)	32% (+22)
	2016-2017	* (N/A)	* (N/A)	23% (+13)

\*Data suppressed by SIRS.

- No students sat for the assessment.

According to the February 2016 ESEA accountability designations, BCCSG is *In Good Standing*.

**Key Performance Area: Organizational Viability**

Financial Condition

BCCSG appears to be in improving financial condition as evidenced by performance on key indicators derived from the school’s independently audited financial statements.

The Charter School Office reviews the financial performance and management of charter schools using quantitative and qualitative methods. Near-term indicators, such as the current ratio and unrestricted days cash, are measures of liquidity and of the charter school’s capacity to maintain operations. Long-term indicators, such as total margin and debt-to asset ratio, are measures of the charter school’s capacity to remain viable and to meet financial obligations.<sup>6</sup>

A composite score is an overall measure of financial health calculated by the Department’s Office of Audit Services. This score is based on a weighting of primary reserves, equity, and net income. A charter school with a score between 1.5 and 3.0 is considered to be in strong financial health. BCCSG’s composite score for 2016-2017 is 0.9. The table below shows the school’s composite scores from 2013-2014 to 2016-2017.

<sup>6</sup> These rigorous indicators of fiscal soundness are aligned with those recommended by the National Association of Charter School Authorizers.

**BCCSG's Composite Scores  
2013-2014 to 2016-2017**

<i>Year</i>	<i>Composite Score</i>
2016-2017	0.9
2015-2016	0.1
2014-2015	-0.3
2013-2014	-0.6

Source: NYSED Office of Audit Services

### Financial Management

The Charter School Office reviewed BCCSG's 2016-2017 audited financial statements to determine whether the independent auditor observed sufficient internal controls over financial reporting. The auditor did not identify any deficiencies in internal controls that could be considered material weaknesses.

### **Key Performance Area: Faithfulness to the Charter and Law**

#### Enrollment, Recruitment and Retention

The school has strong overall enrollment and backfills students all grades from its waitlist. While the school is exceeding its enrollment target for the ED special population subgroup, it is not yet meeting and is trending downward for both SWDs, and ELLs, (Table 4).

Efforts to recruit and retain students in the ELL and SWD populations are similar to those that were used in the previous renewal and the school has further declined in the enrollment of these populations. Efforts include; targeted language in marketing and enrollment events to ensure that families understand how school strives to fulfill needs of ELLs and SWDs; translated messaging into multiple languages including the most prevalent at school; expanded marketing to local radio stations targeted ELL communities; diversified marketing images to represent scholars from the cultures the school serves; cultivated partnerships with a variety of local businesses, religious organizations, and the city's refugee services office; posted materials in local businesses serving ELL families; and the employment of a Parent Coordinator position focused on serving parents and any special family needs, among other efforts.

**Table 4: Student Demographics – BCCSG Compared to District of Location (Albany City School District)**

	2015-2016 Percent of Enrollment			2016-2017 Percent of Enrollment			2017-2018 Percent of Enrollment <sup>7</sup>
	School	District	Variance	School	District	Variance	School
<b>Enrollment of Special Populations<sup>8</sup></b>							
Economically Disadvantaged	76%	64%	+12	87%	57%	+30	83%
English Language Learners	3%	10%	-7	2%	12%	-10	6%
Students with Disabilities	4%	12%	-8	3%	13%	-10	1%

#### Student Retention

According to NYSED data, the overall student retention rate at BCCSG is 70%. The district-wide retention rate at the Albany City School District is 61%.

#### Legal Compliance

Brighter Charter School Charter School for Girls has been cited for several compliance issues that have occurred over the course of the charter term.

The school has experienced data reporting errors for their Annual Report submissions, document submissions to the Charter School Office in coordination with the site visit, and submission of accurate data to SIRS, specifically in the reporting of the ED special population of students in the 2014-2015 and 2015-2016 school years. The school reports having corrected this issue.

The board has not been consistently in compliance with the Open Meetings Law and their by-laws.

#### Public Hearing Information

The required public hearing was held by the Albany City School District on September 14, 2017. Forty-five people attended, and 14 spoke. All were in favor with no opposition. NYSED also received emailed and handwritten comments. Combined, there were 14 comments in favor of the school’s renewal and zero comments in opposition.

<sup>7</sup> Enrollment for the 2017-18 school year is preliminary and therefore cannot be compared to the district. The enrollment figures provided for the school year have been reported by the school.

<sup>8</sup> Percentages of ELLs and SWDs include students who were exited from these services within the last three year of enrollment record.

## The New American Academy Charter School

In accordance with Education Law, Article 56, Sections 2851(4) and 2852(2), Commissioners Regulation 119.7, and the Board of Regents Charter School Performance Framework, the **New York State Education Department recommends a short-term renewal for a period of two years for The New American Charter School. The charter term would begin on July 1, 2018 and expire on June 30, 2020.**

The New American Academy Charter School (TNAACS) is not yet meeting the academic performance benchmark and other benchmarks set forth in the Board of Regents Charter School Performance Framework. The school is meeting enrollment and retention targets as prescribed by the Board of Regents for students who are economically disadvantaged and students with disabilities and is making good faith efforts to meet the enrollment target for English language learners. The school is implementing the mission, key design elements, education program and organizational plan set forth in the charter.

### Charter School Summary

<b>Name of Charter School</b>	The New American Academy Charter School
<b>Board Chair</b>	Valerton McDonald
<b>District of location</b>	NYC CSD 18
<b>Opening Date</b>	September 9, 2013
<b>Charter Terms</b>	July 1, 2013 – June 30, 2018
<b>Current Term Authorized Grades/Maximum Authorized Enrollment</b>	k-5/370 students
<b>Proposed Renewal Term Authorized Grades/Proposed Maximum Authorized Enrollment</b>	k-5/370 students
<b>Comprehensive Management Service Provider</b>	N/A
<b>Facilities</b>	9301 Avenue B, Brooklyn, New York 11236, co-located with P.S 233 Langston Hughes
<b>Mission Statement</b>	<i>The New American Academy Charter School empowers learners and inspires leaders to make this a better world. Through our collaborative teacher-teams, mastery-based career ladders, and looping cycles, we offer personalized rigorous instruction that enables our students to succeed in high school, college and their future lives.</i>
<b>Key Design Elements</b>	<ul style="list-style-type: none"> <li>• Four-person teaching teams</li> <li>• Embedded master teacher</li> <li>• Looping cycle</li> <li>• Mastery-based career ladder</li> <li>• Multi-dimensional teacher evaluation system</li> <li>• Lower teacher/student ratio</li> <li>• Five-week summer training program</li> </ul>
<b>Requested Revisions</b>	None

### Current Grade Levels and Maximum Authorized Enrollment

School Year	Grades Served	Maximum Approved Enrollment	Actual Enrollment
2017-2018	k-5	370	361
2016-2017	k-4	310	327
2015-2016	k-3	250	310
2014-2015	k-2	190	220
2013-2014	k-1	130	144

### Proposed Renewal Term Grade Levels and Maximum Authorized Enrollment

School Year	Grades Served	Maximum Authorized Enrollment
2018-2019	k-5	370
2019-2020	k-5	370
2020-2021	k-5	370

### Background

The Board of Regents granted an initial charter to TNAACS on November 5, 2012. TNAACS opened for instruction in September 2013 initially serving 130 students in grades K through 1. TNAACS was previously affiliated with a comprehensive management provider called The New American Academy Initiative, Inc. but no longer partners with this organization.

TNAACS is co-located in a NYC DOE building at 9301 Avenue B in Brooklyn, located in CSD 18. The school serves 361 students (their maximum enrollment is 370 students) in kindergarten through grade 5.

### Summary of Evidence for Renewal

#### **Key Performance Area: Educational Success**

#### Student Performance – Elementary/Middle School Outcomes

Over the five-year charter term, The TNAACS administered the NYS English language arts and mathematics assessments to students in Grades 3 in the 2015-2016 school year and in Grades 3 and 4 for the 2016-2017 school year. The outcomes from these assessments serve as the basis for determination of academic success in absolute proficiency outcomes and comparisons to the state and district of location.

See tables 1 and 2 below regarding 3-8 ELA and mathematics assessment data in aggregate and subgroup student performance compared to the district and state average.

As TNAACS has only had 2 years of testing, the NYSED Charter School Office expects increased growth in proficiency rates for all students as well as at-risk students over the next year.

**Table 1: Elementary/Middle School Assessment Proficiency Outcomes for All Students: School, District & State Level Aggregates**

All Students	ELA					Math				
	New American Academy CS	NYC CSD 18	Variance to NYC CSD 18	NYS	Variance to NYS	New American Academy CS	NYCCSD 18	Variance to NYS CSD 18	NYS	Variance to NYS
2015-2016	16%	36%	-20	42%	-26	18%	31%	-13	44%	-26
2016-2017	21%	36%	-15	42%	-21	16%	32%	-16	46%	-30

Note: Data in Table 1 represents tested students in grade 3 for 2015-2016 and for grade 3 and 4 in 2016-2017 at The American Academy CS, the CSD 18 and the state average who scored proficiently (level 3 or above) on each state assessment. This table was created using grade level data to generate the comparative values, the percent difference between the school's performance and the district or state averages. All values were calculated to the nearest whole number, therefore, the percent differences may show a rounded value.

**Table 2: Elementary/Middle School Assessment Proficiency Outcomes for Special Populations**

Subject	School Year	Students with Disabilities (Variance to the district of location)	English Language Learners (Variance to the district of location)	Economically Disadvantaged (Variance to the district of location)
ELA	2015-2016	7% (0)	*	17% (-16)
	2016-2017	8% (+2)	*	19% (-16)
Mathematics	2015-2016	0% (-10)	*	11% (-17)
	2016-2017	0% (-9)	*	13% (-17)

\* Note: Some sub-group data may not be reported due to FERPA data suppression requirements.

Data in Table 2 represents tested students in grade 3 for 2015-2016 and for grades 3 and 4 in 2016-2017 at The American Academy CS, the CSD 18 School District and the state average who scored proficiently (level 3 or above) on each state assessment. This table was created using grade level data to generate the comparative values, the percent difference between the school's performance and the district or state averages. All values were calculated to the nearest whole number, therefore, the percent differences may show a rounded value.

## Key Performance Area: Organizational Viability

### Financial Condition

TNAACS appears to be in good financial condition as evidenced by performance on key indicators derived from the school's independently audited financial statements.

The NYSED Charter School Office reviews the financial performance and management of charter schools using quantitative and qualitative methods. Near-term indicators, such as the current ratio and unrestricted days cash, are measures of liquidity and of the charter school's capacity to maintain operations. Long-term indicators, such as total margin and debt-to asset ratio, are measures of the charter school's capacity to remain viable and to meet financial obligations.

### Overall Financial Outlook

A *composite score* is an overall measure of financial health calculated by the Department's Office of Audit Services. This score is based on a weighting of primary reserves, equity, and net income. A charter school with a score between 1.5 and 3.0 is considered to be in strong financial health. New American Academy Charter School's composite score for 2015-2016 is 2.4. The table below shows the school's composite scores from 2013-2014 to 2015-2016.

**New American Academy Charter School's Composite Scores  
2013-2014 to 2015-2016**

<i>Year</i>	<i>Composite Score</i>
2015-2016	2.4
2014-2015	2.1
2013-2014	2.0

*Source: NYSED Office of Audit Services*

### **Financial Management**

The NYSED Charter School Office reviewed TNAACS's 2015-16 audited financial statements to determine whether the independent auditor observed sufficient internal controls over financial reporting. The auditor did not identify any deficiencies in internal controls that could be considered material weaknesses.

As a result of its 2014-15 audit, the auditor had comments regarding internal controls that nonetheless were not considered to be significant deficiencies or material weaknesses. The auditor provided an update on the status of the comments in the 2015-16 audit report:

- No escrow account – New American opened the escrow account during the 2015-16 audit period in the amount of \$75,000.
- One instance of incorrect special education billing – no errors were noted during the 2015-16 audit period.
- No Board of Trustees finance/audit committee – the committee was appointed but detailed minutes were not maintained.

Regarding the latter, the Charter School Office requests that New American Academy Charter School conform to the New York State Nonprofit Revitalization Act by fully documenting finance/audit committee meetings.

## **Board Governance**

The board is comprised of five members. One member has been on the board for the duration of this charter term. Five of the original six board members have resigned, and have been replaced with four other board members, throughout the charter term. The board does not yet have a plan in place to address board member retention or recruitment, but the board chair stated their goal is to increase board membership from five to ten board members.

The board does not have a process in place for setting priorities and goals that are aligned with the school's mission and educational philosophy. At the 2017 renewal site visit, the board chair was unable to articulate schoolwide goals and only one other board member participated in the NYSED board interview despite prior knowledge of the meeting. The board has not participated in any formalized board training throughout this charter term. The NYSED CSO will require that the Board engage in professional development over the course of the proposed renewal term.

The board has not demonstrated evidence of active oversight of the school. The board chair stated that the majority of schoolwide decisions are left to the discretion of the headmaster.

### **Key Performance Area: Faithfulness to the Charter and Law**

#### Enrollment, Recruitment and Retention

TNAACS enrolls a slightly higher proportion of students with disabilities (SWDs), and a comparable proportion of English Language Learners (ELLs) and economically disadvantaged (ED) students when compared to their district of location.

The school has made good faith efforts to recruit, serve, and retain at-risk students throughout the course of the charter term.

The New American Academy Charter School's efforts to recruit English Language Learners is comprehensive. TNAACS plans to employ the same strategies in the 2017-18 school year, but additional presentations will be made at community-based organizations that serve non-English speaking families to increase ELL enrollment. To increase the percentage of Economically Disadvantaged students, TNAACS plans to create additional relationships with community-based organizations that serve low-income families, such as health care clinics so that additional outreach and informational presentations can be made in high-need neighborhoods. The school has strong enrollment and backfills students in all grades from its waitlist.

**Table 4: Student Demographics – The New American Academy Charter School Compared to District of Location (NYC CSD 18)**

	2015-2016 Percent of Enrollment			2016-2017 Percent of Enrollment			2017-2018 Percent of Enrollment <sup>9</sup>
	School	District	Variance	School	District	Variance	School
<b>Enrollment of Special Populations<sup>10</sup></b>							
Economically Disadvantaged	60%	75%	-15	81%	75%	+6	60%
English Language Learners	1%	4%	-3	2%	6%	-4	1%
Students with Disabilities	18%	19%	-1	16%	19%	-3	18%

#### Student Retention

According to NYSED data, the overall student retention rate at The New American Academy Charter School is 67%. The district-wide retention rate in CSD 18 is 72%.

#### Legal Compliance

New American Academy Charter School operates in accordance with applicable law, regulations, rules and other policies, including the terms of its charter, its by-laws and other school-specific policies. It is also in compliance with federally mandated disciplinary procedures for students with disabilities, and NYS Dignity for All Students Act regulations. The board holds meetings in accordance with the Open Meetings Law.

#### Public Hearing Information

The required public hearing was held by the NYC DOE on September 14, 2017. Fifty-seven people attended, and fourteen spoke - fourteen in favor of the school and zero opposed. There were also twenty-four emailed/hand-written comments, all in favor of the renewal.

<sup>9</sup> Enrollment for the 2017-18 school year is preliminary and therefore cannot be compared to the district. The enrollment figures provided for the school year have been reported by the school.

<sup>10</sup> Percentages of English language learners and students with disabilities include students who were exited from these services within the last three year of enrollment record.