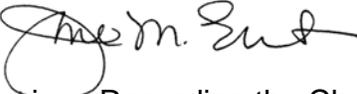




TO: P-12 Education Committee

FROM: Jhone M. Ebert 

SUBJECT: Follow-up Discussions Regarding the Charter School Performance Framework

DATE: September 13, 2018

AUTHORIZATION(S): 

SUMMARY

Issues for Decision

The Board will discuss the key areas of decision-making regarding the Charter School Performance Framework that guides performance oversight of existing Board of Regents-authorized charter schools.

Reason(s) for Consideration

Review of Regents policy.

Proposed Handling

These issues will be before the Board of Regents P-12 Education Committee for discussion and action at the September 2018 Board of Regents meeting. It is a continuation of the discussions held during the October 2017, November 2017, and July 2018 Board of Regents meetings.

Procedural History

A full background of the history of the Charter School Performance Framework¹ for Board of Regents-authorized charter schools can be found in the Regents items presented at the October 2017, November 2017, and July 2018 Board meetings. Based on the feedback received and guidance sought from the Board of Regents, Department

¹ An overview of the Charter School Performance Framework can be found in Attachment A.

staff revised the Charter School Performance Framework, which is being presented for discussion and endorsement at the September 2018 Regents meeting.

Background Information

The Charter School Performance Framework (“the Performance Framework”) is the document which enumerates the standards by which all existing Board of Regents-authorized charter schools are held accountable at the time of renewal. Charter schools authorized by the Board of Regents use the Performance Framework to engage in continual reflection and improvement of their academic, operational, and fiscal practices. The guiding principles of the document are to:

- Focus on school performance over compliance;
- Preserve operational autonomy pursuant to the Education Law;
- Facilitate transparent feedback to schools through clear standards that schools are expected to meet; and
- To the extent permissible by law, align charter school accountability with the ongoing accountability and effectiveness work necessary for all public schools.

The Performance Framework was initially endorsed by the Board of Regents in 2012 and updated in 2015.

Over the past several years, the Department has had continued discussions with the Board to update the Performance Framework and has changed formatting requirements of documents being presented to the Board for approval that reflect an update in practice and that are in response to the Board’s requests.

The Department also surveyed other states’ and charter school authorizers’ performance frameworks as well as received feedback from the field to design this Performance Framework specifically for use with Regents-authorized charter schools.

Board members and administrators of Regents-authorized schools were given the opportunity to provide feedback, make suggestions for changes to the Performance Framework, and affirm the importance of a performance-based accountability system as envisioned in the Education Law.

As directed by the Board or Regents during previous meetings, and with conversations with the field, the proposed Performance Framework was revised to include additional Benchmark Indicators that focus on the following²:

² Charter School Performance Framework Benchmarks not listed above are not being considered for significant revisions at this time.

Benchmark 1 – Student Performance:

- Updated language to reflect the New York State ESSA Plan
- Methodologic alignment of certain indicators with the New York State ESSA Plan
- Including grades 4 and 8 science exam outcome measures

Benchmark 3 - Culture, Climate, Student and Family Engagement:

- Adding standards to outline Department expectations for charter school policies and procedures pertaining to non-academic indicators of school quality
- Adding indicators to monitor charter school support of McKinney-Vento eligible students

Benchmark 9 - Enrollment, Recruitment, and Retention:

- Added specific language regarding the existing Department methodology to evaluate equity and access in charter school programs

Related Regents Items:

[July 2018](http://www.regents.nysed.gov/common/regents/files/ProgramUpdatesAll.pdf) Charter School Performance Framework Program Update
(<http://www.regents.nysed.gov/common/regents/files/ProgramUpdatesAll.pdf>)

[November 2017](http://www.regents.nysed.gov/common/regents/files/1117p12d1.pdf) Charter School Performance Framework Discussion Regents Item
(<http://www.regents.nysed.gov/common/regents/files/1117p12d1.pdf>)

[November 2017](http://www.regents.nysed.gov/common/regents/files/P-12%20Education%20-%20New%20York%20State%20Charter%20Schools%20-%20Overview%20of%20the%20Charter%20School%20Performance%20Framework.pdf) Charter School Performance Framework Discussion Supplemental Presentation
(<http://www.regents.nysed.gov/common/regents/files/P-12%20Education%20-%20New%20York%20State%20Charter%20Schools%20-%20Overview%20of%20the%20Charter%20School%20Performance%20Framework.pdf>)

[October 2017](https://www.regents.nysed.gov/common/regents/files/1017p12d1.pdf) Charter School Performance Framework Discussion Regents Item
(<https://www.regents.nysed.gov/common/regents/files/1017p12d1.pdf>)

[October 2017](https://www.regents.nysed.gov/common/regents/files/P12%20-%20New%20York%20State%20Charter%20Schools%20-%20Overview%20of%20the%20Charter%20School%20Performance%20Framework.pdf) Charter School Performance Framework Discussion Supplemental Presentation
(<https://www.regents.nysed.gov/common/regents/files/P12%20-%20New%20York%20State%20Charter%20Schools%20-%20Overview%20of%20the%20Charter%20School%20Performance%20Framework.pdf>)

[November 2012](https://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/November2012/1112p12a1.pdf) Charter School Performance Framework Regents Item
(<https://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/November2012/1112p12a1.pdf>)

[October 2012](https://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/October2012/1012p12d2.pdf) Charter School Performance Framework Regents Item
(<https://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/October2012/1012p12d2.pdf>)

Recommendation

VOTED: That the Board of Regents endorses the Charter School Performance Framework as described in this item and directs staff to revise and update the Charter School Performance Framework, in consultation with the field, as necessary, consistent with the Charter School Renewal Policy and the guiding principles outlined in the Charter School Performance Framework.

Timetable for Implementation

Should the Regents vote to endorse the proposed 2018 Charter School Performance Framework, it will become effective immediately, which means the updated Charter School Performance Framework will apply to schools subsequently chartered or renewed beginning in the 2019-2020 school year and thereafter.

Attachments

Attachment A – Proposed 2018 Charter School Performance Framework



Charter School Performance Framework

New York State Board of Regents State Education Department

Charter School Office

89 Washington Avenue
Albany, New York 12234
www.p12.nysed.gov/psc/

Charter School Office
89 Washington Avenue
Albany, New York 12234
<http://www.p12.nysed.gov/psc/>

charterschools@nysed.gov
518-474-1762

September 2018

Overview

In June of 2010, the New York State Board of Regents (Regents), and the New York State Education Department (NYSED) embarked on a new approach to charter school authorizing, aligning the Regents' and NYSED's work with the best practices of the highest quality authorizers nationally.³ Continuing with the 2018 version of the Charter School Performance Framework, a key component of this approach is the Charter School Performance Framework for charter schools authorized by the Regents, which outlines the quality benchmarks for charter schools that represent the high level of performance necessary to earn charter renewal.

The Charter School Performance Framework, which is part of the Oversight Plan included in the Charter Agreement for each school, outlines ten performance benchmarks in three key areas of charter school performance:

- Educational Success
- Organizational Soundness
- Faithfulness to Charter and Law

The Regents and NYSED evaluate these areas of charter school performance by analyzing quantitative and qualitative data and evidence compiled over the course of the school's charter term. Though each performance benchmark is important, the Regents and NYSED consider increases in student academic achievement (for all students in the aggregate, students with disabilities, English Language Learners/Multilingual Learners, and educationally disadvantaged students) as the most important factor when determining to renew or revoke a school's charter.⁴ Measures reflecting this priority are incorporated into Benchmark 1: Student Performance.

NYSED conducted an extensive period of research and review to develop a Charter School Performance Framework that draws from the best of what is available nationally. While the development of the Charter School Performance Framework was iterative, NYSED staff adhered to the key guiding principles below throughout the process.

The Board of Regents is an outcomes-based authorizer with a focus on schools providing community-based supports for the academic and socio-emotional development of at-risk students. We seek to proactively work with Board of Regents-authorized charter schools to hold them accountable to the standards set forth in the NYSED Charter School Performance Framework. It is our hope that by holding schools accountable to these rigorous standards, they will engage in continual reflection and improvement of academic, operational, and fiscal practices. In addition, Board of Regents-authorized charter schools are afforded a wide degree of autonomy pursuant to the NYS Education Law. To ensure real autonomy, schools must be held to real and rigorous accountability standards.

The mission and vision of the New York State Education Department Charter School Office can be found on the NYSED website at <http://www.p12.nysed.gov/psc/>.

³ See <http://www.regents.nysed.gov/meetings/2010Meetings/June2010/0610emscd1.htm>.

⁴ This is a required program assurance of NYSED's proposed 2018 federal Charter Schools Program grant to support the expansion of high-quality public charter schools and disseminate the best practices of existing charter schools.

Guiding Principles of the Charter School Performance Framework

- **Focuses on performance over compliance.** Each performance benchmark serves to highlight how a successful school should perform and operate in a key area. The Regents and NYSED recognize that compliance is a minimum expectation and, through the Performance Framework, place the focus on student performance. Charter schools enter into an autonomy-for-accountability, performance-based contract with the Board of Regents, and the Charter School Performance Framework establishes the Regents' expectations for high performance.
- **Preserves operational autonomy.** Each performance benchmark focuses on outcomes rather than process. The Regents and NYSED must protect the building-level autonomies that allow charter schools to exercise the freedom to determine the means by which they achieve student outcomes.
- **Facilitate transparent feedback to schools through clear standards that schools are expected to meet.** The Charter School Performance Framework is structured to ensure that clear and transparent feedback about performance can be conveyed to charter schools throughout the charter term. Based on this feedback and other data, charter schools should be able to make adjustments to their operations and academic programs to improve performance. Standards presented in the Charter School Performance Framework are metrics that schools are expected to meet. These metrics are constructs that schools have the ability to attain through the autonomy provided to them in the Education Law.
- **Aligns to the ongoing accountability and effectiveness work for all public schools.** NYSED re-developed the Charter School Performance Framework during a period of broader educational innovation in New York. To the greatest extent possible, NYSED aligned the Charter School Performance Framework with its overall educator and institutional accountability and school effectiveness work, but also incorporated additional performance metrics that capture the unique aspects of charter school autonomy and accountability.

Using the Performance Framework during the Charter Term

Charter schools are encouraged to refer to the Charter School Performance Framework on a continuing basis to inform planning and as a means of self-assessing their overall health and viability throughout their charter terms. NYSED has clarified the academic indicators in Benchmark 1 so charter schools can better assess their progress toward achievement of these targets as they progress through the charter term toward renewal.

Using the Performance Framework for Charter Renewal Decision-Making

This version of the Charter School Performance Framework will apply to all Board of Regents-authorized charter schools authorized or renewed after the final adoption of this document.

Every charter school authorized by the Regents undergoes a rigorous renewal process during the final year of its charter term to determine whether or not the school should continue to operate. The renewal process is triggered when a school submits a renewal application. Throughout the charter term, the charter school board of trustees should be continually evaluating the performance of the school based on all ten Charter School Performance Framework benchmarks. **Before applying for renewal, the school's board of trustees should carefully consider whether the school has met the criteria for renewal as set forth in the Regent's Oversight Plan, including but not limited to, the Charter School Renewal Policy and the Performance Framework. If the**

school is not meeting these criteria, the school’s board of trustees is not required to submit an application for renewal of the charter. If the board does not apply for renewal, the charter will not be renewed, and the school will close on June 30th of the final year of its current charter term.

If a renewal application has been submitted, the renewal process includes a renewal site visit, as well as an analysis of all quantitative and qualitative evidence collected through NYSED’s charter school performance oversight process over the course of the charter term. NYSED’s recommendation to the Regents will be based on the guidelines outlined in the Regents’ Charter School Renewal Policy⁵ and section 119.7 of the Regulations of the Commissioner. In addition, the Charter School Performance Framework provides: the lens of inquiry for the renewal site visit and for subsequent NYSED analysis; will summarize key findings; and will include an assessment of whether the charter school meets, approaches, or falls far below each performance benchmark (see scale below).

Level	Description
Meets	The school generally meets or exceeds the performance benchmark; few concerns are noted. May be a potential exemplar, if noted.
Approaches	The school does not meet the performance benchmark; a number of concerns are noted.
Falls Far Below	The school falls far below the performance benchmark; significant concerns are noted.

⁵ Presented to the New York State Board of Regents at their November 5, 2012 meeting. <http://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/November2012/1112p12a1.pdf>

**New York State Education Department
Charter School Performance Framework⁶**

Performance Benchmark	
Educational Success	Benchmark 1: Student Performance: The school has met or exceeded achievement indicators for academic proficiency, trends toward proficiency, similar schools, and high school graduation. Proficiency at the elementary/middle school level shall be defined as achieving a performance level of 3 or higher on all Grade 3-8 assessments. At the high school level, proficiency shall be defined as obtaining a Regents exam score of 65 or higher.
	Benchmark 2: Teaching and Learning: 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 implements research-based practices and has rigorous and coherent curriculum and assessments that are aligned to New York State Learning Standards 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.
	Benchmark 3: Culture, Climate, and Student and Family Engagement: The school has systems in place to support students’ social and emotional health and to provide for a positive, safe, and respectful learning environment that prepares all students for college and career. 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.
Organizational Soundness	Benchmark 4: Financial Condition: The school is in sound and stable financial condition as evidenced by performance on key financial indicators.
	Benchmark 5: Financial Management: 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.
	Benchmark 6: Board Oversight and Governance: 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.
	Benchmark 7: Organizational Capacity: The school has established a well-functioning organizational structure and has 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.
Faithfulness to Charter & Law	Benchmark 8: Mission and Key Design Elements: The school is faithful to its mission and has implemented the key design elements included in its charter.
	Benchmark 9: Enrollment, Recruitment, and Retention: 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/Multilingual Learners, and students who are eligible applicants for the free and reduced priced lunch program ⁷ or has demonstrated that it has made extensive good faith efforts to attract, recruit, and retain such students.
	Benchmark 10: Legal Compliance: The school complies with applicable laws, regulations, and the provisions of its charter.

⁶ For all Charter School Performance Framework indicators that compare the charter school’s performance to that of the district of location, in instances where the average performance of the district of location exceeds the State average, the minimum expectation will be meeting the performance of the district of location and the target outcome will be to exceed the performance of the district of location.

⁷ NYSED reports these students as economically disadvantaged students. Economically disadvantaged students are those who participate in, or whose family participates in, economic assistance programs, such as the free or reduced-price lunch programs, Social Security Insurance (SSI), Food Stamps, Foster Care, Refugee Assistance (cash or medical assistance), Earned Income Tax Credit (EITC), Home Energy Assistance Program (HEAP), Safety Net Assistance (SNA), Bureau of Indian Affairs (BIA), or Family Assistance: Temporary Assistance for Needy Families (TANF). If one student in a family is identified as low income, all students from that household (economic unit) may be identified as low income.

Benchmark 1: Student Performance

The school has met or exceeded achievement indicators for academic trends toward proficiency, proficiency and high school graduation. Proficiency at the elementary/middle school level shall be defined as achieving a performance level of 3 or higher on all Grade 3-8 assessments. At the high school level, proficiency shall be defined as obtaining a Regents exam score of 65 or higher.

Important Notes:

- The period of evaluation for the indicators and measures presented below generally⁸ spans from the beginning of the charter term through the end of the penultimate year of the charter term. For example, if a school's charter term runs from July 1, 2019 through June 30, 2024, the data under consideration will end with the academic results through the end of the 2022-2023 school year (including Regents testing in August 2023, if available). For renewal terms, the last year of the prior charter term will generally be considered as a baseline for the next renewal term.
- All Benchmark 1 indicators are based on New York State assessments (elementary and middle school) or Regents examinations (high school) for all tested subjects at all grade levels and all accountability subgroups⁹, unless otherwise indicated. For logistical and data integrity reasons, NYSED will rely primarily on these measures based on State assessments to evaluate performance for this benchmark. NYSED reserves the right to revise these measures in order to accommodate changes in State assessments, metrics, or accountability requirements, including any new U.S. Department of Education requirements that may be enacted during the charter term.
- For the purposes of Benchmark 1, for both the district and charter school data, NYSED will use former and current students with disabilities (students with IEPs) and English-Language Learners/Multilingual Learners.
- While NYSED may consider other assessment data as supplementary evidence for a school's performance, NYSED will not supplant State assessment results with other assessments.
- Pursuant to NYSED's policy of allowing for the elimination of double testing in mathematics or science for certain Grade 7 and 8 students¹⁰, applicable students who sit for a mathematics or science Regents exam and obtain a proficient score, for the purposes of the Charter School Performance Framework only, will be reported out in a measure of applicable Grade 7 or 8 mathematics or science proficiency rates.
- Charter schools are held accountable to performance outcomes compared to their district of location. In New York City, the district of location is the community school district (CSD). Charter schools that have a mission or key design element to serve students in a particular school district will also be compared to that school district. In addition, charter schools with more than 40% of enrolled students residing in districts other than the district of location, or the school district they are mandated to serve, will also be compared to the next highest district where students reside.

⁸ NYSED's renewal policy permits an examination of data from previous charter terms in making a renewal recommendation to the Regents, since multiple short-term renewals are generally discouraged.

⁹ Subgroups include students with disabilities, English Language Learners/Multilingual Learners, and economically disadvantaged students.

¹⁰ See <http://www.p12.nysed.gov/accountability/ESEAFlexibilityWaiver.html>.

- Charter schools that are held to the standards for over-aged/under-credited students are defined as having a key design element or language in their mission/charter that specifically references serving over-aged/under-credited students.¹¹

Benchmark 1 Indicators

Renewal is based on evidence that the following targets are generally met:

Indicator	Measure	Description	Minimum Expectations ¹²	Target Outcome
1. All Schools				
1a.	Accountability			
All Students & Subgroups	(i) ESSA Accountability Designation and Indicators	Recognition, Good Standing, Targeted Support and Improvement, and Comprehensive Support and Improvement Schools. ESSA Accountability Indicators will be considered and included as an appendix to CSO midterm and renewal reports.	Good Standing	Recognition
1b.				
Similar Schools Comparison				
All Students & Subgroups	(i) Comparative Proficiency	Comparison of the performance of all schools in NYS ¹³ with the same grade configuration and similar population of students identified as students with disabilities, English Language Learners/Multilingual Learners, and economically disadvantaged students. Performance is based on schools' aggregate proficiency compared similar schools on 3-8 ELA and mathematics assessments and/or high school cohort ELA and mathematics outcomes.	At least the mean	Greater than the mean

¹¹ As defined by NYSED.

¹² With limited exception, all schools are expected to meet the minimum expectations. Meeting minimum expectations does not guarantee renewal. Further, the failure to progress toward target outcomes may adversely affect the renewal recommendation.

¹³ Specialized schools, those in District 75 or 79 in New York City and schools requiring a performance-based assessment for admission will be excluded from this analysis.

Indicator	Measure	Description	Minimum Expectations	Target Outcome
2. Elementary/Middle School Outcomes				
2a.	Trending Toward Proficiency (Growth)			
All Students	(i) Aggregate Standards-Based Trend Toward Proficiency – Math and ELA	% of students in the school for 3-8 State assessments maintaining a proficient testing level or trending toward proficiency from one year’s test administration to the next. Analysis will examine proficiency maintenance or improvement of all students in the school compared to each student’s previous year’s test scores.	Maintenance or increase in 75% of total tested students’ proficiency levels	Maintenance or increase in 95% of total tested students’ proficiency levels
Schools can track students’ annual growth by determining the percent of the total student population who: a) moved from level 1 → 2, 3 or 4; b) moved from level 2 → 3 or 4; c) remained at level 3; d) moved from level 3 → 4; or e) remained at level 4.				
Subgroups	(ii) Subgroup Standards-Based Trend Toward Proficiency – Math and ELA	% of students in the school maintaining a proficient testing level or trending toward proficiency from one year’s test administration to the next. Analysis will examine proficiency maintenance or improvement of students in the school who are students with disabilities, English Language Learners/Multilingual Learners, and economically disadvantaged students, compared to each student’s previous year’s test scores.	Maintenance or increase in 75% of total tested subgroup proficiency levels	Maintenance or increase in 95% of total tested students’ subgroup proficiency levels
Schools can track students’ annual growth by determining the percent of each student subgroup who: a) moved from level 1 → 2, 3 or 4; b) moved from level 2 → 3 or 4; c) remained at level 3; d) moved from level 3 → 4; or e) remained at level 4.				
2b.	Proficiency			
All Students	(i) Aggregate School Level Proficiency – Math and ELA	% of students who score proficiently on 3-8 State assessments for all students at the school level.	District Average	State Average
Subgroups	(ii) Subgroup School Level Proficiency – Math and ELA	% of students who score proficiently on 3-8 State assessments by subgroup at the school level compared to the subgroup. Includes students with disabilities, English Language Learners/Multilingual Learners, and economically disadvantaged students.	District Average	State Average
All Students	(iii) Grade Level Proficiency – Math and ELA	% of students who score proficiently on 3-8 State assessments for all students by grade level.	District Average	State Average

All Students	(iv)	Aggregate School Level Proficiency - Science	% of students who score proficiently on the State Grade 4 and Grade 8 Science Test for all students at the school level.	District Average	State Average
Subgroups	(v)	Subgroup School Level Proficiency - Science	% of students who score proficiently on State Grade 4 and Grade 8 Science Test by subgroup at the school level compared to the subgroup. Includes students with disabilities, English Language Learners/Multilingual Learners, and economically disadvantaged students.	District Average	State Average

Indicator	Measure	Description	Target
3. High School Outcomes			
3a.	Regents Testing Outcomes		
All Students	(i) Aggregate Total Cohort Regents Testing Outcomes	4-year, 5-year, and 6-year cohort Regents testing outcomes for ELA, Mathematics, Science, Global History and Geography, and US History and Government, or a NYSED approved equivalent, for all students. ¹⁴ Includes August data (except for the 6-year rate as this is not reported). Proficiency shall be defined as obtaining a Regents exam score of 65 or higher.	State Average
Subgroups	(ii) Subgroup Total Cohort Regents Testing Outcomes	4-year, 5-year, and 6-year cohort Regents testing outcomes for ELA, Mathematics, Science, Global History and Geography, and US History and Government, or a NYSED approved equivalent, by subgroup. ¹⁵ Includes August data (except for the 6-year rate as this is not reported). Proficiency shall be defined as obtaining a Regents exam score of 65 or higher.	State Average
3b.	Graduation Outcomes		
All Students	(i) Aggregate Cohort Graduation Rate	4-year, 5-year, and 6-year graduation rate for all students. Includes August graduation rates (except for the 6-year rate as this is not reported).	State Target Graduation Rate ¹⁶
Subgroups	(ii) Subgroup Cohort Graduation Rate	4-year, 5-year, and 6-year graduation rate for students identified as students with disabilities, English Language Learners/Multilingual Learners, and economically disadvantaged students. Includes August graduation rates (except for the 6-year rate as this is not reported).	State Target Graduation Rate
All Students	(iii) Aggregate On-Track to Graduate	% of all students in a cohort who have passed 3 out of 5 Regents exams, or a NYSED approved equivalent, required for graduation by August of the end of the student's 3 rd year of high school (over-aged/under-credited school cohorts will be measured by their 4 th year of high school in passing 3 out of 5 Regents exams by August of that year).	State Target Graduation Rate Percent
Subgroups	(iv) Subgroup On-Track to Graduate	% of cohort by subgroup that has passed 3 out of 5 Regents exams, or a NYSED approved equivalent, required for graduation by the end of the student's 3 rd year of high school (over-aged/under-credited school cohort subgroups will be measured by their 4 th year of high school in passing 3 out of 5 Regents exams).	State Target Graduation Rate Percent

¹⁴ Annual Regents exam outcomes will be substituted for Aggregate Total Cohort Regents Testing Outcomes when cohort outcomes are not available.

¹⁵ Annual Regents exam outcomes will be substituted for Aggregate Total Cohort Regents Testing Outcomes when cohort outcomes are not available.

¹⁶ As of April 2018, the state accountability graduation target is currently set at 80%. This is subject to change.

Benchmark 1 Data Guide

Academic information is most useful to schools when they can track, compare and predict their own data. Benchmark 1 is designed with this in mind and is intended to be a tool that schools can use to make programmatic decisions as well as track their academic standing each year of the charter term leading to renewal. Below is a guide for accessing these data indicators. While a school may be able to access school-level data reports, district and statewide data needed for comparisons may not be available until a later date. Schools should closely monitor public data release dates from the Office of Information and Reporting Services and the IRS Portal announcements as this will determine when comparative data can be accessed. The NYSED Charter School Office may update these links periodically as data reporting information changes.

1a.(i)	ESEA Accountability Designation http://www.p12.nysed.gov/accountability/ESEADesignations.html	<i>School Data</i>
1b.(i)	Comparative Proficiency http://www.p12.nysed.gov/irs/statistics/enroll-n-staff/home.html NYS Report Card Data data.nysed.gov	<i>School Data & Similar Schools</i>
2a.(i)	Aggregate Standards-Based Trend Toward Proficiency – Math and ELA <i>L2RPT Report SIRS-301: Tested/Not Tested Confirmation Report (Student Level)</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_301-TNT_Guide.pdf	<i>School Data</i>
2a.(ii)	Subgroup Standards-Based Trend Toward Proficiency – Math and ELA <i>L2RPT Report SIRS-301: Tested/Not Tested Confirmation Report (Student Level)</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_301-TNT_Guide.pdf	<i>School Data</i>
2b.(i)	Aggregate School Level Proficiency – Math and ELA <i>L2RPT Report SIRS-301: Tested/Not Tested Confirmation Report</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_301-TNT_Guide.pdf <i>NYS Report Card Data data.nysed.gov or</i> <i>NYS 3-8 Data Release http://www.p12.nysed.gov/irs/ela-math/</i>	<i>School Data</i> <i>District/State Data</i>
2b.(ii)	Subgroup School Level Proficiency – Math and ELA <i>L2RPT Report SIRS-301: Tested/Not Tested Confirmation Report</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_301-TNT_Guide.pdf <i>NYS Report Card Data data.nysed.gov or</i> <i>NYS 3-8 Data Release http://www.p12.nysed.gov/irs/ela-math/</i>	<i>School Data</i> <i>District/State Data</i>
2b.(iii)	Grade Level Proficiency – Math and ELA <i>L2RPT Report SIRS-301: Tested/Not Tested Confirmation Report</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_301-TNT_Guide.pdf <i>NYS Report Card Data data.nysed.gov or</i> <i>NYS 3-8 Data Release http://www.p12.nysed.gov/irs/ela-math/</i>	<i>School Data</i> <i>District/State Data</i>

2b.(iv) Aggregate School Level Proficiency – Science	<i>L2RPT Report SIRS-301: Tested/Not Tested Confirmation Report</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_301-TNT_Guide.pdf	<i>School Data</i>
	<i>NYS Report Card Data</i> data.nysed.gov	<i>District/State Data</i>
2b.(v) Subgroup School Level Proficiency – Science	<i>L2RPT Report SIRS-301: Tested/Not Tested Confirmation Report</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_301-TNT_Guide.pdf	<i>School Data</i>
	<i>NYS Report Card Data</i> data.nysed.gov	<i>District/State Data</i>
3a.(i) Aggregate Total Cohort Regents Testing Outcomes	<i>L2RPT Report SIRS-202: Total Cohort – Assessment Summary</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_202-TCAssessmentSummaryL2RPT.pdf	<i>School Data</i>
	<i>NYS Report Card Data</i> data.nysed.gov	<i>State Data</i>
3a.(ii) Aggregate Total Cohort Regents Testing Outcomes	<i>L2RPT Report SIRS-202: Total Cohort – Assessment Summary</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_202-TCAssessmentSummaryL2RPT.pdf	<i>School Data</i>
	<i>NYS Report Card Data</i> data.nysed.gov	<i>State Data</i>
3b.(i) Aggregate Cohort Graduation Rate	<i>L2RPT Report SIRS-201: Total Cohort –Summary</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_201-TCsummaryL2RPT.pdf or <i>NYS Report Card Data</i> data.nysed.gov	<i>School Data</i>
3b.(ii) Subgroup Cohort Graduation Rate	<i>L2RPT Report SIRS-201: Total Cohort –Summary</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_201-TCsummaryL2RPT.pdf or <i>NYS Report Card Data</i> data.nysed.gov	<i>School Data</i>
3b.(iii) Aggregate On-Track to Graduate	<i>L2RPT Report SIRS-202: Total Cohort – Assessment Summary (Student Level)</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_202-TCAssessmentSummaryL2RPT.pdf	<i>School Data</i>
3b.(iv) Subgroup On-Track to Graduate	<i>L2RPT Report SIRS-202: Total Cohort – Assessment Summary (Student Level)</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_202-TCAssessmentSummaryL2RPT.pdf	<i>School Data</i>

Benchmark 2: Teaching and Learning

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 implements research-based practices and has rigorous and coherent curriculum and assessments that are aligned to New York State Learning Standards 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.

Renewal is based on evidence that the following indicators are generally present:

1. Curriculum:
 - a. The school has a documented curriculum that is aligned to current New York State learning standards.
 - b. The curriculum is aligned horizontally across classrooms at the same grade level and vertically between grades.
 - c. The curriculum and corresponding materials are differentiated to provide opportunities for all students to master grade-level skills and concepts, including students with disabilities, English Language Learners/Multilingual Learners, and other subgroups.
 - d. The curriculum is systematically reviewed and revised.
2. Instruction:
 - a. The school staff has a shared understanding of high-quality instruction that supports all learners and observed instructional practices align to this understanding.
 - b. Instructional delivery fosters engagement with all students.
 - c. The school differentiates instruction to ensure equity and access for all students.
 - d. The school provides staff with professional development opportunities that promote best practices and improves all students' success, including sub groups.
3. Assessment and Program Evaluation:
 - a. The school uses a system of formative, diagnostic, and summative assessments.
 - b. The school uses qualitative and quantitative data to inform instruction and improve student outcomes.
 - c. The school uses qualitative and quantitative data to evaluate the quality and effectiveness of the academic program and modifies the program accordingly for both individual students as well as subgroups.
 - d. The school uses multiple measures to assess student progress towards State learning standards.
4. Supports for Diverse Learners:
 - a. The school follows the NYSED approved identification process for students with disabilities and English Language Learners/Multilingual Learners.
 - b. The school provides supports to meet the academic needs for all students including, but not limited to: students with disabilities; English Language Learners/Multilingual Learners; and economically disadvantaged students.
 - c. The school has systems to monitor the progress of individual students and to facilitate communication between interventionists and classroom teachers regarding the needs of individual students.

Benchmark 3: Culture, Climate, and Student and Family Engagement

The school has systems in place to support students' social and emotional health and to provide for a positive, safe, and respectful learning environment that prepares all students for college and career. 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.

Renewal is based on evidence that the following indicators are generally present:

1. Measures of Culture, Climate, and Student Engagement:
 - a. The school has processes and procedures in place to address chronic absenteeism for all students and sub-groups such that all students are fully engaged within the school community and have access to the educational program. Given the increased autonomy to engage students, chronic absenteeism rates are expected to be equal to or less than those of the district of location. In New York City, the district of location is the community school district. Charter schools that have a mission or key design element to serve students in a particular school district will also be compared to that school district. In addition, charter schools with more than 40% of enrolled students residing in districts other than the district of location, or the school district they are mandated to serve, will also be compared to the next highest district where students reside.¹⁷
 - b. The school has processes and procedures in place to address out of school suspension rates for all students and sub-groups such that all students are fully engaged within the school community and have access to the educational program. Given the increased autonomy to engage students, out of school suspension rates are expected to be equal to or less than those of the district of location. In New York City, the district of location is the community school district. Charter schools that have a mission or key design element to serve students in a particular school district will also be compared to that school district. In addition, charter schools with more than 40% of enrolled students residing in districts other than the district of location, or the school district they are mandated to serve, will also be compared to the next highest district where students reside.¹⁸
 - c. The school has an NYSED approved process in place to measure and evaluate school climate and culture.
2. Behavior Management and Safety:
 - a. The school has a clear approach to behavioral management, including a written discipline policy that is applicable to all students, includes a policy that addresses a school's stance towards in and out of school suspensions, and is implemented throughout the school by all school staff with fidelity.
 - b. The school uses a tiered approach to behavioral interventions that support student social-emotional development.
 - c. The school appears safe and all school constituents are able to articulate how the school community maintains a safe environment.

¹⁷ See <https://www.regents.nysed.gov/common/regents/files/P-12%20New%20York%20State%20Safe%20Schools%20Task%20Force%20Recommendations%20Status%20Update%20.pdf>.

¹⁸ Student Suspension rate is determined by dividing the number of students who were suspended from school (not including in-school suspensions) for one full day or longer anytime during the school year by the Basic Educational Data System (BEDS) day enrollments for that school year. A student is counted only once, regardless of whether the student was suspended one or more times during the school year. Data Source: L2RPT Report SIRS-351: Student Attendance Summary Report - http://www.p12.nysed.gov/irs/level2reports/documents/SIRS_351-360-361-370AttndnceAbsenceandDayCalRprtGuiderev3.6.18.pdf.

- d. The school has systems in place to ensure that the environment is free from bullying, harassment, and discrimination in accordance with the Dignity for All Students Act (DASA). The school has a DASA Coordinator that staff can identify.
 - e. Classroom environments are conducive to learning and generally free from disruption.
3. Family Engagement and Communication:
- a. The school communicates with families in their preferred language and engages them as part of the school community.
 - b. The school uses multiple methods of family engagement for all communication with all parents, in their preferred language, regardless of the disability status or language ability of their children.
 - c. Teachers communicate with families, in their preferred language, to discuss students' strengths, progress, and needs.
 - d. The school assesses family satisfaction using strategies such as surveys, feedback sessions, community forums, or participation logs, and considers results when making schoolwide decisions.
 - e. The school has a systematic and transparent process for responding to family or community concerns.
 - f. The school shares NYSED school report card data with parents and the broader school community to promote transparency and accountability.
 - g. The school shares its New York State exam participation rate compared to the district of location.
4. Social-Emotional and Mental Health Supports:
- a. The school has systems, programs, and curriculum in place to support the social-emotional and mental health needs of all students.
 - b. School leaders collect and use data to track the social-emotional needs of all students, including students in subgroups.
 - c. School leaders collect and use data regarding the impact of programs designed to support the social and emotional health of all students.
 - d. The school provides staff with professional development opportunities to support the social-emotional and mental health of students in a culturally responsive manner.
 - e. The school has processes and procedures in place to address the learning and social-emotional needs of McKinney-Vento eligible students such that all students are fully engaged within the school community and have access to the educational program. The school has a McKinney-Vento Coordinator that staff can identify.

Benchmark 4: Financial Condition

The school is in sound and stable financial condition as evidenced by performance on key financial indicators.

Important Notes:

- The key financial indicators used to evaluate this benchmark will be presented within a separate fiscal dashboard instrument that will provide context for the school’s performance on each of the following metrics, outline the specific targets for each metric, and also provide additional subsidiary detail on each calculation:

1. Near-Term Indicators:	
1a.	Current Ratio
1b.	Unrestricted Days Cash
1c.	Enrollment Variance
1d.	Composite Score
2. Sustainability Indicators:	
2a.	Total Margin
2b.	Debt-to-Asset Ratio
2c.	Debt Service Coverage Ratio

- Unless otherwise indicated, financial data is derived from the school’s annual independently audited financial statements.

Benchmark 5: Financial Management

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.

Renewal is based on evidence that the following indicators are generally present:

1. The school has an accurate and functional accounting system that includes monthly budgets.
2. The school sets budget objectives and regularly analyzes its budget, including detailed assumptions within the budget, in relation to those objectives.
3. The school has allocated budget surpluses in a manner that is fiscally sound and directly attends to the social and academic needs of the students attending the school.
4. The school has and follows a written set of fiscal policies.
5. The school has complied with State and federal financial reporting requirements.
6. The school has and is maintaining appropriate internal controls and procedures.
7. The school has procedures in place to ensure that programmatic and independent fiscal audits occur at least once annually, with such audits being comparable in scope to those required of other public schools. Audits will be undertaken by auditing firms with experience working with New York State charter schools and are peer reviewed.
8. The school follows generally accepted accounting principles as evidenced by independent financial audits with an unqualified audit opinion, a limited number of findings that are quickly corrected, and the absence of a going concern disclosure.

Benchmark 6: Board Oversight and Governance

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.

Renewal is based on evidence that the following indicators are generally present:

1. The board utilizes an annual written performance-based evaluation process for evaluating school leadership, itself, and providers.
2. The board recruits and selects board members with a diverse set of skills and expertise that meet the needs of the school and represent the community in which the school serves.
3. The board demonstrates active oversight of the charter school's management, comprehensive service provider(s), if applicable, fiscal operations, and progress toward meeting academic and other school goals through written evaluation processes.
4. The board engages in strategic and continuous improvement planning by setting priorities and goals that are aligned with the school's mission and charter.
5. The board regularly updates school policies when needed and receives NYSED approval prior to applicable policy implementation.
6. The board engages in ongoing professional development.
7. The board demonstrates full awareness of its governance role, its legal obligations to the school and stakeholders, and requirements of the school's charter.
8. The board is familiar with NYSED Charter School Performance Framework standards and has a plan to ensure that the school meets these standards.

Benchmark 7: Organizational Capacity

The school has established a well-functioning organizational structure and 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.

Renewal is based on evidence that the following indicators are generally present:

1. School Leadership:
 - a. The school has an effective school leadership team that communicates a clearly defined mission and set of goals to staff and the school community.
 - b. The school has clear and well-established communication systems and decision-making processes in place to ensure effective communication across the school.
 - c. The school successfully recruits, hires, and retains key personnel that meets the needs of all students and subgroups, and makes decisions – when warranted – to remove ineffective staff members.
 - d. School leadership is familiar with NYSED Charter School Performance Framework standards and has a plan to ensure that the school meets these standards.
2. Professional Climate:
 - a. Roles and responsibilities for leaders, staff, management, and the board of trustees are clearly defined and adhered to.
 - b. The school ensures that staff has requisite skills, expertise, and professional development necessary to meet all students' needs, including students in subgroups.
 - c. The school is fully staffed with personnel who are able to meet all operational needs, including finance, human resources, and communications.
 - d. The school has established procedures for effective collaboration among teachers.

- e. The school has systems to monitor and maintain organizational and instructional quality through a formal evaluation process for teacher and other staff.
 - f. The school has mechanisms to solicit teacher and staff feedback and to gauge their satisfaction.
3. Contractual Relationships (If Applicable):
- a. Changes in the school’s charter management or comprehensive service provider contract comply with required charter amendment procedures.
 - b. The school monitors the efficacy of contracted service providers or partners and has established an effective working relationship.

Benchmark 8: Mission and Key Design Elements

The school is faithful to its mission and has implemented the key design elements outlined in its charter.

Renewal is based on evidence that the following indicators are generally present:

- 1. School stakeholders share a common and consistent understanding of the school’s mission and key design elements outlined in the charter, including in public-facing materials.
- 2. The school has fully implemented the key design elements in the approved charter and in any subsequently approved revisions.

Benchmark 9: Enrollment, Recruitment, and Retention

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/Multilingual Learners, and students who are eligible applicants for the free and reduced price lunch program or has demonstrated that it has made extensive good faith efforts to attract, recruit, and retain such students.

1. Enrollment Targets	
1a.	Students with Disabilities (SWD) Enrollment Target
1b.	English Language Learners/Multilingual Learners (ELL/MLL) Enrollment Target
1c.	Eligible for Free and Reduced-Price Lunch (FRPL) Enrollment Target (Economically Disadvantaged)
2. Retention Targets	
2a.	Students with Disabilities (SWD) Retention Target
2b.	English Language Learners/Multilingual Learners (ELL/MLL) Enrollment Target
2c.	Eligible for Free and Reduced-Price Lunch (FRPL) Retention Target (Economically Disadvantaged)

Renewal is based on evidence that the following indicators are generally present:

- 1. The school will meet enrollment and retention targets (the target methodology is enumerated below) or shall demonstrate good faith efforts towards doing so.

2. The school has a plan to monitor enrollment and retention rates and modify engagement strategies or supports for students to improve these rates, including for students with disabilities, English Language Learners/Multilingual Learners, and economically disadvantaged students.
3. If applicable, the school has a dropout plan to improve student retention.

If the enrollment and retention targets are not met, the school will demonstrate that:

1. The school's good faith efforts result in regular and significant annual progress towards meeting the targets for each district of comparison is being made.
2. Extensive recruitment strategies and program services to attract and retain students with disabilities, English Language Learners/Multilingual Learners, and students who are eligible for free and reduced price lunch are in place. Strategies include but are not limited to: outreach to parents and families in the surrounding communities, widely publicizing the lottery for such school, efforts to academically support these students, and enrollment policy revisions, such as employing a weighted lottery or enrollment preference, to increase the proportion of enrolled students from the three priority populations.
3. A systematic process for evaluating recruitment and outreach strategies and program services for each of the three categories of students is in place, and the school makes strategic improvements as needed.

Progress toward meeting targets as exemplified in extensive or good faith efforts will be reviewed upon midterm site visits, if one occurs, but will be fully assessed upon renewal. Schools should be able to draw a relationship between extensive or good faith efforts to recruit target populations and a clear and evident increase in enrollment within those populations. Therefore, a full assessment of the validity of such efforts will not be conducted until the end of the renewal period in order to allow the school time to adjust and test recruitment strategies to attract target populations.

Enrollment and Retention Target Methodology:

- Charter schools are held accountable for enrollment and retention rates compared to their district of location for students with disabilities, English Language Learners/Multilingual Learners, and students who are eligible applicants for the free and reduced price lunch program. In New York City, the district of location is the community school district (CSD). Charter schools that have a mission or key design element to serve students in a particular school district will also be compared to that school district. In addition, charter schools with more than 40% of enrolled students residing in districts other than the district of location will also be compared to the next highest district where students reside.
- Enrollment and retention targets for each subgroup will be drawn from data found in the NYSED Level 2 Data System (L2RPT)¹⁹ specifically:
 - Enrollment and retention targets will be derived from at least the two prior school years' data. Enrollment and retention data will be grade-level specific based on the grade levels served by the charter school in the applicable year. For example, if a charter school is being renewed in the 2024-25 school year, enrollment and retention target data will be based on grade-level specific data from at least the 2023-24 and 2022-23 school years.

¹⁹ See <http://www.p12.nysed.gov/irs/level2reports/home.html>

- For the purposes of calculating Enrollment and retention targets, for both the district and charter school data, NYSED will use former and current students with disabilities (students with IEPs) and English-Language Learners/Multilingual Learners.
- Students labeled as “ungraded” in L2RPT, for both district and charter school data, will not be included in the analysis.

Benchmark 10: Legal Compliance

The school has complied with applicable laws, regulations, and the provisions of its charter.

Renewal is based on evidence that the following indicators are generally present:

1. The school has compiled a record of substantial compliance with applicable State and federal laws and regulations and the provisions of its charter including, but not limited to: those related to student admissions and enrollment; FOIL and Open Meetings Law; protecting the rights of students and employees; addressing complaints; financial management and oversight; governance and reporting; and health, safety, civil rights, and student assessment requirements.
2. The school has undertaken appropriate corrective action when required, and/or as requested by the Board of Regents and/or the NYSED Charter School Office and has implemented necessary safeguards to maintain compliance with all legal requirements.
3. The school has a plan to ensure that teachers are certified in accordance with applicable laws and regulations.
4. The school has sought Board of Regents and/or the NYSED Charter School Office approval for material and non-material revisions.
5. The school maintains sufficient enrollment demand for the school to meet the expectations detailed in the enrollment plan outlined in the charter and within the parameters set forth in the charter agreement.
6. The school seeks guidance from its legal counsel when updating documents and handling issues that arise.