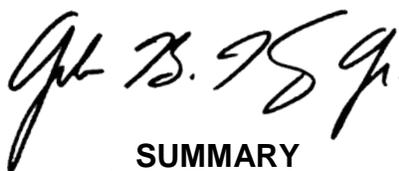




**TO:** P-12 Education Committee  
**FROM:** Ken Slentz  
**SUBJECT:** Enrollment and Retention Targets for Charter Schools  
**DATE:** June 11, 2012

**AUTHORIZATION(S):**

  
**SUMMARY**

### **Issue for Discussion**

Establishment of enrollment and retention targets for charter schools for students with disabilities, English language learners, and students who are eligible applicants for the free and reduced price lunch program

### **Reason(s) for Consideration**

Required by the May 2010 amendments to the New York State Charter Schools Act, specifically, Education Law §2851(4)(e) and §2852(9-b).

### **Proposed Handling**

This issue will be before the Regents p-12 Education Committee for discussion at the June 2012 meeting of the Board of Regents.

### **Procedural History**

An item related to this issue was discussed at the May 2010 Board of Regents meeting. This item contains updates to the project.

### **Background Information**

As discussed at the May 2012 Board of Regents meeting, the 2010 amendments to the New York State Charter Schools Act, (Education Law §2851(4)(e) and §2852(9-b)), require the Board of Regents and the Board of Trustees of the State University of New York (SUNY) to prescribe enrollment and retention targets for charter schools for

students with disabilities, English language learners, and students who are eligible applicants for the free and reduced priced lunch program.

The May Board of Regents item included several documents that provided information about this issue, including a memo about the proposed methodology and a technical report proposing an initial methodology explaining how the data would be analyzed and the targets would be set pursuant to this proposed methodology.

Working with our colleagues at the SUNY Charter Schools Institute, we have since performed significant outreach to the field, including webinars, conference calls, and one-on-one conversations. This public outreach included a webinar for approximately 150 charter school operators and for other stakeholders and the general public, including representatives from parent groups, NYC Community Education Councils, advocacy groups, District Superintendents, the Big 5, the United Federation of Teachers, and the New York State United Teachers.

The Department continues to work with the SUNY Charter Schools Institute to analyze and summarize public comment, but after a preliminary review, comment can be categorized into the following broad areas: 1) respondents who disagree with the law and believe that any quota or target setting is socially irresponsible, effectively perpetuating failings of segregated and underperforming systems; 2) respondents who provided critique of the proposed methodology, offering scenarios where schools would be “penalized” or “rewarded” depending on approaches to identification of at-risk students; 3) respondents who pointed out inaccuracies in our draft empirical files; and 4) general questions or specific case-dependent questions that staff was able to answer through a “Questions and Answers” document. The Department will summarize public comment and post it on the Charter School Office project page and the SUNY-CSI project page at:

<http://www.p12.nysed.gov/psc/enrollment-retention-targets.html>

<http://www.newyorkcharters.org/WebinarMaterials.htm>

Since the May 2012 Board of Regents meeting, staff has made the following improvements to the project, based on continuing refinement of the data sets and methodology to make use of the best available data consistent with the statute and careful consideration of public comment:

1. Updated proposed methodology sets targets for students with disabilities in New York City (NYC) at the Community School District (CSD) level. The previous methodology described in the May 2012 Regents item set targets for students with disabilities at the district level in NYC, consistent with NYSED past policy and practice of reporting enrollment data for students with disabilities only on a citywide basis since placement into special education programs is done citywide. Staff erroneously believed that such policy and practice was premised in part on a lack of accurate and reliable enrollment data by community district. However, program staff has since confirmed with the Department’s ITS staff that, while historically such data was not collected, it is currently collected for federal purposes though not publicly reported. Since Education Law §§ 2851(4)(e) and

2852(9-a)(b)(i) each provide for computation of enrollment and retention targets by community school district and the data is available, the methodology had to be revised to conform to the statute.

2. Updated proposed methodology sets targets for charter schools serving high school students in New York City at the CSD level. The previous methodology set targets for charter schools serving high school students in NYC at the district level due to the high school choice system. However, since the enrollment data is available by community district, the methodology was revised to use such data consistent with the statute.
3. Updated proposed methodology establishes confidence intervals for charter schools with small subgroup populations ("n" sizes). The Department set and calculated these confidence intervals to ensure statistical accuracy and the ability to set targets for all subgroups of students at all charter schools in the state.

Department staff, in collaboration with the SUNY Charter Schools Institute, will continue to update data files related to target-setting and finalize the proposed methodology for consideration at the July Board of Regents meeting. Staff are working to ensure that the proposed methodology is fully reflective of the intent and letter of the law, is fair and balanced in holding public charter schools accountable for enrolling and retaining at-risk students at rates proportional to schools in their districts of location, and addresses concerns from the public to the extent permitted by the law.

The Department is working to create proposed policy for charter school accountability at renewal, for the Board of Regents review, which will include implementation of enrollment and retention targets. Much like our previous project related to new charter schools applications in the Fall of 2010, staff is re-building standards and processes for charter school renewal, including defining "how good is good enough" for charter renewal; setting timelines, policies and procedures for renewal; creating renewal application handbooks and guidance documents; and defining what "good faith effort" and "repeated failure" means when considering renewal and retention targets.

Interventions and sanctions for charter schools not making good faith efforts to meet effective targets, or for schools repeatedly failing to meet effective targets may include, but not be limited to the Board of Regents:

- placing the school's charter on watch, warning or probation;
- considering a request from a school to modify an admissions policy, consistent with Education Law and Civil Rights Laws;
- considering track record of a charter management organization (CMO) when considering applications for new schools or replication or expansion of the CMO portfolio; and
- non-renewing or revoking the charter of a school that repeatedly fails to meet the effective targets and shows no good faith effort in attempting to meet established effective targets.

## **Recommendation**

N/A

## **Timetable for Implementation**

The methodology for establishment of enrollment and retention targets is expected to come before the P-12 Committee and the Full Board for a vote at the July 2012 Board of Regents meeting.