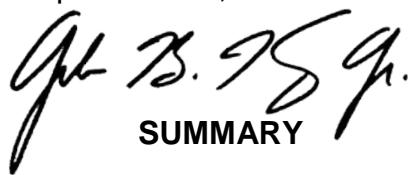




THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: P-12 Education Committee
FROM: Ken Slentz 
SUBJECT: Charter School Office Update
DATE: September 27, 2012
AUTHORIZATION(S):


SUMMARY

Issue for Discussion

This item provides you with an update on the activities of the Department's Charter School Office in carrying out the Board of Regents' public charter school authorizing and oversight role and responsibility. This continues our updates to the Regents on the progress being made in implementing the new approach to charter authorizing, incorporating updates to Education Law, Article 56 (the Charter Schools Act), first presented in June 2010.

Proposed Handling

This issue will come before the P-12 Education Committee for discussion at the October 2012 meeting.

Charter School Renewal/Revocation Policy and Performance Framework

The Charter School Office is in the final stages of finalizing a Performance Framework (the "Framework") and accompanying renewal/revocation policy to guide the performance oversight of charter schools authorized by the Board of Regents. We expect to present this to the Regents for consideration later this fall. The Framework will cover all areas of school and system accountability, including student academic performance (status and growth); organizational and fiscal performance; and compliance and alignment with law and statute.

The policy and Framework will articulate that the Regents will consider *increases in student academic achievement for all groups of students described in Section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school's charter*, pursuant to a required assurance of the Department's \$113 million federal Charter Schools Program grant. (See page 3 for more information

on the Charter Schools Program grant). The policy and framework will also address the Department's accountability approach to the requirement for charter schools to meet enrollment and retention targets for students with disabilities, English language learners, and students who are eligible applicants for the free and reduced price lunch program. (The Regents approved the methodology for setting these targets in July 2012).

The Department's Charter School Office has undergone an extensive period of development and review to construct a Performance Framework that draws from the best of what is available across the country in charter authorizing practices. The development of the Framework has been an iterative process, but Charter School Office staff adhered to following key guiding principles throughout to ensure that the Performance Framework:

- **Focuses on performance over compliance.** Each performance standard serves to highlight how a successful school should perform and operate in each key area. The Framework recognizes that compliance is a minimum expectation; and moves further to focus on student performance. Charter schools enter into a performance-based contract with their authorizer, and the Framework must establish expectations for high performance.
- **Preserves operational autonomy.** Each performance standard should focus on outcomes rather than processes. Charter school authorizers must protect school autonomies that allow schools the freedom to determine the means by which they achieve the result of student and operational performance.
- **Facilitates transparent feedback to schools.** The Department developed the structure of the Framework to ensure that clear and transparent feedback about performance can be conveyed to charter schools in key areas, throughout the charter term. Based on this, and other data, charter schools should be able to make adjustments to their operational and academic programming to improve performance.
- **Aligns to the ongoing accountability and effectiveness work for all public schools.** The Department developed the Framework during a period of broader educational reform in New York, largely influenced by New York's successful Race to the Top application and ESEA Flexibility Request. To the maximum extent possible, the Department aligned the Framework with the overall educator and institutional accountability and school effectiveness work of NYSED, but also incorporated additional performance metrics that capture the unique aspects of charter school autonomy and accountability.
- **Balances clear performance standards with Regents' discretion.** The Framework clearly outlines performance standards for charter schools, but does not formulaically dictate high-stakes accountability decisions, including new charter award, probation, revocation, and/or renewal decisions. These high-stakes decisions are ultimately made by the Board of Regents based on the totality of evidence presented by the charter school, and the Regents' have the discretion to consider many qualitative and quantitative factors when making these decisions.

As part of the Department's ongoing performance oversight of charter schools authorized by the Board of Regents, during the 2012-2013 school year, the Charter School Office is scheduled to conduct six (6) renewal site visits and approximately 33 other interim school site visits throughout New York State.

Federal Charter Schools Program Grants Update¹

The Charter School Office continues to ensure that funds flow quickly from the \$113 million federal Charter Schools Program (CSP) grant to support the launch of quality charter schools in the state authorized by both the Regents and the SUNY Board of Trustees. For the 2012-2013 school year, with the support of CSP funds, 27 new charter schools opened their doors.

New NYS Charter Schools Opening in 2012-13	Regents	SUNY	Total
New York City	10	14	24
Rochester	2	0	2
Buffalo	1	0	1
Total	14	14	27

With the support of CSP funds, nineteen (19) additional schools are already approved to open in the fall of 2013. Additional schools may join this cohort as additional rounds of charter application review are currently in process for both the Regents and SUNY Trustees for additional approvals. A summary of the current (through September 30, 2012) number of charter schools in New York State is provided below.

Charter Schools in New York State			
Charter Authorizer	Charters Open for Instruction in 2012-13	Charters Scheduled to open in 2013-14 or later	Charters Issued but no Longer Operating*
SUNY	97	14	10
Board of Regents	41	4	5
NYCDOE	69	1	5
Buffalo BOE	2	0	0
Total	209	19	20

* Pinnacle Charter School (Regents) and Peninsula Prep Charter School (NYCDOE) were non-renewed by their respective authorizers in 2011-2012, but these non-renewals are currently being litigated. Albany Preparatory Charter School (SUNY) and Believe Southside Charter School (Regents) closed at the end of 2011-2012.

In addition, the Charter School Office has hired a staff person who is developing a RFP for a \$5 million Race-to-the-Top style grant competition (funded by CSP funds) to select ten high-performing charter schools to partner with low-performing public schools to significantly improve student performance.

¹ In July 2011, the United States Department of Education (USDOE) awarded the New York State Education Department a grant totaling more than \$113 million over five years to increase public school choice options throughout the state. Fourteen states applied for grants under the federal Charter Schools Program competition, but only New York and Florida succeeded in winning grant awards. These grants provide funding to states to create new, high-quality public charter schools and disseminate the best practices of existing charter schools. NYSED is responsible for using this funding to provide subgrants to newly chartered schools to assist in their planning and implementation efforts. A portion of the funding will also be used to provide subgrants to high-performing charter schools to assist in dissemination efforts to improve student performance in low-performing public schools.

Applications to Establish Charter Schools Authorized by the Board of Regents

The Department's Charter School Office continues to uphold the rigor and quality standard that the Regents demand to earn the opportunity to operate a public charter school in New York State. The Charter School Office is in the process of reviewing and vetting applications in Rounds 2 and 3 in 2012; and will bring Department recommendations for charter award to the Regents for consideration and action at your regularly-scheduled December meeting.

RFP Cycle	Letters of Intent Submitted	Full Applications Submitted	Charters issued
2010	39	35 prospectuses were submitted; 16 applicants were invited to submit full applications; 15 full applications were submitted	7
2011	100	80 prospectuses were submitted; 37 applicants were invited to submit full applications; 36 full applications were submitted	9
2012 Round 1	30	20 applicants were invited to submit full applications; 14 full applications were submitted	3
2012 Round 2	54	37 applicants were invited to submit full applications; 25 full applications were submitted	TBD by Dec. 2012
2012 Round 3	24	21 applicants were invited to submit full applications: 12 full applications were submitted	TBD by Dec. 2012

The Department will release details about the next RFP process to establish charter schools authorized by the Board of Regents by early 2013, in alignment with state statute. Currently, the Department plans to run two rounds of review in 2013. The federal CSP grant proposes providing additional monetary incentives to successful applicants who propose school designs that meet particular programmatic priorities outlined by either the Board of Regents or the State University of New York (New York's other statewide authorizer). Incentives currently under consideration include schools that are designed to leverage technology, promote diversity, serve over-age, under-credited students, or serve students with disabilities or English language learners.