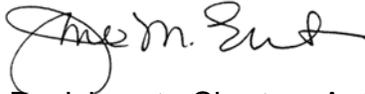




**TO:** P-12 Education Committee  
**FROM:** Jhone M. Ebert   
**SUBJECT:** Charter Schools: Revisions to Charters Authorized by  
New York City Department of Education Chancellor  
**DATE:** February 1, 2018  
**AUTHORIZATION(S):** 

## SUMMARY

### Issue for Decision

Should the Regents approve the proposed revisions to the charters of the following three schools authorized by the New York City Department of Education Chancellor:

1. **New Heights Academy Charter School**
2. **New York French American Charter School**

### Reason(s) for Consideration

Required by State statute.

### Proposed Handling

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

### Procedural History

The Commissioner and Department staff forward the revision recommendations for the following charter schools, as proposed by the New York City Department of Education Chancellor in her capacity as a charter school authorizer under Article 56 of the Education Law. The New York City Department of Education Chancellor asks that the charters be revised as indicated and has provided a summary for each school as set forth below.

## New Heights Academy Charter School

**Table 1: School Summary**

Name of Charter School	New Heights Academy Charter School
Board Chair	Dylan Hogarty
District of Location	NYC CSD 6
Opening Date	2006-2007
Current Charter Term	Short Term [3 Years]
Facility	1818 Amsterdam Ave, Manhattan, NY 10031 (Private space)
Current Grade Levels/Number of Students	Grades 5-12/ 750 students
Mission	New Heights' mission is to graduate students who are prepared to succeed in college and life.
Proposed Revision	Increase the school's authorized enrollment from 750 to 765 students.

### **Rationale for Recommendation**

New Heights Academy Charter School was renewed for a 3-year, short-term renewal in the 2016-17 school year. New Heights is requesting an enrollment increase in order to provide an opportunity for the older siblings of current students to attend their school. Because New Heights has a high retention rate at the high school academy, the likelihood that these siblings will be called off of the waitlist is low. Additionally, the parents of the current students would like to keep these siblings together, demonstrating parent satisfaction with the school and community demand. Per our 2015 Enrollment Revision Policy, New Heights is eligible to request an enrollment increase because they have submitted compelling rationale to support the evaluation of the request<sup>1</sup>. Not only is this rationale aligned with the Charter Schools Act to provide a preference for the siblings of currently enrolled students, the number of students being requested is small and will not have a noticeable impact on the enrollment of district and charter schools in the community.

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<sup>1</sup> Per the NYC DOE Enrollment Policy, the determinants of what constitutes "compelling evidence" are at the sole discretion of the NYC DOE.

**Table 2: New Heights Academy Charter School Approved Enrollment**

	<b>Year 1 2017-2018</b>	<b>Year 2 2018-2019</b>	<b>Year 3 2019-2020</b>
<b>Grade Configuration</b>	5-12	5-12	5-12
<b>Total Approved Enrollment</b>	750	750	750

**Table 3a: New Heights Academy Charter School Proposed Enrollment**

	<b>Year 1 2017-2018</b>	<b>Year 2 2018-2019</b>	<b>Year 3 2019-2020</b>
<b>Grade Configuration</b>	5-12	5-12	5-12
<b>Total Approved Enrollment</b>	750	765	765

**Table 4: New Heights Academy Charter School Academic Achievement**

<b>All Students</b>	<b>ELA</b>					<b>Math</b>				
	<b>New Heights Academy CS</b>	<b>CSD 6</b>	<b>Variance to CSD 6</b>	<b>NYS</b>	<b>Variance to NYS</b>	<b>New Heights Academy CS</b>	<b>CSD 6</b>	<b>Variance to CSD 6</b>	<b>NYS</b>	<b>Variance to NYS</b>
<b>2015-2016</b>	29.8	25.9	+3.9	35.9	-6.1	22.8	21.9	+0.9	35.9	-13.1
<b>2017-2018</b>	29.9	29.3	+0.6	38.5	-8.6	17.3	22.9	-5.6	36.8	-19.5

**Table 5: New Heights Academy Charter School Demographics  
Compared to District of Location**

	2015 -2016			2016-2017			2017-2018		
	New Heights Academy	CSD 6	Variance	New Heights Academy	CSD 6	Variance	New Heights Academy	CSD 6	Variance
<b>Economically Disadvantaged</b>	93.5	85.8	+7.7	93.2	84.7	+8.5	82.6	81.6	+1.0
<b>English Language Learners</b>	11.1	28.8	-17.7	16.3	35.0	-18.7	12.4	29.5	-17.1
<b>Students with Disabilities</b>	11.2	18.2	-7.0	14.1	19.7	-5.6	14.0	18.8	-4.8

**Summary of Public Comment**

As required by the Charter School Act, the New York City Department of Education Chancellor held a public hearing about the proposed revision on November 27, 2017. 11 individuals attended the hearing. 6 comments were made in support and none were made in opposition to the proposed charter revision.

**Timetable for Implementation**

The Regents action for New Heights Academy Charter School will become effective on July 1, 2018.

## New York French American Charter School

**Table 1: School Summary**

Name of Charter School	New York French American Charter School
Board Chair	Richard Ortoli
District of Location	NYC CSD 3 <sup>2</sup>
Opening Date	2010-2011
Current Charter Term	Full Term [5 years]
Facility	311 West 120 <sup>th</sup> Street, Manhattan, NY 10027 (private space)
Current Grade Levels/Number of Students	Grades K-5/ 300 students
Mission	The mission of the New York French-American Charter School is to develop bilingual, biliterate global citizens who will be the leaders of tomorrow.
Proposed Revision	Expand current grade span from K-5 to K-8 and increase enrollment from 300 to 450 students.

### **Rationale for Recommendation**

New York French American Charter School was renewed for a 5-year, full-term renewal in the 2016-17 school year. In the NYC DOE review of the material revision request, the charter authorizing team's (CAT) analytics review found that 77.4% of NYFACS alumni are currently attending a middle school that performs worse than NYFACS in both ELA and Math. NYFACS is performing significantly better in ELA (17 percentage points) and Math (39 percentage points) than the school that receives the highest concentration of NYFACS students for middle school (49% of NYFACS 5<sup>th</sup> graders attend this school for 6<sup>th</sup> grade). Additionally, NYFACS' enrollment plan accounts for the matriculation of students currently enrolled in the elementary school and does not call for the recruitment of additional students, thereby limiting the overall impact on enrollment at other district and charter schools in the community.

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<sup>2</sup> 22% of New York French-American Charter School students reside in NYC CSD 5 and 16% reside in their district of location, NYC CSD 3. An additional 16% of students reside in NYC CSD 9 and the rest reside in 15 other CSDs across the city. Since the largest district of residence for students in this school is NYC CSD 5, comparisons both to the district of location, NYC CSD 3, and NYC CSD 5, are presented here.

**Table 2: New York French American Charter School Approved Enrollment  
For Current Charter Term**

	<b>Year 1 2017-2018</b>	<b>Year 2 2018-2019</b>	<b>Year 3 2019-2020</b>	<b>Year 3 2020-2021</b>	<b>Year 5 2021-2022</b>
<b>Grade Configuration</b>	K-5	K-5	K-5	K-5	K-5
<b>Total Approved Enrollment</b>	300	300	300	300	300

**Table 3: New York French American Charter School Proposed Enrollment  
For Current Charter Term**

	<b>Year 1<sup>3</sup> 2017-2018</b>	<b>Year 2 2018-2019</b>	<b>Year 3 2019-2020</b>	<b>Year 3 2020-2021</b>	<b>Year 5 2021-2022</b>
<b>Grade Configuration</b>	K-5	K-6	K-7	K-8	K-8
<b>Total Approved Enrollment</b>	300	350	400	450	450

**Table 4: New York French American Charter School Academic Achievement**

	<b>ELA</b>					<b>Math</b>				
	<b>NYFACS</b>	<b>CSD 3</b>	<b>Variance to CSD 3</b>	<b>NYS</b>	<b>Variance to NYS</b>	<b>NYFACS</b>	<b>CSD 3</b>	<b>Variance to CSD 3</b>	<b>NYS</b>	<b>Variance to NYS</b>
<b>All Students</b>										
<b>2015-2016</b>	35.0	57.7	-22.7	38.8	-3.8	52.2	56.2	-4.0	43.0	+9.2
<b>2016-2017</b>	41.0	60.6	-19.6	39.9	+1.1	46.7	61.1	-14.4	44.9	+1.8

<sup>3</sup> New York French American Charter School will be authorized to serve 450 students in all years of the charter term pending the approval of the school's enrollment expansion. Enrollment plans, including number of students served may vary year-to-year, but may not exceed 450 students in any year of the remainder of the charter term unless a subsequent material revision is approved over the course of this charter term. This language should not be used to limit the school's ability to request an enrollment increase during a future renewal or material revision process.

**Table 5: New York French American Charter School Demographics Compared to District of Location**

	2015 -2016			2016-2017			2017-2018		
	NYFACS	CSD 3	Variance	NYFACS	CSD 3	Variance	NYFACS	CSD 3	Variance
<b>Economically Disadvantaged</b>	73.4	40.6	+32.8	71.0	41.6	+29.4	67.9	40.0	+27.9
<b>English Language Learners</b>	16.6	6.3	+10.3	19.6	7.8	+11.8	25.2	6.3	+18.9
<b>Students with Disabilities</b>	10.9	19.3	-8.4	11.8	21.2	-9.4	9.5	18.7	-9.2

**Table 6: New York French American Charter School Academic Achievement**

	ELA					Math				
	NYFACS	CSD 5	Variance to CSD 5	NYS	Variance to NYS	NYFACS	CSD 5	Variance to CSD 5	NYS	Variance to NYS
<b>All Students</b>										
<b>2015-2016</b>	35.0	19.2	+15.8	38.8	-3.8	52.2	19.2	+33.0	43.0	+9.2
<b>2016-2017</b>	41.0	22.8	+18.2	39.9	+1.1	46.7	21.4	+25.3	44.9	+1.8

**Table 7: New York French American Charter School Demographics**

	2015 -2016			2016-2017			2017-2018		
	NYFACS	CSD 5	Variance	NYFACS	CSD 5	Variance	NYFACS	CSD 5	Variance
<b>Economically Disadvantaged</b>	73.4	90.5	-17.1	71.0	90.4	-19.4	67.9	87.1	-19.2
<b>English Language Learners</b>	16.6	12.8	+3.7	19.6	14.6	+5.0	25.2	13.1	+12.1
<b>Students with Disabilities</b>	10.9	25.9	-15.0	11.8	27.6	-15.8	9.5	26.2	-16.7

**Summary of Public Comment**

As required by the Charter School Act, the New York City Department of Education Chancellor held a public hearing about the proposed revision on November 28, 2017. 44 individuals attended the hearing. 18 comments were made in support and none in opposition to the proposed charter revision.

**Related Regents Items**

**New Heights Academy Charter School**

April 13, 2005

[Initial Charter Granted for New Heights Academy Charter School](https://www.regents.nysed.gov/common/regents/files/documents/meetings/2005Meetings/April2005/0405emscvesida1.htm)

<https://www.regents.nysed.gov/common/regents/files/documents/meetings/2005Meetings/April2005/0405emscvesida1.htm>

March 10, 2009

[Addition of a voluntary after-school program](http://www.regents.nysed.gov/common/regents/files/documents/meetings/2009Meetings/March2009/0309emscas6.doc) and to open enrollment to new students, through the school’s admissions policy, in grade 11, if seats are available.

<http://www.regents.nysed.gov/common/regents/files/documents/meetings/2009Meetings/March2009/0309emscas6.doc>

February 5, 2015

[2.5-Year, Short-Term Renewal for New Heights Academy Charter School](https://www.regents.nysed.gov/common/regents/files/215p12a10.pdf)

<https://www.regents.nysed.gov/common/regents/files/215p12a10.pdf>

March 11, 2017

3-Year, Short-Term Renewal for New Heights Academy Charter School

<https://www.regents.nysed.gov/common/regents/files/317p12a8revised.pdf>

### **New York French American Charter School**

September 11, 2009

Initial Charter Granted for New York French-American Charter School

<http://www.regents.nysed.gov/meetings/2009Meetings/September2009/0909emsca9.htm>

May 16, 2014

3-Year, Short-Term Renewal for New York French-American Charter School

<http://www.regents.nysed.gov/common/regents/files/514p12a4.pdf>

April 3, 2017

5-Year, Renewal for New York French American Charter School

<https://www.regents.nysed.gov/common/regents/files/417p12a6.pdf>

### **Recommendation**

VOTED: That the Board of Regents finds that: (1) the charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to revise the charter 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 Article 56 of the Education Law; and (4) granting the request to revise the charter would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the charter revision for **New Heights Academy Charter School** and amends the provisional charter accordingly.

VOTED: That the Board of Regents finds that: (1) the charter school meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to revise the charter 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 Article 56 of the Education Law; and (4) granting the request to revise the charter would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the charter revision for **New York French American Charter School** and amends the provisional charter accordingly.

### **Timetable for Implementation**

The Regents action for New York French American Charter School will become effective on July 1, 2018.