



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

TO: P-12 Education Committee

FROM: John L. D'Agati *John L. D'Agati*

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

DATE: January 30, 2020

AUTHORIZATION(S): *Sharon L. Tabor*

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. **South Bronx Early College Academy Charter School** (short-term, three-year renewal and a revision to increase authorized enrollment from 326 students to 330 students beginning in year 1 of the renewal charter term).
2. **West Buffalo Charter School** (full-term, five-year renewal).

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 2020 Regents meeting.

Procedural History

The New York State Education Department (the Department) made the renewal recommendations being presented to the Board of Regents for approval and issuance as required by Article 56 of the Education Law and 8 NYCRR 119.7.

Background Information

Performance Framework

The Board of Regents Charter School Performance 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 Charter School Performance Framework sets forth ten performance benchmarks in these three areas. The Charter School Performance Framework is designed to focus on performance outcomes, to preserve operational autonomy, and to facilitate transparent feedback to schools. It aligns with the Department's ongoing accountability and effectiveness work under the Every Student Succeeds Act (ESSA) and holds charter schools accountable to standards set forth in the Education Law while providing the Regents with discretion. Generally, charter schools are required to demonstrate performance outcomes that exceed those of traditional public schools.

New York State Education Department Charter School Performance Framework

Performance Benchmark	
Educational Success	Benchmark 1: Student Performance: The school has met or exceeded achievement indicators for academic trends toward proficiency (a growth measure), proficiency rates on the 3-8 math and ELA exam, 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).
	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 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.
	Benchmark 3: Culture, Climate, and Family Engagement: 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.

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, 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, 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.
	Benchmark 10: Legal Compliance: The school complies with applicable laws, regulations, and the provisions of its charter.

Charter School Renewal Applications

In Article 56 of the Education Law, §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 of Education (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.

Related Regents Items

South Bronx Early College Academy Charter School

[December 2013 Initial Charter](https://www.regents.nysed.gov/common/regents/files/1213p12a2%5B1%5D.pdf)

(<https://www.regents.nysed.gov/common/regents/files/1213p12a2%5B1%5D.pdf>)

West Buffalo Charter School

[February 2010 Initial Charter](https://www.regents.nysed.gov/meetings/2010Meetings/February2010/0210emsca7.htm)

(<https://www.regents.nysed.gov/meetings/2010Meetings/February2010/0210emsca7.htm>)

[February 2015 First Renewal](https://www.regents.nysed.gov/common/regents/files/215p12a3.pdf)

(<https://www.regents.nysed.gov/common/regents/files/215p12a3.pdf>)

[February 2016 Second Renewal](https://www.regents.nysed.gov/common/regents/files/216p12a4.pdf)

(<https://www.regents.nysed.gov/common/regents/files/216p12a4.pdf>)

[February 2016 Enrollment and Grade Expansion Revision](https://www.regents.nysed.gov/common/regents/files/216p12a4.pdf)

(<https://www.regents.nysed.gov/common/regents/files/216p12a4.pdf>)

Recommendations

The State Education Department Renewal Recommendations

The attached Renewal Recommendation Reports provide summary information about the Renewal Applications before the Regents for action at the February 2020 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 nonrenewal and has additional flexibility to make renewal recommendations for other charter term lengths.

The Department considers evidence related to all 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.¹ 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 renewal site visit of up to two days, 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 closely monitors all charter schools based on the Oversight Plan.²

Renewal Recommendations

It is recommended that the Board of Regents take the following action:

VOTED: That the Board of Regents finds that, the **South Bronx Early College 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 **South Bronx Early College 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, 2023**.

VOTED: That the Board of Regents finds that, the **West Buffalo 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 **West Buffalo 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, 2025**.

¹ See § 8 NYCRR 119.7 at <http://www.p12.nysed.gov/psc/aboutcharterschools/Financing/Regulations/csreg119.7.html>

² The Oversight Plan for Board of Regents-Authorized schools is located on the following webpage: <http://www.p12.nysed.gov/psc/regentsoversightplan/OversightPlan.html>

Timetable for Implementation

The Regents action for the above-named charter schools will become effective immediately.

South Bronx Early College 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 Renewal Policy, the **New York State Education Department recommends a short-term renewal for a period of three years for South Bronx Early College Academy Charter School. The charter term would begin on July 1, 2020 and expire on June 30, 2023, and the school would be permitted to revise its charter to increase authorized enrollment from 326 students to 330 students beginning in year 1 of the renewal charter term.** In the spring of 2019, the school was required by NYSED to provide a Corrective Action Plan (CAP) establishing strategies and measurable outcomes to improve academic performance. The school is currently implementing the specific strategies outlined in the CAP and provides quarterly progress reports and updates to the NYSED Charter School Office (CSO). The CAP is being closely monitored, and the Department will report to the Regents as necessary.

The South Bronx Early College Academy Charter School (SBECA) is meeting five out of the 10 benchmarks set forth in the Board of Regents Charter School Performance Framework. The school is implementing the mission, key design elements, education program, and organizational plan set forth in the charter.

Charter School Summary

Name of Charter School	South Bronx Early College Academy Charter School
Board Chair	Davon Russell
District of location	NYC CSD 8
Opening Date	Fall 2015
Charter Term(s)	Initial: August 30, 2015 – June 30, 2020
Current Term Authorized Grades/ Approved Enrollment	Grades 6-8/ 326 students
Proposed Renewal Term Authorized Grades/ Proposed Approved Enrollment	Grades 6-8/ 330 students
Facilities	766 Westchester Avenue, Bronx, NY 10455 – Private Space
Mission Statement	<i>South Bronx Early College Academy Charter School will provide a rigorous and comprehensive liberal arts education to students in the South Bronx through a challenging, New York State Common Core standards-aligned curriculum. The Early College Academy will establish a learning environment that emphasizes differentiation and personalization of instruction and a student-centered and fully inclusive approach to teaching and learning. Students will graduate from the Early College Academy prepared for success in college and for active and thoughtful citizenship.</i>

Key Design Elements	<ul style="list-style-type: none"> • Small school culture and extended day/year • Differentiated and personalized instruction • Use of research-based, standards-aligned curricula and instructional strategies • Comprehensive advisory and classroom support • Comprehensive college preparation and opportunities for early college • Parent and family support
Recommended Material Revisions	To Increase maximum enrollment from 326 to 330 students beginning in year 1 of the renewal charter term

Noteworthy: Academic and operational outcomes have markedly improved from the first half of the initial term. To facilitate a robust school improvement strategy, the South Bronx Early College Academy Charter School (SBECA) Board of Trustees replaced the school leadership team at the beginning of year 4 of the current charter term. The new leadership team, with new staff, has dramatically improved school culture and classroom practice, continues to build strong community partnerships, and is building an academic program aimed at achieving the school's early college mission. Of note is the eighth-grade math program. SBECA administered the Algebra I Regents exam for the second year in 2018-2019, increasing the number of students taking the test from 20 in 2017-2018 to 99 in 2018-2019. Performance improved significantly, exceeding NYS levels for all-students, and for the ELL/MLL, and ED subgroups.

Innovative Programs:

- SBECA’s academic program includes early high school experiences for its students by offering three high school Regents courses in eighth grade: Algebra I, US History, and Living Environment.
- SBECA’s academic program includes the co-teaching model, which allows for more individualized and small-group instruction to students with special needs. The school’s leadership ensures that teachers receive ongoing training and support for scaffolding and differentiation strategies.
- SBECA celebrates the community’s unique cultural history by (1) showcasing the school’s two murals that commemorate the South Bronx as the birthplace of Hip-Hop and (2) working with Dr. Christopher Emdin, the founder of the Hip-Hop Education movement, to strengthen teachers’ culturally relevant practices and to inspire students’ pride in both their academic achievements and their cultural roots.
- SBECA has developed curricular connections between students’ social-emotional wellness and academic achievement. Programs the school is implementing to achieve this are Mindfulness, Taekwondo, and Art Therapy.

Current Grade Levels and Approved Enrollment

	Year 1 2015 to 2016	Year 2 2016 to 2017	Year 3 2017 to 2018	Year 4 2018 to 2019	Year 5 2019 to 2020
Grade Configuration	Grade 6	Grades 6 - 7	Grades 6 - 8	Grades 6 - 8	Grades 6 - 8
Total Approved Enrollment	110	218	326	326	326

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

	Year 1 2020 to 2021	Year 2 2021 to 2022	Year 3 2022 to 2023
Grade Configuration	Grades 6 - 8	Grades 6 - 8	Grades 6 - 8
Total Proposed Enrollment	330	330	330

*The proposed chart was part of a submission by South Bronx Early College Academy Charter School in its renewal application. It is subject to change pending the final renewal recommendation and approval by the Board of Regents.

Summary of Evidence for Renewal

Key Performance Area: Educational Success

Student Performance – Elementary/Middle School Outcomes

See Figures 1 and 2 below regarding assessment proficiency regarding 3-8 math and ELA. 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 which serve as two of the many indicators in Benchmark One of the Charter School Performance Framework. A comparison of SBECA to NYC CSD 7 is included here in addition to its current district of location (NYC CSD 8) since the school was located in NYC CSD 7 up until the 2017-2018 school year. **According to the 2018-2019 school year ESEA accountability designations, SBECA is *In Good Standing*.**

Academic Program for Middle School:

- SBECA delivers a NYSLS-based, school-developed core academic program in English language arts, math, science, and social studies, as well as visual arts, music, and physical education. All core classes are co-taught to allow for more individualized instruction. Teacher pairs use differing co-teaching models, such as team teaching; parallel teaching; one teach, one support; and station teaching.
- The school uses standards-based interim assessments (quarterly) and Illuminate Education’s standards-based quizzes (typically on a weekly basis) to monitor student progress. SBECA also administers i-Ready three times/year. Teachers use information from i-Ready and prior NYS exams to plan for differentiation.
- Individual Learning Time (ILT) classes are scheduled three times per week at each grade to provide targeted intervention for students in need of additional support. In addition, SBECA offers a Saturday Academy to supplement instruction in ELA and mathematics for students with the most severe performance deficits. Saturday Academy is not mandated, but the school makes efforts, including incentives and communication with families, to engage student participation.

Academic Program for Students with Disabilities and English language learners (ELLs)/Multilingual Learners (MLLs):

- SWDs and ELLs/MLLs are taught in heterogenous, inclusive classrooms, led by two teachers. One teacher in each classroom is the "designated special education teacher" with the role of working with school leaders to differentiate instructional strategies and materials, such as grouping, leveled texts, other scaffolding supports. School leaders review weekly lesson plans and work with teachers to design and implement differentiated lessons. English as a New Language (ENL) teachers push in to classrooms to support language differentiation.

- ILT classes are intended to provide targeted interventions for homogeneous groups of students with similar learning needs, including SWD and ELL/MLL students. This was not in practice at the time of the renewal site visit.

Figure 1: Middle School Assessment Proficiency State and District Differentials Over Time Comparison to NYC CSD 7

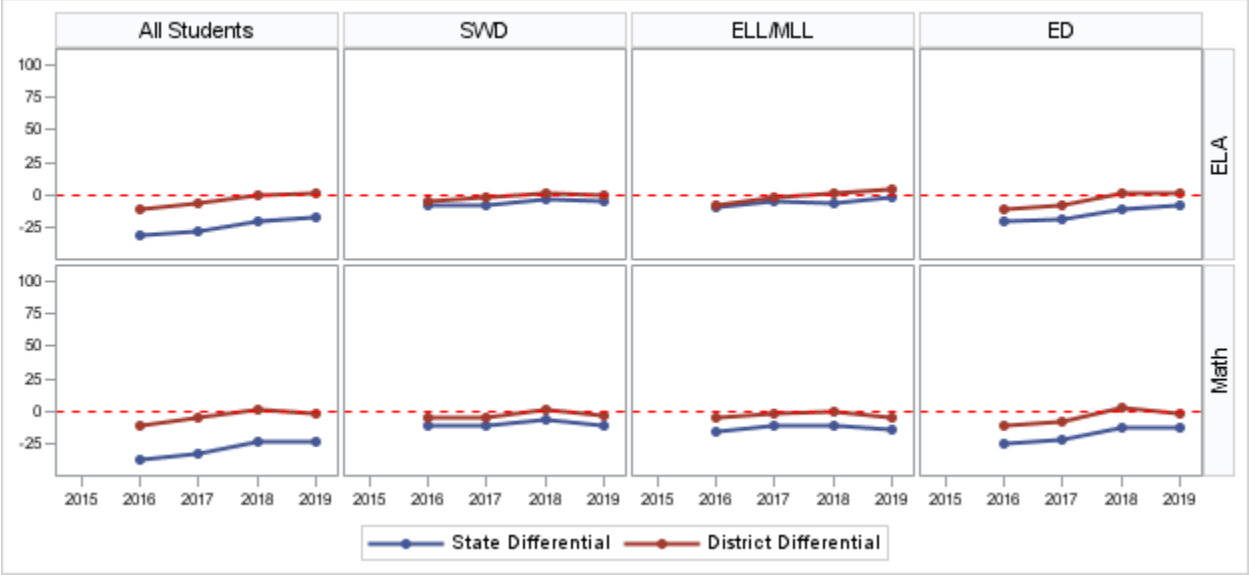


Figure 2: Middle School Assessment Proficiency State and District Differentials Over Time Comparison to NYC CSD 8

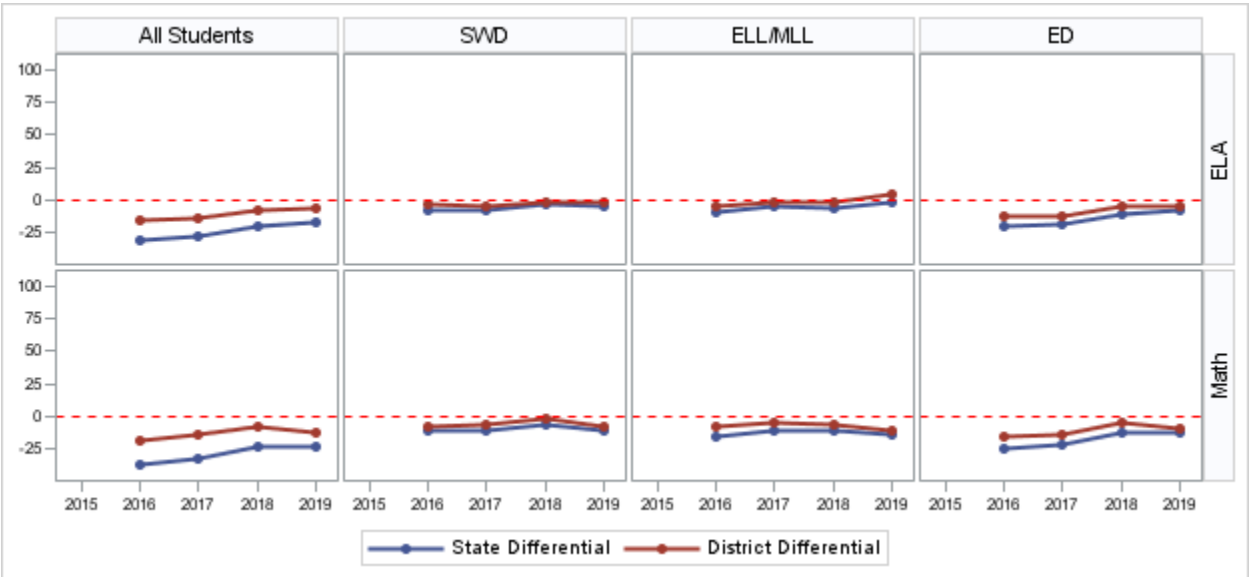


Table 1: Middle School Assessment Proficiency Outcomes: Charter School, NYC & NYS

		ELA					Math				
		South Bronx Early College Academy CS	NYC CSD 7	Differential to District	NYS	Differential to NYS	South Bronx Early College Academy CS	NYC CSD 7	Differential to District	NYS	Differential to NYS
All Students	2015-2016	4%	15%	-11	34%	-30	3%	13%	-10	40%	-37
	2016-2017	10%	16%	-6	37%	-27	7%	12%	-5	39%	-32
	2017-2018	26%	26%	0	46%	-20	17%	15%	+2	40%	-23
	2018-2019	28%	27%	+1	45%	-17	19%	21%	-2	42%	-23
SWD	2015-2016	0%	4%	-4	7%	-7	0%	5%	-5	11%	-11
	2016-2017	2%	4%	-2	9%	-7	0%	5%	-5	10%	-10
	2017-2018	11%	9%	+2	14%	-3	6%	5%	+1	12%	-6
	2018-2019	9%	9%	0	13%	-4	3%	6%	-3	13%	-10
ELL/MLL	2015-2016	0%	8%	-8	9%	-9	0%	5%	-5	16%	-16
	2016-2017	3%	5%	-2	7%	-4	3%	4%	-1	14%	-11
	2017-2018	14%	12%	+2	20%	-6	10%	10%	0	21%	-11
	2018-2019	18%	14%	+4	19%	-1	9%	14%	-5	23%	-14
ED	2015-2016	5%	15%	-10	25%	-20	3%	13%	-10	28%	-25
	2016-2017	9%	17%	-8	27%	-18	5%	12%	-7	27%	-22
	2017-2018	26%	25%	+1	36%	-10	18%	15%	+3	30%	-12
	2018-2019	28%	26%	+2	35%	-7	20%	21%	-1	33%	-13

Table 2: Middle School Assessment Proficiency Outcomes: Charter School, NYC & NYS

		ELA					Math				
		South Bronx Early College Academy CS	NYC CSD 8	Differential to District	NYS	Differential to NYS	South Bronx Early College Academy CS	NYC CSD 8	Differential to District	NYS	Differential to NYS
All Students	2015-2016	4%	20%	-16	34%	-30	3%	22%	-19	40%	-37
	2016-2017	10%	24%	-14	37%	-27	7%	21%	-14	39%	-32
	2017-2018	26%	34%	-8	46%	-20	17%	25%	-8	40%	-23
	2018-2019	28%	34%	-6	45%	-17	19%	32%	-13	42%	-23
SWD	2015-2016	0%	3%	-3	7%	-7	0%	7%	-7	11%	-11
	2016-2017	2%	6%	-4	9%	-7	0%	6%	-6	10%	-10
	2017-2018	11%	12%	-1	14%	-3	6%	7%	-1	12%	-6
	2018-2019	9%	11%	-2	13%	-4	3%	11%	-8	13%	-10
ELL/MLL	2015-2016	0%	5%	-5	9%	-9	0%	8%	-8	16%	-16
	2016-2017	3%	5%	-2	7%	-4	3%	7%	-4	14%	-11
	2017-2018	14%	16%	-2	20%	-6	10%	16%	-6	21%	-11
	2018-2019	18%	14%	+4	19%	-1	9%	20%	-11	23%	-14
ED	2015-2016	5%	17%	-12	25%	-20	3%	19%	-16	28%	-25
	2016-2017	9%	22%	-13	27%	-18	5%	19%	-14	27%	-22
	2017-2018	26%	31%	-5	36%	-10	18%	23%	-5	30%	-12
	2018-2019	28%	32%	-4	35%	-7	20%	29%	-9	33%	-13

Key Performance Area: Organizational Viability

Financial Condition

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

The CSO 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.³

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

³ These rigorous indicators of fiscal soundness are aligned with those recommended by the National Association of Charter School Authorizers.

with a score between 1.5 and 3.0 is considered to be in strong financial health. SBECA’s composite score for 2018-2019 is 1.69. Table 3 below shows the school’s composite scores from 2015-2016 to 2018-2019.

**Table 3: South Bronx Early College Academy Charter School’s Composite Scores
2015-2016 to 2018-2019**

<i>Year</i>	<i>Composite Score</i>
2015-2016	2.26
2016-2017	2.37
2017-2018	1.14
2018-2019	1.69

Source: NYSED Office of Audit Services

Financial Management

The Charter School Office reviewed SBECA’s 2018-2019 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

SBECA admits students in grades 6, 7, and 8. SBECA will enroll students for all available seats in grades 6 through 8. Vacancies occurring in grades 6 through 8 during the school year will be backfilled from the school’s wait list (see below) throughout the school year. SBECA shall provide an enrollment preference, in the following order, to: (1) Returning students; (2) Siblings of current students; (3) Children of employees of South Bronx Early College Academy Charter School, provided that children of such employees may constitute no more than 15% of SBECA’s total enrollment; and (4) Students residing in NYC CSD 8. SBECA will maintain a waitlist that will include an accurate record of the names of all students not accepted for admission through the lottery, as well as their home addresses, telephone numbers and grade levels. The waitlist is subject to the same preferences as the lottery and is created in the order in which applicants are drawn.

Through efforts towards increasing the percentage of at-risk students enrolled, the school is meeting its targets for all of the special population subgroups – economically disadvantaged (ED), SWDs, and ELLs/MLLs. In 2017-2018 and 2018-2019, enrollment proportions of SWD, ELL/MLL, and ED students differed by less than five percentage points from NYC CSD 8. In both years, SBECA served a higher percentage of ED students than NYC CSD 8. In comparison to NYC CSD 7, enrollment percentages for all three groups differed by less than five percentage points in 2017-2018. In 2018-2019, the school served a similar percentage of SWD and ED students, but served a smaller percentage of ELLs/MLLs than NYC CSD 7 (see Tables 4 and 5 below). SBECA had strong student retention, with 91% of all students, 93% of ELLs/MLLs, and 91% of ED students returning in 2019-2020 from 2018-2019. Eighty-one percent of the school’s SWD population returned during that same timeframe, which is a two percent increase from the year before (see Tables 6 and 7 below).

The school is making good faith efforts to recruit, serve, and retain at-risk students⁴. Efforts to recruit and retain students in the ED, ELL/MLL, and SWD populations include:

- building relationships with feeder elementary schools in the area to distribute information to prospective SWDs and ELL/MLL students;
- distributing written communication (flyers and website) is in English and Spanish, and bilingual flyers in neighborhoods and community organizations that serve families whose home language is not English;
- encouraging families with enrolled students receiving ELL/MLL services to share their experience at the school with other community members; and
- hiring a bilingual family engagement coordinator to evaluate the recruitment and outreach strategies used in the past and to recommend improvements, especially in ELL/MLL recruitment.

Table 4: Student Demographics Comparison with NYC CSD 7

	SWD			ELL/MLL			ED		
	South Bronx Early College Academy CS	NYC CSD 7	Differential to District	South Bronx Early College Academy CS	NYC CSD 7	Differential to District	South Bronx Early College Academy CS	NYC CSD 7	Differential to District
2015-2016	26%	33%	-7	17%	24%	-7	85%	94%	-9
2016-2017	32%	32%	0	15%	19%	-4	77%	93%	-16
2017-2018	29%	32%	-3	20%	24%	-4	94%	95%	-1
2018-2019	30%	30%	0	16%	24%	-8	91%	94%	-3

⁴ Education Law §2854(2)(a) requires that schools demonstrate good faith efforts to attract and retain a comparable or greater enrollment of students with disabilities, FRPL eligible students and English language learners when compared to the enrollment figures for such students in the school district in which the charter is located. SUNY and the Regents were charged with setting specific enrollment and retention targets for each charter school, and have done so. Education Law §2852(9-a)(b)(i). All charter schools that were initially chartered after August 2010 or renewed after January 1, 2011, are expected to meet or exceed the enrollment and retention targets set by the Regents and SUNY. When submitting an application for renewal of the charter, schools are required to provide information detailing the means by which they will meet the enrollment and retention targets (Education Law §2851(4)(e)), and this information is considered by the Regents in the review of the school's performance over the charter term. A school's plan to change its enrollment practices, whether by weighting the lottery or preferencing, may also be considered when determining whether the school will meet the targets in the upcoming charter term. A school's repeated failure to meet or exceed its enrollment and retention targets, when combined with a failure to show that extensive efforts to meet the targets have been made, may be cause for termination or revocation of the charter pursuant to section Education Law §2855(1)(e).

Table 5: Student Demographics Comparison with NYC CSD 8

	SWD			ELL/MLL			ED		
	South Bronx Early College Academy CS	NYC CSD 8	Differential to District	South Bronx Early College Academy CS	NYC CSD 8	Differential to District	South Bronx Early College Academy CS	NYC CSD 8	Differential to District
2015-2016	26%	31%	-5	17%	16%	+1	85%	83%	+2
2016-2017	32%	31%	+1	15%	16%	-1	77%	81%	-4
2017-2018	29%	30%	-1	20%	20%	0	94%	85%	+9
2018-2019	30%	27%	+3	16%	19%	-3	91%	84%	+7

Table 6: Retention Comparison with NYC CSD 7

	All Students			SWD			ELL/MLL			ED		
	South Bronx Early College Academy Charter School	NYC CSD 7	Differential to District	South Bronx Early College Academy Charter School	NYC CSD 7	Differential to District	South Bronx Early College Academy Charter School	NYC CSD 7	Differential to District	South Bronx Early College Academy Charter School	NYC CSD 7	Differential to District
2016-2017	86%	90%	-4	93%	87%	+6	80%	90%	-10	89%	90%	-1
2017-2018	84%	90%	-6	79%	90%	-11	91%	89%	+2	87%	90%	-3
2018-2019	91%	90%	+1	81%	89%	-8	93%	91%	+2	91%	90%	+1

Table 7: Retention Comparison with NYC CSD 8

	All Students			SWD			ELL/MLL			ED		
	South Bronx Early College Academy Charter School	NYC CSD 8	Differential to District	South Bronx Early College Academy Charter School	NYC CSD 8	Differential to District	South Bronx Early College Academy Charter School	NYC CSD 8	Differential to District	South Bronx Early College Academy Charter School	NYC CSD 8	Differential to District
2016-2017	86%	88%	-2	93%	85%	+8	80%	85%	-5	89%	87%	+2
2017-2018	84%	90%	-6	79%	89%	-10	91%	89%	+2	87%	90%	-3
2018-2019	91%	90%	+1	81%	89%	-8	93%	89%	+4	91%	89%	+2

Legal Compliance

Throughout the charter term, SBECA is not consistently meeting its compliance obligations. Following the issuance of a letter of non-compliance in 2017 issued by the CSO, the school has improved its communication with the CSO in an effort to come into and remain in compliance with the terms of its charter. The board of trustees and the principal are jointly acting to improve the school's record of compliance with all legal requirements. The board is increasing its governance capacity through the use of monthly academic and financial dashboard reporting; clarification of financial policies with regard to the use of contractors; execution of a complete review of all school policies with legal guidance; and, working toward an improved relationship with its authorizer to assure that the school maintains compliance with reporting and oversight requirements. The CSO is currently reviewing policies with the school leader and board chair so they update them accordingly. SBECA is implementing a Corrective Action Plan (CAP) to improve its ELA state testing outcomes. The CAP was approved by the CSO in May 2019; and while the school did not meet its 2019 CAP goals it continues to discuss with the CSO the strategies it is implementing to meet them.

Summary of Public Comment

The required public hearing was held by the New York City Department of Education on October 10, 2019. All attendees were in favor of the renewal and revision. In addition, the CSO received over 45 letters and emails from parents, teachers, and students in support of the school's renewal.

West Buffalo Charter School

In accordance with Education Law, Article 56, Sections 2851(4) and 2852(2), Commissioner's Regulation 119.7, and the Board of Regents Charter School Renewal Policy, the **New York State Education Department recommends a full-term renewal for a period of five years for West Buffalo Charter School (WBCS). The charter term would begin on July 1, 2020 and expire on June 30, 2025.** In 2019, the school was required by NYSED to provide a Corrective Action Plan (CAP) establishing strategies and measurable outcomes to improve enrollment rates for students with disabilities. The school is currently implementing the specific strategies outlined in the CAP and provides quarterly progress reports and updates to the NYSED Charter School Office (CSO). The CAP will be closely monitored, and the Department will report to the Regents as necessary.

WBCS is meeting or exceeding eight out of the 10 benchmarks set forth in the Board of Regents Charter School Performance Framework. The school is implementing the mission, key design elements, education program, and organizational plan set forth in the charter.

Charter School Summary

Name of Charter School	West Buffalo Charter School
Board Chair	Michelle Stevens
District of location	Buffalo Public Schools
Opening Date	Fall 2012
Charter Terms	<ul style="list-style-type: none"> • Initial Term: March 9, 2010-March 8, 2015 • First Renewal Term: March 9, 2015-June 30, 2015 • Second Renewal Term: July 1, 2015 – June 30, 2020
Current Term Authorized Grades/ Approved Enrollment	K-Grade 8/ 500 students
Proposed Renewal Term Authorized Grades/ Proposed Approved Enrollment	K-Grade 8/ 500 students
Facilities	113 Lafayette Avenue, Buffalo, New York 14213 - Private Space
Mission Statement	<i>Tomorrow's future leaders are sitting in our classrooms today. With small class sizes, a rigorous curriculum aligned with the New York State Common Core Learning Standards, and high expectations, West Buffalo Charter School develops an exceptional foundation of literacy skills for all students in grades K-8. West Buffalo Charter School is a place where diversity is celebrated, individual differences are accepted, and student success is maximized.</i>
Key Design Elements	<ul style="list-style-type: none"> • A small-school learning environment, with small class sizes and a high teacher to student ratio to provide more nurturing, individualized and differentiated student instruction and programming. • A school program built around a systematic approach to student language acquisition that leads to literacy. • Academic enrichment opportunities to enhance and extend student learning. • Comprehensive and consistent monitoring of student learning progress and quick remediation/intervention supports to raise student achievement and to demonstrate academic growth over time. • Canisius College and Buffalo State faculty share their expertise in diverse cultures, community connections, and social services; and provide opportunities for undergraduate and graduate students to experience an urban charter school environment. • The Buffalo Hearing and Speech Center provides a proprietary research-based literacy

	intervention program designed to provide literacy intervention for students struggling in language acquisition and basic literacy skills.
Requested Revisions	None

Noteworthy: WBCS enjoys strong community support and collaborations with community-based organizations. The school partners with City Year AmeriCorps to host ten fellows and has a close collaboration with the Buffalo Hearing and Speech Center. Students who are education majors from local institutions of higher education earn credit and serve the school by enabling WBCS to offer small group and individual student-targeted instruction throughout the academic day. WBCS is the only charter school outside of New York City to have a self-contained classroom to ensure they are best able to serve and retain all students as is evidenced by school meeting the NYSED performance standards for the enrollment and retention of special populations.

Innovative Programs:

- WBCS is a unique school where all stakeholders are committed to reaching the highest standards in both academics and the social-emotional well-being of each student. The school strives to keep abreast of current trends and developments in education and adjusts programming accordingly.
- The WBCS academic model requires each lesson to follow the Gradual Release Model of Instruction with pre-planned differentiation built into the lesson. Two highly qualified co-teachers work together in each kindergarten - Grade 5 classroom to deliver content in a variety of ways to meet the individual needs of each student. In the middle school Grades 6-8 content specialists serve collaboratively with classroom teachers in support of ELA and math instruction and intervention services.
- Rather than employing a system of rewards or punishments, WBCS believes in identifying “win-win” solutions to issues and concerns through engaging instruction and relationship building.

Current Grade Levels and Approved Enrollment

	Year 1 2015 to 2016	Year 2 2016 to 2017	Year 3 2017 to 2018	Year 4 2018 to 2019	Year 5 2019 to 2020
Grade Configuration	K-Grade 8	K-Grade 8	K-Grade 8	K-Grade 8	K-Grade 8
Total Approved Enrollment	500	500	500	500	500

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

	Year 1 2020 to 2021	Year 2 2021 to 2022	Year 3 2022 to 2023	Year 4 2023 to 2024	Year 5 2024 to 2025
Grade Configuration	K-Grade 8	K-Grade 8	K-Grade 8	K-Grade 8	K-Grade 8
Total Proposed Enrollment	500	500	500	500	500

*The proposed chart was submitted by West Buffalo Charter School in its renewal application. It is subject to change pending the final renewal recommendation and approval by the Board of Regents.

Summary of Evidence for Renewal

Key Performance Area: Educational Success

Student Performance – Elementary/Middle School Outcomes

See Figure 1 below regarding assessment proficiency for Grades 3-8 math and ELA. See Table 1 below regarding 3-8 math and ELA exam aggregate and subgroup student performance compared to the district and state average which serve as two of the many indicators in Benchmark One of the Charter School Performance Framework. **According to the 2018-2019 school year ESEA accountability designations, West Buffalo Charter School is *In Good Standing*.**

Academic Program for Elementary School/Middle School:

- During the site visit it was observed that WBCS has a certified teacher and a resident teacher or classroom aide in each classroom. This provides flexibility for adults working with small groups or individual students, further enhanced by the presence of AmeriCorps members and student teachers. According to the renewal application, the school subscribes to research-based curricula and aligns with Next Generation ELA standards. The school leaders combine the EngageNY and Expeditionary Learning (EL) Education Modules to support ELA at all grade levels. All students receive 120 minutes of core content instruction in literacy daily with K-Grade 5 receiving an additional 60 minutes daily focused on the Skills Block from the EL Education Modules. WBCS uses its own teacher-created *Math Counts* curriculum which is aligned with the New York State Learning Standards (NYSLS). WBCS uses a *Language to Literacy* program developed by the Buffalo Hearing and Speech Center to further support young learners. Additional strategies include Response to Intervention (RtI) cycles which assess student growth and address specific student needs on a fluid basis.

Academic Program for Students with Disabilities (SWDs) and English language learners (ELLs)/Multilingual Learners (MLLs):

- Consultant teacher services (CT) are in place to support teachers and SWDs in all classrooms. There are currently five special education teachers who serve 63 SWDs. Because all teachers share a common lesson plan format in which accommodations and differentiation methods are specified to support all students, all teachers working with specific students have access to the plans. In all the classrooms visited students were observed working in small groups, and student work was clearly differentiated so that all students were able to access the learning standards. The school employs five certified English as a New Language (ENL) teachers and one ENL coordinator who push into classrooms and use small group pull out sessions to support ELL/MLL students. ELLs/MLLs have access to tiered supports targeting specific needs identified through data analysis. SWDs and ELLs/MLLs are held to the same NYSLs as all other students and are expected to make significant growth to close academic achievement gaps.

- SWDs and students who need a more supportive program have access to a self-contained 8:1+1 model that was initiated in the 2019-2020 school year. WBCS offers two multi-age 8:1+1 classrooms, one for elementary and one for middle level grades. The classroom teachers are certified special educators and work closely with grade level teachers to align the instruction and support needed to close learning gaps.

Figure 1: Elementary/Middle School Assessment Proficiency State and District Differentials Over Time Comparison to Buffalo Public Schools

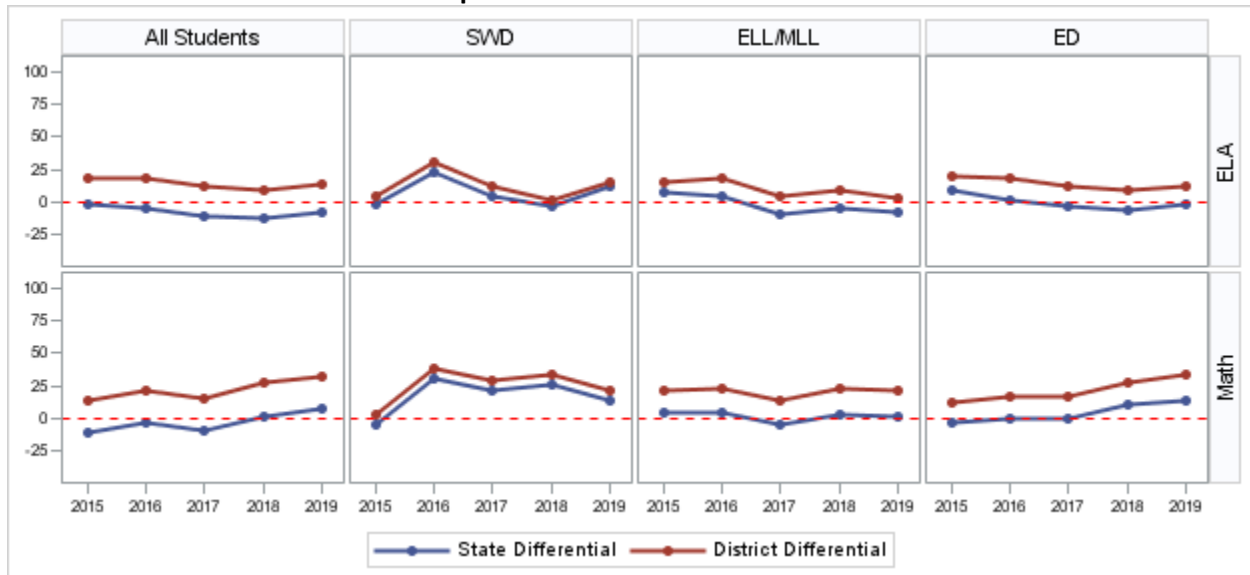


Table 1: Elementary/Middle School Assessment Proficiency Outcomes: Charter School, District & NYS

		ELA					Math				
		West Buffalo CS	Buffalo Public Schools	Differential to District	NYS	Differential to NYS	West Buffalo CS	Buffalo Public Schools	Differential to District	NYS	Differential to NYS
All Students	2014-2015	31%	13%	+18	32%	-1	32%	18%	+14	43%	-11
	2015-2016	37%	18%	+19	41%	-4	41%	19%	+22	44%	-3
	2016-2017	30%	17%	+13	40%	-10	36%	20%	+16	45%	-9
	2017-2018	33%	24%	+9	46%	-13	50%	23%	+27	48%	+2
	2018-2019	38%	24%	+14	45%	-7	55%	22%	+33	48%	+7
SWD	2014-2015	8%	4%	+4	9%	-1	12%	9%	+3	17%	-5
	2015-2016	35%	5%	+30	12%	+23	47%	8%	+39	17%	+30
	2016-2017	17%	5%	+12	12%	+5	39%	10%	+29	18%	+21
	2017-2018	14%	12%	+2	17%	-3	46%	12%	+34	20%	+26
	2018-2019	27%	11%	+16	15%	+12	33%	11%	+22	19%	+14
ELL/MLL	2014-2015	21%	5%	+16	14%	+7	29%	7%	+22	25%	+4
	2015-2016	23%	4%	+19	19%	+4	30%	7%	+23	26%	+4
	2016-2017	6%	2%	+4	15%	-9	19%	5%	+14	23%	-4
	2017-2018	22%	12%	+10	27%	-5	35%	12%	+23	32%	+3
	2018-2019	18%	15%	+3	26%	-8	34%	13%	+21	32%	+2
ED	2014-2015	30%	10%	+20	21%	+9	28%	15%	+13	31%	-3
	2015-2016	32%	14%	+18	30%	+2	33%	16%	+17	33%	0
	2016-2017	26%	13%	+13	29%	-3	33%	16%	+17	33%	0
	2017-2018	30%	20%	+10	36%	-6	47%	19%	+28	36%	+11
	2018-2019	33%	20%	+13	35%	-2	52%	18%	+34	38%	+14

Key Performance Area: Organizational Viability

Financial Condition

Auditor Findings Include: In 2018, the Office of the NYS Comptroller (OSC) conducted an audit (<https://www.osc.state.ny.us/localgov/audits/schools/2018/west-buffalo-charter.htm>) of the school with the objective to determine whether school officials accurately compensated employees. The findings were generally that employees were accurately paid.

West Buffalo Charter School appears to be in an adequate 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.⁵

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. West Buffalo Charter School’s composite score for 2018-2019 is 0.64. Table 2 below shows the school’s composite scores from 2014-2015 to 2018-2019.

**Table 2: Composite Scores
2014-2015 to 2018-2019**

<i>Year</i>	<i>Composite Score</i>
2014-2015	0.99
2015-2016	1.10
2016-2017	0.79
2017-2018	0.72
2018-2019	0.64

Source: NYSED Office of Audit Services

It must be noted that the school completed a major building project in 2018 which it financed through a bank construction loan. The resulting long-term debt, a portion of which must be paid annually, is affecting the school’s composite score, working capital and cash position indicators.

Financial Management

The Charter School Office reviewed West Buffalo Charter School’s 2018-2019 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

WBCS’s enrollment policy provides for preferences for returning students, their siblings, students who reside in the district, their siblings, then those outside the district. Children of employees of the school also receive a preference. An application form is required, as are a number of documents upon admission. Students will be admitted in the order in which they apply, to the extent that there are openings in the appropriate grades. If there are more applications than seats, a public lottery will be conducted by a representative of an outside organization, and grade-level waiting lists will be developed annually for those not chosen.

Through efforts toward increasing the percentage of at-risk students enrolled, the school is coming close to but not yet meeting its targets for all of the special population subgroups – economically disadvantaged

⁵ These rigorous indicators of fiscal soundness are aligned with those recommended by the National Association of Charter School Authorizers.

(EDs), SWDs, and ELLs/MLLs. Enrollment of special populations hovers around that of the district for ELLs/MLLs and EDs; but remains 11 percentage points below the district for SWDs (see Table 3 below).

The school is making good faith efforts to recruit, serve, and retain at-risk students⁶. Efforts to recruit and retain students in the ED, ELL/MLL, and SWD population include:

- Recognizing a need to serve SWDs in more restricted settings in order to avoid losing them to the district, this school year the school instituted two 8:1+1 classrooms, one for elementary-level students and one for those in the middle grades. It is anticipated that this opportunity will encourage other families to express an interest in the school.
- In an effort to attract and retain ELL/MLL students, information about the school’s ELL/MLL program is widely shared through local refugee resettlement agencies, adult ESL classes, local churches and monasteries, as well as through community partnerships.

Table 3: Student Demographics Comparison to District of Location

	SWD			ELL/MLL			ED		
	West Buffalo CS	Buffalo Public Schools	Differential to District	West Buffalo CS	Buffalo Public Schools	Differential to District	West Buffalo CS	Buffalo Public Schools	Differential to District
2015-2016	14%	24%	-10	26%	17%	+9	82%	86%	-4
2016-2017	13%	25%	-12	25%	18%	+7	85%	83%	+2
2017-2018	14%	25%	-11	28%	22%	+6	87%	85%	+2
2018-2019	14%	25%	-11	25%	23%	+2	88%	86%	+2

⁶ Education Law §2854(2)(a) requires that schools demonstrate good faith efforts to attract and retain a comparable or greater enrollment of students with disabilities, FRPL eligible students and English language learners when compared to the enrollment figures for such students in the school district in which the charter is located. SUNY and the Regents were charged with setting specific enrollment and retention targets for each charter school, and have done so. Education Law §2852(9-a)(b)(i). All charter schools that were initially chartered after August 2010 or renewed after January 1, 2011, are expected to meet or exceed the enrollment and retention targets set by the Regents and SUNY. When submitting an application for renewal of the charter, schools are required to provide information detailing the means by which they will meet the enrollment and retention targets (Education Law §2851(4)(e)), and this information is considered by the Regents in the review of the school’s performance over the charter term. A school’s plan to change its enrollment practices, whether by weighting the lottery or preferencing, may also be considered when determining whether the school will meet the targets in the upcoming charter term. A school’s repeated failure to meet or exceed its enrollment and retention targets, when combined with a failure to show that extensive efforts to meet the targets have been made, may be cause for termination or revocation of the charter pursuant to section Education Law §2855(1)(e).

Table 4: Retention Comparison with Buffalo Public Schools

	All Students			SWD			ELL/MLL			ED		
	West Buffalo Charter School	Buffalo Public Schools	Differential to District	West Buffalo Charter School	Buffalo Public Schools	Differential to District	West Buffalo Charter School	Buffalo Public Schools	Differential to District	West Buffalo Charter School	Buffalo Public Schools	Differential to District
2016-2017	87%	88%	-1	83%	88%	-5	85%	88%	-3	88%	89%	-1
2017-2018	90%	87%	+3	84%	88%	-4	93%	89%	+4	91%	88%	+3
2018-2019	91%	88%	+3	93%	89%	+4	93%	88%	+5	92%	88%	+4

Legal Compliance

WBCS 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 the Dignity for All Students Act. The board holds meetings in accordance with the Open Meetings Law.

Summary of Public Comment

The required public hearing was held by the Buffalo Public Schools on September 23, 2019. Seven people attended, and one spoke. Seven were in favor of the renewal and none were opposed.