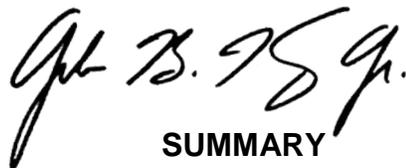




**TO:** P-12 Education Committee  
**FROM:** Ken Slentz   
**SUBJECT:** Charter School Office Update  
**DATE:** March 4, 2013  
**AUTHORIZATION(S):** 

**SUMMARY**

**Issue for Discussion**

This item provides the Board of Regents with an update on the academic performance of the Board of Regents' authorized portfolio of public charter schools; activities of the Department's Charter School Office in carrying out the Board of Regents' public charter school authorizing and oversight role and responsibility; and a summary of New York charter schools "by the numbers." 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 March 2013 meeting.

**Background**

This March, Department staff is bringing forward for Board of Regents consideration and action, charter renewal decisions for three Board of Regents authorized public charter schools. A clear picture of student academic performance of these schools over the course of the schools' charter terms is key to high-stakes charter renewal decision making. In this item, Department staff have compiled portfolio performance overviews; summarized key Board of Regents actions in implementing updates to the 2010 Charter Schools Act; and provided an overview of current work projects under way in the Charter Schools Office (CSO).

## **Regents' Actions to Implement 2010 Provisions of the Charter Schools Act**

The Department's Charter School Office has undergone an extensive period of improvement and quality benchmark setting in both procedures and practice, drawing from the best accountability and school choice work that is underway across the country. Charter School Office staff adhered to following key guiding principles to ensure the work of the Department:

- Focuses on performance over compliance.
- Preserves operational autonomy.
- Facilitates transparent feedback to schools.
- Aligns to the ongoing accountability and effectiveness work for all public schools.
- Balances clear performance standards with Regents' discretion.

### *August 2010 – New Application Kit for Charter School Applicants (Request for Proposals to Establish Charter Schools Authorized by the Board of Regents)*

The Board of Regents approved a new process, procedure and timelines for screening charter school applications in the summer of 2010. The Regents-authorized new schools application kit established a “quality bar” for new public charter school launch in New York State. These improvements ensure that the Regents only invite applicants with the will, skill and ability to establish and sustain a high quality public charter school to join their school portfolio. The Department re-issued the application kit/RFP on January 1, 2011; January 1, 2012; and in draft on January 1, 2013. In accordance with Education Law Article 56 2852 (9-a), the 2013 RFP will be formally issued on September 3, 2013, and action pursuant to the RFP will be taken by the Board of Regents at the December 2013 meeting.

### *December 2011 – Regulations for Lottery Process*

The Board of Regents approved Commissioner's Regulations requiring that the random selection process (lottery) for charter school students be performed in a transparent and equitable manner and to require that the time and place of the lottery be publicized. The Board of Regents adopted these regulations in December 2011, to ensure that the random selection processes used by charter schools meet the requirements of the updated statute.

### *July 2012 – Enrollment and Retention Targets*

The Board of Regents adopted a methodology to prescribe 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, pursuant to Education Law §2851(4)(e) and §2852(9-b). At a school's renewal, in accordance with the methodology, Department staff evaluates a school's success at meeting their targets (see adopted methodology in Appendix A).

### *November 2012 – Charter School Renewal Policy and Performance Framework*

The Board of Regents approved a Charter School Renewal Policy and endorsed a Charter School Performance Framework, outlining the performance benchmarks by which all charter schools will be evaluated as they approach renewal. Although all

benchmarks in the Performance Framework will be considered by the Regents, the school's record of student academic performance is clearly paramount in recommendations and decisions concerning charter renewal, in accordance with the required assurance of the Department's \$113 million federal Charter Schools Program grant (see Performance Framework in Appendix B).

### **Status of the New York Charter School Portfolio**

In the 2012-2013 school year, 209 public charter schools are operational in New York State, serving 78,140 students out of the statewide population of 2,764,994 students. A summary of the current (through February 1, 2013) number of charter schools in New York State is provided below in Tables 1 and 2. Additional schools will join this count through the 2012-2013 school year, as additional rounds of charter application review are currently in process for both the Regents and SUNY Trustees.

**Table 1: Summary of Charters Awarded by Authorizer**

<b>Charter Authorizer</b>	<b>Charters <u>open for instruction</u> 2012-13</b>	<b>Charters <u>scheduled to open 2013-14</u> or later**</b>	<b>Charters issued, <u>no longer operating</u>***</b>
Board of Regents	41	14	5
SUNY	97	14	10
NYCDOE	69	1	5
Buffalo BOE	2	0	0
<b>Total</b>	<b>209*</b>	<b>29</b>	<b>20</b>

\* Of the 209 schools operating in the current school year, 159 are located in NYC

\*\* Thirteen of the Board of Regents charter schools scheduled to open in 2013 were approved in 2012; 1 Regents school was approved in 2011 but elected to use a planning year to open in 2013.

\*\*\* 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.

**Table 2: 2012-2013 Student Demographics by Authorizer and Statewide**

<b>Authorizer</b>	<b>Total Schools</b>	<b>Student Population</b>	<b>Economically Disadvantaged</b>		<b>Students with Disabilities</b>		<b>English Language Learners</b>		<b>High Needs Regions</b>			
			<b>Count</b>	<b>%</b>	<b>Count</b>	<b>%</b>	<b>Count</b>	<b>%</b>	<b>Average Need</b>	<b>NYC</b>	<b>Large City</b>	<b>Urban-Suburban</b>
Regents	41	15,061	11,570	78%	1,786	13%	862	7%	3	16	16	6
SUNY	97	36,772	28,339	76%	4,478	13%	2,009	5%	2	74	9	12
NYC-DOE	69	25,489	19,636	76%	2,915	14%	1,201	6%	—	69	—	—
Buffalo	2	818	438	54%	131	21%	5	2%	—	—	2	—
<b>Charter Total</b>	<b>209</b>	<b>78,140</b>	<b>59,983</b>	<b>76%</b>	<b>9,310</b>	<b>13%</b>	<b>4,077</b>	<b>6%</b>	<b>5</b>	<b>159</b>	<b>27</b>	<b>18</b>
<b>Statewide Total</b>	—	<b>2,764,994</b>	<b>1,417,889</b>	<b>51%</b>	<b>397,218</b>	<b>14%</b>	<b>208,065</b>	<b>8%</b>	N/A			

**Table 3: Summary of Regents-Authorized Charter Schools by Location**

The below chart provides detail for the number and location of Regents-authorized charter schools currently in operation and authorized to open in 2013-2014.

Location	Operating in 2012-13	Authorized to open in 2013-14	Total	Closed
Other areas of NYS	25	2	27	2
NYC	16	12	28	3
<b>Grand Total</b>	<b>41</b>	<b>14</b>	<b>55</b>	<b>5</b>
% located NYC	39%	86%	51%	60%

### **2012-2013 Work of the Charter Schools Office**

#### *Charter School Applications Submitted to Regents (2010-Present)*

Applications to begin a charter school are submitted in two phases: First, applicants submit a letter of intent. The Charter School Office reviews letters of intent and invites applicants who meet the standard to submit a full application. Second, full applications are reviewed by a team of charter school experts followed by an in-person capacity interview. Round 2 application review for 2013 will take place in September 2013. Table 4 below summarizes charter school application activity for the last four years.

**Table 4: Letters of Intent Received, Applications Submitted, and Charters Issued by Year**

RFP Cycle	Letters of Intent Submitted	Full Applications Submitted	Charters issued (# in NYC)	% applications approved	Charters remaining under cap (# in NYC)
2013 Round 1	49	27 applicants invited to submit full applications; <b>TBD full applications submitted</b>	TBD	TBD	TBD
2012	108	69 applicants invited to submit full applications; <b>51 full applications submitted</b>	13(11)	12%	101 (34)
2011	100	80 prospectuses submitted; 37 applicants invited to submit full applications; <b>36 full applications submitted</b>	9 (7)	9%	114 (45)
2010	39	35 prospectuses submitted; 16 applicants invited to submit full applications; <b>15 full applications submitted</b>	7 (5)	18%	123 (52)

### Performance Oversight

During the 2012-2013 school year, the Charter School Office conducted six (6) renewal site visits and will conduct approximately 33 other interim school site visits throughout New York State. Each school will be held to the benchmarks in the Charter School Performance Framework approved by the Regents in November 2012 (see Performance Framework in Appendix B). Table 5 below groups schools by their charter renewal year. Table 6 provides an overview of charter school student performance (grades K-8) for 2011-12 as compared to the local school district/CSD and the state.

**Table 5: Summary of Regents-Authorized Charter Schools by Renewal Year**

Renewal Year	# of Schools	Schools	NYC	Years of Operation	Renewal Record (yrs)
2012-13	6	Aloma D. Johnson Fruit Belt		5	
		COMMUNITY		11	2,4
		CSEE		9	4.5
		LaCima	X	5	
		Niagra		8	3
		RACS		5	
2013-14	5	Believe Northside High School	X	4	
		Evergreen		4	
		Health Sciences		4	
		Riverhead		12	2.5, 1, 5
		Urban Choice		8	4.5
2014-15	11	Amani		3	
		Brighter Choice (Boys)		11	4.5
		Brighter Choice (Girls)		11	4.5
		Bronx Charter School for the Arts	X	10	3.4, 5
		Buffalo Academy of Science		9	3.5,3
		Charter School for Applied Technology		12	5, 4.5
		Elmwood Village		7	4.5
		Genesee Community		12	5, 5
		Southside Academy		11	3.5, 5
		West Buffalo		1	
Western New York Maritime		9	3.5, 3		
2015-16	5	Discovery		2	
		Bronx Charter School for Children	X	9	3.5, 5
		Global Concepts		11	5, 4.5
		Harriet Tubman	X	11	2, 0.5, 2, 2, 5
		NYC Montessori	X	2	
2016-17	13	Democracy Prep-Endurance	X	1	
		Global Community	X	1	
		KIPP NYC Washington Heights Academy	X	1	
		Launch Expeditionary Learning	X	1	
		Mott Hall	X	1	
		Neighborhood Charter of Harlem	X	1	
		New Dawn	X	1	
		New Visions Charter Humanities	X	1	
		New Visions Charter Adv Math	X	1	
		Rochester Career Mentoring		1	
		Syracuse Academy of Science		10	4.5, 5
Urban Dove	X	1			
Young Women's Collegiate Prep		1			

**Table 6: 2011-2012 Regents Authorized Charter Schools Grade 3-8 Assessment Results, Percent of Students Scoring Level 3 & 4 Compared to the Local District and State<sup>1</sup>**

Charter School	Local School District	Tested Grades	ELA			Math		
			Charter School	Local District	State	Charter School	Local District	State
Aloma D Johnson Community Charter School	Buffalo CSD	3-4	37	29	57	53	32	65
Amani Public Charter School	Mt. Vernon SD	5	47	44	58	<b>68</b>	52	67
Brighter Choice Charter School for Boys	Albany CSD	3-4	<b>67</b>	40	57	<b>83</b>	45	65
Brighter Choice Charter School for Girls	Albany CSD	3-4	54	40	57	<b>67</b>	45	65
Bronx Charter School for Children	NYC District 7 (Bronx)	3-5	55	30	58	63	42	66
Bronx Charter School for the Arts	NYC District 8 (Bronx)	3-5	42	42	58	59	56	66
Buffalo Academy of Science Charter School	Buffalo CSD	7-8	27	26	51	48	27	63
Charter School for Applied Technologies	Kenmore-Tonawanda SD	3-8	43	58	55	61	70	65
Charter School of Educational Excellence	Yonkers SD	3-8	<b>76</b>	41	55	<b>83</b>	47	65
Community Charter School	Buffalo CSD	3-6	15	29	57	26	32	66
Democracy Preparatory Charter School	NYC District 5 (Manhattan)	6-8	38	28	53	<b>82</b>	39	64
Elmwood Village Charter School	Buffalo CSD	3-7	<b>71</b>	28	56	<b>74</b>	31	66
Evergreen Charter School	Hempstead UFSD	3	49	33	56	<b>79</b>	42	61
Genesee Community Charter School	Rochester CSD	3-6	<b>81</b>	22	57	<b>80</b>	30	66
Global Concepts Charter School	Lackawanna SD	3-8	<b>60</b>	35	55	<b>75</b>	44	65
Harriet Tubman Charter School	NYC District 9 (Bronx)	3-8	36	28	55	61	42	65
La Cima Charter School	NYC District 16 (Brooklyn)	3-4	47	45	57	62	53	65
Niagara Charter School	Niagara-Wheatfield SD	3-6	29	65	57	50	75	66
Pinnacle Charter School	Buffalo CSD	3-8	27	28	55	46	30	65
Riverhead Charter School	Riverhead SD	3-6	<b>76</b>	66	57	<b>80</b>	66	66
Rochester Academy Charter School	Rochester CSD	7-8	43	17	51	41	21	63
Southside Academy Charter School	Syracuse CSD	3-8	34	24	55	57	27	65
Syracuse Academy of Science Charter School	Syracuse CSD	5-8	53	22	54	64	24	65
Urban Choice Charter School	Rochester CSD	3-8	38	21	55	49	27	65

**Bolded** scores indicate the charter school outperformed the state grade-level average.

<sup>1</sup> Charter schools shown only include those with grade levels 3-8. Comparison scores to the local district and state level are disaggregated by grade level and averaged to mirror the grade span at the corresponding charter school.



## **Charter School Enrollment Targets for Free- and Reduced-Price Lunch Eligible Students, Limited English Proficient Students, and Students with Disabilities**

School Years 2012-2013 through 2014-2015

- Targets:** Targets were created by calculating the proportion of students enrolled in each school district in each student category on October 1st in the 2010-2011 school year. In schools with Universal School Meals (USM) designation in NYC, the number of Free- and Reduced-Price Lunch (FRPL) eligible students was revised to match the count of FRPL students in the year immediately preceding the school's initial USM designation. These revised counts were used to determine the proportion of FRPL students enrolled in NYC districts because of concern that the count of FRPL students was over inclusive in many schools with the USM designation. Pre-USM FRPL counts were provided for target setting purposes by NYCDOE.
- Effective Targets:** The effective target represents the lowest possible enrollment rate of your school to meet the district target. The effective target is less than the actual target because it accounts for the fact that every school is likely to experience natural enrollment rate fluctuations from one year to the next. The effective target is calculated as the lower bound of a one-sided 95% confidence interval based upon the Wilson Score Interval method for calculating confidence intervals for proportions. The formula for this calculation is:  $(\text{Target} + 1.645^2/2 * \text{schoolsize} - 1.645 * \text{SQRT}((\text{Target} * (1 - \text{Target}) / \text{schoolsize}) + (1.645^2/4 * \text{schoolsize}^2))) / (1 + 1.645^2 / \text{schoolsize})$ . The effective target captures the amount of enrollment rate variation that is naturally expected as a function of school size. All else equal, smaller schools will tend to have a lower effective target than larger schools because fewer students contribute to the school enrollment rate calculation. As a result, we have reason to believe the enrollment rate is less precise than one that is calculated from a larger student population.
- Note:** Targets are reported for all potential grade levels, even if a school district may not currently have a charter school of that grade configuration presently.

## **Charter School Retention Targets for Free- and Reduced-Price Lunch Eligible Students, Limited English Proficient Students, and Students with Disabilities**

**Data Source:** Student Information Repository System (SIRS), New York State Education Department. This file, prepared by the New York State Education Department, demonstrates a proposed methodology for setting enrollment and retention targets that was jointly developed by the New York State Education Department Charter School Office and the SUNY Charter Schools Institute.

### **School Years 2012-2013 through 2014-2015**

**Targets:** Sample unadjusted targets were created by calculating the proportion of students who attended the same school in the 2009-10 and 2010-11 school years, and in the 2010-11 and 2011-12 school years. In all school districts, with the exception of Albany City School District, Hempstead Union Free School District, and Middletown City School District, retention targets are the average of the district-level retention rates from 2009-10 to 2010-11 and from 2010-11 to 2011-12. Retention targets for Albany City School District and Hempstead Union Free School District are based solely on retention from 2009-10 to 2010-11 because of data quality concerns in the most recent school year that resulted in systematically lower retention rates in the district from 2010-11 to 2011-12 compared to the previous time period. Retention targets for Middletown City School District are based exclusively on retention from 2010-11 to 2011-12 because of data quality concerns in the earlier period that resulted in systematically lower retention rates in the district from 2009-10 to 2010-11 compared to the most recent year. No other districts had rates that fluctuated atypically across the time periods analyzed, and therefore the 2-year average was used to establish more precise targets.

**Effective Targets:** The effective target represents the lowest possible retention rate of your school to meet the district target. The effective target is less than the actual target because it accounts for the fact that every school is likely to experience natural retention rate fluctuations from one year to the next. The effective target is calculated as the lower bound of a one-sided 95% confidence interval. The effective target is obtained by subtracting (1.645 x the standard error) from the actual target. The standard error, which captures the amount of retention rate variation that is to be naturally expected, is related to school size. Smaller schools will tend to have a larger standard error than larger schools because fewer students contribute to the school retention rate calculation. As a result, we have reason to believe the rate is less precise than one that is calculated from a larger student population. The standard error used in the target setting process is the binomial standard error for large sample proportions. This standard error is calculated by taking the square root of the target multiplied by 1 minus the target, divided by the school size:  $\text{SQRT}(((\text{TARGET} * (1 - \text{TARGET})) / \text{SCHOOL SIZE}))$ .

## Appendix A

**Note:**

Generally, targets are reported for all potential grade levels, even if a school district may not currently have a charter school of that grade configuration at present. For smaller school districts it was not possible to calculate standard errors for all grade configurations given the limited number of classified students enrolled. In these instances targets are omitted.

Retention targets in all New York City Geographic Districts are created based upon the population of all students in the five boroughs for students with disabilities, and for targets for free- and reduced-price lunch eligible and limited English proficient students when grade configurations include high school grades (9-12). For example, the target for students with limited English proficiency in a New York City Geographic District for a school that spans grades 6-12 is calculated as the retention rate citywide, whereas the target for students with limited English proficiency in a school that spans grades 6-8 is calculated based only on the population of students attending schools in that particular New York City Geographic District.

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

<b>Performance Benchmark</b>		<b>Level</b>
<b>Educational Success</b>	<b>Benchmark 1: Student Performance:</b> The school has met or come close to meeting student achievement goals for academic growth, proficiency, and college and career readiness on state standards and achievement goals outlined in the school’s charter.	
	<b>Benchmark 2: Teaching and Learning:</b> 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 Common Core Learning Standards (CCLS) 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.	
	<b>Benchmark 3: Culture, Climate, and Family Engagement:</b> 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.	
<b>Organizational Soundness</b>	<b>Benchmark 4: Financial Condition:</b> The school is in sound and stable financial condition as evidenced by performance on key financial indicators.	
	<b>Benchmark 5: Financial Management:</b> 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.	
	<b>Benchmark 6: Board Oversight and Governance:</b> 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.	
	<b>Benchmark 7: Organizational Capacity:</b> 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.	
<b>Faithfulness to Charter &amp; Law</b>	<b>Benchmark 8: Mission and Key Design Elements:</b> The school is faithful to its mission and has implemented the key design elements included in its charter.	
	<b>Benchmark 9: Enrollment, Recruitment, and Retention:</b> 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.	
	<b>Benchmark 10: Legal Compliance:</b> The school complies with applicable laws, regulations, and the provisions of its charter.	