





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

TO: P-12 Education Committee

FROM: James N. Baldwin 

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

DATE: March 31, 2022

AUTHORIZATION(S): 

SUMMARY

Issue for Decision

Should the Board of Regents approve the proposed revisions to the following charter schools authorized by the Board of Regents?

- **Key Collegiate Charter School** (A revision to decrease the grade levels served by removing Grades 4 and 5 from the school's currently approved Grades 4 through 8 configuration, with a corresponding decrease in the school's approved enrollment from 300 students to 192 students).
- **South Bronx Early College Academy Charter School** (A revision to amend the charter school's organizational chart to reflect changes in supervisory roles designed to support the school's capacity building).

Reason(s) for Consideration

Required by State statute.

Proposed Handling

This issue will come before the P-12 Education Committee and the Full Board for action at its April 2022 meeting.

Procedural History

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

Background Information

The Board of Regents and the Department are bound by law, regulation, and Regents-endorsed internal policies regarding the criteria that can be considered in decision making pertaining to the authorization of new charter schools, charter school renewals, and charter school revisions. Detailed information on these laws, regulations, and Regents-endorsed internal policies can be found in the Appendix.

Related Regents Items

Key Collegiate Charter School

June 2017: [Initial Charter](#)

(<https://www.regents.nysed.gov/common/regents/files/617p12a5.pdf>)

South Bronx Early College Academy Charter School

December 2013: [Initial Charter](#)

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

February 2020: [First Renewal](#)

(<https://www.regents.nysed.gov/common/regents/files/220p12a3.pdf>)

Recommendation

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

VOTED: That the Board of Regents finds that: (1) the **Key Collegiate 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 amend 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 amend the charter will 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 **Key Collegiate Charter School** and amends the provisional charter accordingly.

VOTED: That the Board of Regents finds that: (1) the **South Bronx Early College Academy 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 amend 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 amend the charter will 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 **South Bronx Early College Academy Charter School** and amends the provisional charter accordingly.

Timetable for Implementation

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

Key Collegiate Charter School

In accordance with Education Law, Article 56, the **New York State Education Department recommends that this charter school be permitted to revise its charter** to decrease the charter school’s grade span by removing Grades 4 and 5 from its currently approved Grade 4 - 8 configuration, with a corresponding decrease in the charter school’s approved enrollment from 300 students to 192 students.

Table 1: Charter School Summary

Name of Charter School	Key Collegiate Charter School
Board Chair	Romy Drucker
District of Location	NYC CSD 23 ¹
Initial Commencement of Instruction	Fall 2018
Current Term Authorized Grades /Approved Enrollment	Grades 4-8 / 300 students
Facilities	257 Chester Street, Brooklyn, NY 11212 - Private Space
Mission Statement	<i>With an unapologetic focus on student success, Key Collegiate Charter School ensures that all students in grades 4 through 8 have the academic skills, professional habits, and personal drive necessary to gain access to and excel within the high schools and colleges of their choice.</i>
Key Design Elements	<ul style="list-style-type: none"> • A rigorous, engaging curriculum with differentiated supports reaches all students. • A literacy-intensive curriculum prepares our students to become lifelong learners. • Enhancing student learning requires frequent data-driven assessment, analysis, and action. • A structured and joyful culture sets the foundation for student achievement. • Partnerships with families and the community creates a united support system. • A focus on professional habit development prepares students for college and career success. • High-quality teaching produces strong academic gains and results.
Recommended Material Revisions	<ul style="list-style-type: none"> • Decrease the grade levels served by removing Grades 4 and 5 from the school’s currently approved Grade 4 - 8 configuration. • A corresponding decrease in the charter school’s approved enrollment from 300 students to 192 students.

¹ Thirty percent of all students residing in this district attend charter schools.

Table 2: Current Grade Levels and Approved Enrollment

	Year 1 2018 to 2019	Year 2 2019 to 2020	Year 3 2020 to 2021	Year 4 2021 to 2022	Year 5 2022 to 2023
Grade Configuration	Grades 4-5	Grades 4-6	Grades 4-7	Grades 4-8	Grades 4-8
Total Approved Enrollment	120	180	240	300	300

***Table 3: Recommended Grade Levels and Recommended Enrollment**

	Year 5 2022 to 2023
Grade Configuration	Grades 6-8
Total Recommended Enrollment	192

**The proposed chart was submitted by the Key Collegiate Charter School. It is subject to change pending the final revision recommendation and approval by the Board of Regents.*

Rationale for Revisions Recommendation

NYSED recommends that the Board of Regents approve the revisions described above in the **Issue for Decision** section, for the following reasons.

In June 2017 the Board of Regents approved and chartered the Key Collegiate Charter School (“KCCS” or “the school”) in NYC CSD 23. The school’s educational program focuses on improving student learning and achievement for the students of Brownsville and surrounding neighborhoods by implementing a rigorous curriculum, using a variety of engaging instructional methods to reach all learners, including grade-level ICT classrooms, blended learning, and inquiry-based learning. The school regularly provides small group interventions to support literacy and math development for its most struggling students and has an extended school day.

After operating in this community for the past 4 years, and hearing from parents regarding student educational needs, the school’s trustees request that the Board of Regents approve material revisions to the school’s charter to decrease the grade levels served by removing Grades 4 and 5 from the school’s currently approved Grade 4 - 8 configuration, with a corresponding decrease in the school’s approved enrollment from 300 students to 192 students. The school’s research has shown that families are more likely to choose a school for students starting in Grade 6 as opposed to Grade 4. Indeed, despite recruiting efforts, the school has been unable to fill its Grade 4 class and does not currently enroll any fourth graders. Therefore, the proposed reduction in grade span would not displace any currently students; rather, it would bring the school’s charter more closely in line with its current enrollment pattern.

The requested enrollment number of 192 students is based on the school’s reasonable assessment of what the school’s current facility can accommodate, given the continued implementation of the school’s

special education “bridge program,” which requires additional sections and classroom space. Since the CSO never approved this program, the school may be required to send in a revision request. The enrollment plan accommodates two sections of 28 students in Grades 6-8, and two sections of the special education bridge class, each with 12 students. KCCS has partnered with American Dream Charter School to optimize its student recruitment efforts, which include partnering with local community-based organizations, hiring a dedicated outreach coordinator, holding open houses, and strengthening its media campaign.

Approving these revision requests will result in a significant educational benefit to the students expected to attend the charter school and is likely to improve student learning and achievement due to a lower student-to-teacher ratio, which will allow the school to provide more targeted instruction and individual support to a school population that consists of a high percentage of economically disadvantaged students and students with disabilities.

Summary of Public Comment

The required public hearing was held by the New York City Department of Education on March 24, 2022. Three people attended, and one spoke. The one speaker was in favor of the revision, and none spoke in opposition.

South Bronx Early College Academy Charter School

In accordance with Education Law, Article 56, the **New York State Education Department recommends that this charter school be permitted to revise its charter to** amend its organizational chart to reflect changes in supervisory roles and the hierarchical reporting structure designed to support the school’s capacity building. This revision is proposed to commence immediately upon approval.

Table 1: Charter School Summary

Name of Charter School	South Bronx Early College Academy Charter School
Board Chair	Davon Russell
District of Location	NYC CSD 8 ²
Initial Commencement of Instruction	Fall 2015
Current Term Authorized Grades /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 amend the charter school’s organizational chart to reflect changes in supervisory roles and to support the school’s capacity building.

² Twenty percent of all students residing in this district attend charter schools.

Table 2: Current Grade Levels and Approved 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 Approved Enrollment	330	330	330

Rationale for Revision Recommendation

NYSED recommends that the Board of Regents approve the revision described above in the **Issue for Decision** section, for the following reasons.

In December 2013, the Board of Regents approved and chartered the South Bronx Early College Academy Charter School (“SBECA” or “the school”) in CSD 7. In January 2018, NYSED approved the school’s revision request to amend the district of location from NYC CSD 7 to NYC CSD 8. SBECA offers a small school culture and a student-centered approach to teaching and learning through individualized instruction, project-based learning, literacy instruction across the curriculum, and identification and remediation of student learning needs. Additionally, the school fosters positive faculty-student relationships and community pride and prioritizes students’ social-emotional wellness through its advisory program and extensive student and family support services. The school’s educational program focuses on preparing middle school students for success in high school and beyond by offering a comprehensive, standards-aligned educational program with opportunities for high school experiences. The school is implementing the mission, key design elements, education program, and organizational plan set forth in the charter.

The school’s trustees request that the Board of Regents approve a material revision to the school’s charter to allow the school to amend the charter school’s organizational chart to reflect changes in supervisory roles designed to support the school’s capacity building.

The requested revision will have no bearing on the number of students being served by this charter school, which will not change, nor will it impact the number of charters available for issuance in New York City or the State.

Approving this revision request will result in a significant educational benefit to the students expected to attend the charter school and is likely to improve student learning and achievement for the following reasons. First, the proposed organizational structure will increase staff capacity by creating three distinct lines of reporting—instructional, operational, and student support—that help to clarify and enhance collaboration and support within the school. The vice principals will serve as direct supervisors to the teachers they support, rather than teachers reporting directly to the school leader with the vice principals only serving in a coaching capacity. In their new proposed role, the vice principals will not only continue to provide coaching to instructors in the respective areas of STEM and humanities, but will also be responsible for supervising, training, and evaluating teachers, deans, the data/assessment coordinator, and the instructional coach, thus making their leadership more impactful. In addition, the directors of student support services will extend their supervisory duties beyond the special education

and English as a new language instructors they currently oversee and will also provide supervision, coaching, and evaluation of the social workers and counselors as well.

This revision requires no additional hiring, as no new roles are created. No changes will be required in salaries or the school's budget, and this proposed revision will not have a financial impact on the school's district of location.

Performance Framework Ratings:

At the time of the July 2021 mid-term SV, SBECA was meeting five out of the 10 benchmarks in the Board of Regents Charter School Performance Framework.

Summary of Public Comment

The required public hearing was held by the New York City Department of Education on February 28, 2022. One person spoke in favor of the revision and none spoke in opposition.

APPENDIX

Laws, Regulations, and Regents-endorsed Internal Policies Applicable to Board of Regents-Authorized Charter School Revisions

Statutory requirements pertaining to Board of Regents charter school decision making are enumerated in Article 56 of the Education Law. This section of the law sets forth the purpose of charter schools to:

- (a) Improve student learning and achievement;
- (b) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are at-risk of academic failure;
- (c) Encourage the use of different and innovative teaching methods;
- (d) Create new professional opportunities for teachers, school administrators and other school personnel;
- (e) Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system; and
- (f) Provide schools with a method to change from rule-based to performance-based accountability systems by holding the schools established under this article accountable for meeting measurable student achievement results.

Criteria regarding the evaluation of charter schools, including for revision decisions, are set forth in Section 2852(2) of the Education Law:

- (a) Does the charter school described in the application meet the requirements set out in applicable laws, rules and regulations?;
- (b) Does the charter school demonstrate the ability to operate the school in an educationally and fiscally sound manner?;
- (c) Will approving the charter school action make it likely to improve student learning and achievement and materially further the purposes of the law?; 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) would granting the application have a significant educational benefit to the students expected to attend the proposed charter school or (ii) did the school district in which the charter school will be located consent to such application?

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 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, preserve operational autonomy, and 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.

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 revisions. However, student academic performance is of paramount importance when evaluating each school (See [§ 8 NYCRR 119.7](http://www.p12.nysed.gov/psc/aboutcharterschools/Financing/Regulations/csreg119.7.html) (<http://www.p12.nysed.gov/psc/aboutcharterschools/Financing/Regulations/csreg119.7.html>)). The recommendations in this document were made after a full due-diligence process over the charter term as set forth in the [NYSED Charter School Monitoring Plan](http://www.p12.nysed.gov/psc/regentsoversightplan/SectionIIMonitoringPlan.html) (<http://www.p12.nysed.gov/psc/regentsoversightplan/SectionIIMonitoringPlan.html>), including review of the information presented by the schools in their application for each revision; specific fiscal reviews; desk audits; comprehensive analysis of achievement data; and consideration of public comment.