



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

**TO:** P-12 Education Committee

**FROM:** Ken Slentz 

**SUBJECT:** Update on Enrollment and Retention Targets for Charter Schools as required by the 2010 amendments to the Charter School Act and on the Development of Student Stability Index

**DATE:** June 13, 2013

**AUTHORIZATION(S):**   
UPDATE

### **Enrollment and Retention Targets**

#### *Background*

In late May 2010, the Legislature and the Governor enacted legislation that made New York State eligible for funding under the federal Race to the Top initiative. Foremost in that legislative package were two items – an increase in the number of public charter schools that could be authorized in New York – from 200 to 460 – and an agreement to move forward on a new teacher and leader evaluation and support system.

As part of this legislative action, the Governor and the Legislature also amended the Charter Schools Act to require that public charter schools enroll and retain high-needs students in proportions that are comparable to their local district public schools. The Legislature defined high-needs students as students with disabilities, English language learners, and students eligible for the Federal free and reduced price lunch program. The statute says these enrollment and retention (E&R) targets shall be set by the Board of Regents and the SUNY Board of Trustees and are considered during the initial application consideration process for any schools that apply for a charter under the RFP process (2852(9-a)), and for all schools as part of the charter renewal application process (§2851(4)(c). Additionally, §2855(1)(c) makes, “repeated failure to comply with the requirement to meet or exceed enrollment and retention targets.....” a ground for revocation of a charter under certain circumstances. The statute also requires that all charter schools include in their annual reports, “...efforts taken by the charter school in the existing school year, and a plan for efforts to be taken in the

succeeding school year, to meet or exceed enrollment and retention targets....” (§2857(2)(d). (See Attachment A for the full text of the sections of statute cited above.)

The Board of Regents discussed the process for review, consideration and final adoption of a methodology for setting E&R targets at the May 2010, and May and June 2012 Board of Regents meetings, and adopted a final methodology at the July 2012 meeting (<http://www.regents.nysed.gov/meetings/2012Meetings/July2012/712brca11.pdf>).

The Department posted the final enrollment and retention calculators in December 2012 and these targets are now applicable, per statute, to new schools that opened after fall 2010 and schools that have been renewed since January 2011. At charter renewal, New York State charter authorizers must take into consideration the extent to which schools meet or exceed their enrollment and retention targets.

From the Fall of 2010 through the summer of 2012, staff from the Department's Charter Schools Office and the SUNY Charter Schools Institute worked together to implement this statutory requirement. The underpinnings of targets that were set by the Board of Regents and the SUNY Board of Trustees in June 2012 – the data considered, data analytics performed, and methodology proposed - was the same regardless of whether public charter schools are authorized by the Board of Regents, the SUNY Board of Trustees or either of the two local school districts that actively chartered schools through 2010, and that continue to be the authorizers of those schools for purposes of charter renewal and oversight.

The Board of Regent's methodology and E&R targets are clear, understandable, true to the statutory requirement. In addition, the methodology and targets are fair to schools to which the law applies as well as the children and families those schools seek to serve. Specifically, the methodology:

- a) Is statistically valid,
- b) Accurately portrays the enrollment and retention rates of each district where a charter school is located,
- c) Recognizes the analytical challenges of comparing individual charter schools to entire school districts, and
- d) Is actionable by New York State's charter authorizing entities.

#### *Application of the E&R Targets*

Department staff monitors enrollment and retention targets, and a school's efforts to recruit, enroll, and retain students in the statutorily defined categories, throughout a school's charter term, specifically at a school's original application, as part of regular site visits, through Annual Reports, and at charter renewal (see attachment A for references to the Regents' statutory authority of development and monitoring of E&R targets per the Charter Schools Act).

The Department is working to create renewal application handbooks and guidance documents addressing implementation of enrollment and retention targets; including defining what "efforts" and "repeated failure" means when considering enrollment and retention targets. Starting in the fall of 2013, schools will report meeting

or progress and efforts made towards meeting E&R targets in their Annual Report submissions to the Department.

Interventions and sanctions for charter schools not making efforts to meet effective targets or for schools repeatedly failing to meet effective targets may include, but are not limited to, the Board of Regents:

- placing the school's charter on watch, warning or probation;
- considering a request from a school to modify an admissions policy, consistent with Education Law and Civil Rights Laws;
- considering the track record of a charter management organization (CMO) when considering applications for new schools or replication or expansion of the CMO portfolio;
- non-renewing the charter of a school that fails to meet the effective targets and does not show good faith effort in attempting to meet established effective targets; and
- revoking the charter of a school that repeatedly fails to meet the effective targets, and cannot demonstrate that it has made extensive efforts to recruit and retain high-need students.

## **Student Stability Index**

### *Background*

Prior to the 2011-12 school year, the Department tracked student enrollment in the aggregate through the Basic Education Data System (BEDS). Schools also used BEDS to self-report overall aggregate student stability numbers – students who were enrolled at the school in one academic year who persisted through to the next academic year. Since 2011-12, the Department has calculated “BEDS” enrollment only through the Student Information Repository System (SIRS), a database for schools to report student enrollment on a regular basis. Included in SIRS is a coding system that schools must use to document the reason a student leaves the school. The coding is school-reported in the following categories: High School Graduates, High School Completers, GED, Transfers to Other Schools, Dropouts and Other. The full listing of transfer codes is listed in Attachment B: “Reason for Ending Enrollment (SIRS).”

SIRS student level data can be useful in determining month-to-month enrollment trends. However, SIRS data – like all self-reported data - are subject to reliability limitations and should not be used to show causality or correlation in isolation. In addition, most of the reporting codes do not differentiate between whether the school or the student/parent initiated the ended enrollment.

### *Development of a Stability Index*

In order to provide additional reports related to student attrition, the Department is developing a Stability Index for all public schools in New York State, to be released in the 2013-2014 school year. In short, the proposed Stability Index will calculate the number of students who persist in enrollment for all public schools in the state. For public charter schools the Index may provide the Department with additional data

regarding enrollment trends that, in combination with a public inquiry or evidence from a site visit, may trigger a formal audit from the Department. These types of audits are fully within the scope of the Department's authority to conduct investigations and audits into any inquiry to ensure compliance with law and charter.

Student persistence or "stability" of a student population is different than the measure or attainment of a school's enrollment and retention targets as defined by the Charter Schools Act. Below is a comparison of the proposed Stability Index to Enrollment and Retention Targets purpose and methodology.

## A Side-by-Side of Enrollment and Retention Targets and the Proposed Stability Index

The side-by-side below is an effort to differentiate the purpose and capabilities of the Enrollment and Retention Targets and the proposed Stability Index:

	<b>Enrollment Targets Public Charter Schools</b>	<b>Retention Targets Public Charter Schools</b>	<b>Stability Index All NY Public Schools</b>
<b>Description</b>	A target % compared to the enrollment at district of location	A target % compared to the enrollment at district of location	Calculates the # of students exiting from a school
<b>Method</b>	<p>1. Calculate # target population for each grade band aggregated at district level</p> <p>2. # students from target population divided by total student enrolled by grade band in the district. This yields a proportion of classified students enrolled by grade and district.</p>	<p>1. Student withdrawal rates calculated by grade band and aggregated at the district level</p> <p>2. Withdrawal rate was subtracted from 100% of the students initially enrolled in the district. This yields a proportion of classified students withdrawn by grade and district.</p>	<p><i>Possible method:</i></p> <p>1. Derive the # of students by grade band who have exited out of the school during the school year</p> <p>2. Calculate the proportion of students exited from the district of location by grade band. Create a proportion of exit to total original enrollment to compare to charter school.</p>
<b>Measure</b>	Charter schools' enrollment targets are calculated based on the # of students enrolled in the school in beginning of the year, grade bands served, and district of location. This calculates a % of the total school population for all 3 at-risk populations based on the district's proportions.	Charter schools' retention targets are formally assessed based on the # of students enrolled in the school in the beginning of the school year, grade bands served, and district of location. The targets reflect a % of the total enrollment for all 3 at-risk categories at the end of the charter term that should be retained.	This measure is currently under development but may include comparison between a school's exit rate and the district of location, as well as a central focus on the mobility of specific student populations.

Attachments

## Statutory References to Enrollment and Retention Targets

Enrollment and Retention (E&R) targets for Public Charter Schools  
Required by the 2010 Amendments to the Charter Schools Act

**The Board of Regents and the SUNY Board of Trustees shall not consider any applications which do not rigorously demonstrate:**

**Section 2852 (9-a)(b)(i):** That the proposed charter school would meet or exceed enrollment and retention targets, as prescribed by the board of regents or the board of trustees of the state university of New York , as applicable, of students with disabilities, English language learners, and students who are eligible applicants for the free and reduced price lunch program. When developing such targets, the board of regents and the board of trustees of the state university of New York shall ensure: (1) that such enrollment targets are comparable to the enrollment figures of such categories of students attending the public schools within the school district, or in a city school district in a city having a population of one million or more inhabitants, the community school district, in which the charter school is located; and (2) that such retention targets are comparable to the rate of retention of such categories of students attending the public schools within the school district, or in a city school district in a city having a population of one million or more inhabitants, the community school district, in which the proposed charter school would be located.

**Charter renewal applications shall include:**

**Section 2851(4)(e)** The means by which the charter school will meet or exceed enrollment and retention targets as prescribed by the Board of Regents or the Board of Trustees of the State University of New York, as applicable, of students with disabilities, English language learners, and students who are eligible applicants for the free and reduced price lunch program which shall be considered by the charter entity prior to approving such charter school's application for renewal. When developing such targets, the Board of Regents and the Board of Trustees of the State University of New York shall ensure:

- (1) that such enrollment targets are comparable to the enrollment figures of such categories of students attending the public schools within the school district, or in a city school district in a city having a population of one million or more inhabitants, the community school district, in which the charter school is located; and
- (2) that such retention targets are comparable to the rate of retention of such categories of students attending the public schools within the school district, or in a city school district in a city having a population of one million or more inhabitants, the community school district, in which the proposed charter school would be located.

***A Charter Entity, or the Board of Regents, may Terminate a Charter Upon any of the Following Grounds:***

**Section 2855(1)(c):** *Repeated failure to comply with the requirement to meet or exceed enrollment and retention targets* of students with disabilities, English language learners, and students who are eligible applicants for the free and reduced price lunch program pursuant to targets established by the board of regents or the board of trustees of the state university of New York, as applicable. Provided, however, if no grounds for terminating a charter are

established pursuant to this section other than pursuant to this paragraph, and *the charter school demonstrates that it has made extensive efforts to recruit and retain such students*, including outreach to parents and families in the surrounding communities, widely publicizing the lottery for such school, and efforts to academically support such students in such charter school, then the charter entity or board of regents may retain such charter.

## Reason for Ending Enrollment (SIRS)

Code	Reason
<b>High School Graduates</b>	
799	Graduated (earned a Regents or local diploma)
<b>High School Completers</b>	
085	Earned an IEP diploma
629	Previously earned an IEP diploma
<b>GED</b>	
816	Earned a High School Equivalency Diploma (GED)
<b>Transfers to Other Schools</b>	
153	Transferred to another school in this district or to an out-of-district placement
170	Transferred to another NYS public school outside this district with documentation. <i>Note: documentation of transfer is not required for preschool students with disabilities.</i>
204	Transferred to a NYS nonpublic school with documentation
221	Transferred to a school outside NYS with documentation. <i>Note: documentation of transfer is not required for preschool students with disabilities.</i>
238	Transferred to homebound instruction provided by this district
255	Transferred to home-schooling by parent or guardian
272	Transferred to a postsecondary school prior to earning a diploma
5927	Leaving a school under NCLB – a victim of a serious violent incident
5938	Leaving a NYC community district under NCLB – a victim of a serious violent incident
<b>Dropouts</b>	
136	Reached maximum legal age and has not earned a diploma or certificate
340	Left school: first-time dropout
391	Long-term absence (20 consecutive unexcused days)
408	Permanent expulsion (student must be over compulsory attendance age)
425	Left school, no documentation of transfer <i>(Note: Includes students who are not yet of compulsory school age and who have been withdrawn from school by a parent/guardian and preschool children who are declassified by the CPSE.)</i>
306	Transferred to other high school equivalency (GED) preparation program
357	Left school: previously counted as a dropout
8338	Incarcerated student, no participation in a program culminating in a regular diploma.
<b>Other Circumstance for Ending Enrollment</b>	
140	Special education eligibility status determined or determination process stopped for any reason
289	Transferred to an approved AHSEP or HSEP program
323	Transferred outside district by court order
442	Left the U.S.
459	Deceased
782	Entry into a different grade in the same school building <i>(Note: This code may be used for preschool students with disabilities who remain in the same building but transition from preschool to school-age status.)</i>
0066	Ended enrollment for instructional purposes only
1089	Transferred to an approved GED program outside this district
8228	End "Walk-In" Enrollment
8305	End CSE Responsibility Only Enrollment
8316	Re-enroll in same school