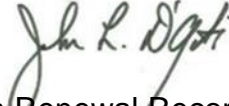





TO: The Honorable the Members of the Board of Regents

FROM: John L. D'Agati 

SUBJECT: Reconsideration of a Renewal Recommendation for a Charter School Authorized by the Board of Regents

DATE: June 3, 2020

AUTHORIZATION(S): 

SUMMARY

Issue for Decision

Upon reconsideration, should the Board of Regents approve the proposed renewal charter for the following charter school authorized by the Board of Regents pursuant to Article 56 of the Education Law (the New York Charter Schools Act):

1. **Buffalo Academy of Science Charter School** (full-term, five-year renewal and a revision to permit the continuity of education for the school's current elementary school students by increasing the current grade span to include Grades 3 and 4 from the school's current kindergarten through Grade 2 and Grade 5 through Grade 12 configuration; and to permit such continuity by increasing the schools authorized enrollment from 784 students to 928 students to be phased in by the 2021-2022 school year).

Reason(s) for Consideration

Required by State statute and regulation.

Proposed Handling

This issue will come before the Full Board for action at its June 2020 meeting.

Procedural History

Pursuant to 8 NYCRR 119.7(d)(3):

In the event that the department's renewal recommendation recommends that the Regents grant a renewal application, but the Board of Regents decides to reject such recommendation and deny renewal of a charter, the charter school shall be provided with written notification of such decision and the reasons for the decision, and shall be given an opportunity to submit a written response to such decision and request that the Board of Regents reconsider its action. If the charter school chooses to submit a written response, the charter school shall, within five days of receipt of the department's notification, notify the department in writing of its intent to submit a written response, and shall submit such written response within 30 days of receipt of the department's notification. Any such written response may include supporting affidavits, exhibits and other documentary evidence and may also include a written legal argument. The department shall submit any such submission to the Board of Regents for reconsideration. Following receipt of such submission, the Board of Regents shall reconsider the charter school's renewal application, provided that nothing in this paragraph shall be construed to require more than one reconsideration.

The New York State Education Department (the Department) made the renewal recommendation 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. As the Department's initial renewal recommendation for this school was rejected at the May 2020 Board of Regents meeting resulting in the denial of the renewal of the charter and the charter school chose to submit a written response to that action on May 26, 2020 (see Appendix A), the Board of Regents "shall reconsider the charter school's renewal application."

Background Information

Statutory Requirements Pertaining to Regents Decision Making

Article 56 of the Education Law created 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.

The Board of Regents are bound by law, regulation, and Regents-endorsed internal policies regarding the criteria that can be considered when making decisions pertaining to the authorization of new charter schools, charter school renewals, and charter school revisions. Those criteria 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?

The Board of Regents endorsed the Charter School Performance Framework—with its ten academic, organizational, and legal domains—to operationalize the criteria that can be considered when making decisions about the authorization of new charter schools, charter school renewals, and charter school revisions as set forth in Section 2852(2) of the Education Law. Comprehensive data for these benchmark standards are included in all charter school Regents items and summary documents and are discussed at the Regents meeting.

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. 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, proficiency 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 Application

As stated above, in Article 56 of the Education Law, Section 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 (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 [as allowable under Article 56 of the Education Law].

Board of Regents Renewal Policy

The Board of Regents approved renewal policy sets forth the following renewal options and standards:

Full-Term Renewal: A school's charter may be renewed for the maximum term of five years. In order for a school to be eligible for a full-term renewal, during the current charter term, the school must have compiled a strong and compelling record of meeting or exceeding Benchmark 1, and at the time of the renewal analysis, have met substantially all of the other performance benchmarks in the Framework.

Short-Term Renewal: A school's charter may be renewed for a shorter term, typically of three years. The Regents will place an even greater emphasis on student performance for schools applying for their second or subsequent renewal, which is consistent with the greater time that a school has been in operation and the corresponding increase in the quantity and quality of student achievement data that the school has generated. In order for a school to be eligible for short-term renewal, a school must either: (a) have compiled a mixed or limited record of meeting Benchmark 1, but at the time of the renewal analysis, have met substantially all of the other performance benchmarks in the Framework which will likely result in the school's being able to meet Benchmark 1 with the additional time that short-term renewal permits, or (b) have compiled an overall record of meeting Benchmark 1, but fall far below meeting one or more of the other performance benchmarks in the Framework.

Nonrenewal: A school's charter will not be renewed if the school does not apply for renewal or the school fails to meet the benchmark for either full-term or short-term renewal. In the case of nonrenewal, a school's charter will be terminated upon its expiration and the school will be required to comply with the Department's Closing Procedures¹ to ensure an orderly closure by the end of the school year.

Related Regents Items

Buffalo Academy of Science Charter School

[December 2003 Initial Charter](https://www.regents.nysed.gov/common/regents/files/documents/meetings/2004Meetings/January2004/0104emscvesidca2.htm)

(<https://www.regents.nysed.gov/common/regents/files/documents/meetings/2004Meetings/January2004/0104emscvesidca2.htm>)

[August 2006 Building/Location Revision](https://www.regents.nysed.gov/common/regents/files/documents/meetings/2006Meetings/September2006/0906emscvesidca1.htm)

(<https://www.regents.nysed.gov/common/regents/files/documents/meetings/2006Meetings/September2006/0906emscvesidca1.htm>)

[November 2007 Program Revision](https://www.regents.nysed.gov/meetings/2007Meetings/December2007/1207emscvesida1.htm)

(<https://www.regents.nysed.gov/meetings/2007Meetings/December2007/1207emscvesida1.htm>)

[December 2008 First Renewal](https://www.regents.nysed.gov/meetings/2008Meetings/December2008/1208emsca1.htm)

(<https://www.regents.nysed.gov/meetings/2008Meetings/December2008/1208emsca1.htm>)

[March 2012 Second Renewal](https://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/March2012/312p12a1.pdf)

(<https://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/March2012/312p12a1.pdf>)

¹ The [Department's Closing Procedures](http://www.p12.nysed.gov/psc/regentsoversightplan/sectioni-iv/ClosingProceduresChecklist0220.pdf) can be found on the following webpage:
<http://www.p12.nysed.gov/psc/regentsoversightplan/sectioni-iv/ClosingProceduresChecklist0220.pdf>.

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

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

[June 2017 Enrollment and Grade Expansion Revision](https://www.regents.nysed.gov/common/regents/files/617p12a4.pdf)

(<https://www.regents.nysed.gov/common/regents/files/617p12a4.pdf>)

[May 2020 Fourth Renewal \(Not Approved\)](https://www.regents.nysed.gov/common/regents/files/520bra7-REVISED.pdf)

(<https://www.regents.nysed.gov/common/regents/files/520bra7-REVISED.pdf>)

Recommendation

The State Education Department Renewal Recommendation

The attached Renewal Recommendation Report provides summary information about the Renewal Application before the Regents for action at the June 2020 meeting, as well as an analysis of the academic and fiscal performance of the school 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.² 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.³

² See [8 NYCRR §119.7](http://www.p12.nysed.gov/psc/aboutcharterschools/Financing/Regulations/csreg119.7.html) at <http://www.p12.nysed.gov/psc/aboutcharterschools/Financing/Regulations/csreg119.7.html>

³ The [Oversight Plan for Board of Regents-Authorized Schools](http://www.p12.nysed.gov/psc/regentsoversightplan/OversightPlan.html) is located on the following webpage: <http://www.p12.nysed.gov/psc/regentsoversightplan/OversightPlan.html>

Renewal Recommendation

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

VOTED: That the Board of Regents finds that the **Buffalo Academy of Science 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 **Buffalo Academy of Science 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**.

Timetable for Implementation

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

Buffalo Academy of Science Charter School

In accordance with Education Law, Article 56, sections 2851(4) and 2852(2), Commissioners Regulations section 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 the Buffalo Academy of Science Charter School (BASCS). The charter term would begin on July 1, 2020 and expire on June 30, 2025, and the school would be permitted to increase the current grade span to include Grades 3 and 4 from the school’s current kindergarten through Grade 2 and Grade 5 through Grade 12 configuration; and to increase authorized enrollment from 784 students to 1,172 students, to be phased in over the next five years.** In February 2019, the school was required by NYSED to provide a Corrective Action Plan (CAP) to increase enrollment of students with disabilities (SWDs) and English language learners (ELLs)/Multilingual learners (MLLs) to meet the proportions enrolled in the district of location. In the spring of 2020, the school was required to address these same enrollment issues. 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.

BASCS is meeting nine of the ten benchmarks set forth in the Board of Regents Charter School Performance Framework. Benchmark 9 was partially met. The school is implementing the mission, key design elements, education program, and organizational plan set forth in the charter.

The school has “compiled a strong and compelling record of meeting or exceeding Benchmark 1, and at the time of the renewal analysis, [has] met substantially all of the other performance benchmarks in the Framework.” Therefore, pursuant to the Board of Regents approved renewal policy, the Department is recommending a full-term renewal.

Pursuant to Commissioner’s Regulation Section 119.7(d)(3), “in the event that the department's renewal recommendation recommends that the Regents grant a renewal application, but the Board of Regents decides to reject such recommendation and deny renewal of a charter, the charter school shall be provided with written notification of such decision and the reasons for the decision, and shall be given an opportunity to submit a written response to such decision and request that the Board of Regents reconsider its action.” As such, the Buffalo Academy of Science Charter School has submitted such a written response to the Board of Regents regarding the Board’s action at its May 2020 meeting regarding this school and requests that the Board reconsider its action. The school’s written response is attached as Appendix A.

Charter School Summary

Name of Charter School	Buffalo Academy of Science Charter School
Board Chair	Selcuk Acar
District of Location	Buffalo Public Schools
Opening Date	Fall 2004
Charter Term(s)	<ul style="list-style-type: none"> • Initial Term: January 12, 2004 - January 11, 2009 • First Renewal Term: January 12, 2009 - June 30, 2012 • Second Renewal Term: July 1, 2012 - June 30, 2015 • Third Renewal Term: July 1, 2015 - June 30, 2020

Current Term Authorized Grades/Approved Enrollment	K - Grade 2, 5-12/784 students
Proposed Renewal Term Authorized Grades/Proposed Approved Enrollment	K - Grade 12/928 students
Facilities	<ul style="list-style-type: none"> • 190 Franklin Street Buffalo, New York 14202 - Private Space • 89 Clare Street Buffalo, New York 14206 - Private Space • 100 Poplar Street, Buffalo, New York 14211- Private Space
Mission Statement	<i>Buffalo Academy of Science Charter School (BASCS) is a tuition-free, public charter K-12 school in Buffalo, NY whose mission is to fulfill the high demands of Grades K-12 students, their parents, and the community as a whole.</i>
Key Design Elements	<ul style="list-style-type: none"> • STEM focus • Data-Driven Decision Making • Six-Point Plan to Higher Student Achievement • Intervention and Special Programs • Triad Partnership: Students-Parents-Teacher • College Counseling and Preparation • Role Modeling and Character Education • Multicultural Themes and Competence • Student Exchange and International Field Trips
Recommended Material Revisions	<ul style="list-style-type: none"> • To permit the continuity of education for the school’s current elementary school students by increasing the current grade span to include Grades 3 and 4 from the school’s current kindergarten through Grade 2 and Grade 5 through Grade 12 configuration; and • To permit such continuity by increasing the schools authorized enrollment from 784 students to 928 students to be phased in by the 2021-2022 school year

Noteworthy: BASCS leaders reported a recent shift toward sharpening its culture and focus toward college enrollment and persistence. In recent years, the focus was on graduation, but as the school has experienced its first Ivy league college acceptance of a student to Dartmouth, and graduates on average have earned \$4.5 million in scholarships each year, additional emphasis is being placed on college acceptance. The school has incorporated more Advanced Placement courses, and all high school seniors are required to submit at least five college applications. The College Path Course for seniors supports development and review of applications, information about FAFSA and scholarship opportunities, and students begin college and career exploration in the 11th grade. In addition to preparation for the SAT, students have access to college-level math courses.

Innovative Programs: BASCS has instituted a restorative justice program which focuses on “the needs of students, repairing harm and developing relationships.” A problem-solving room at each site is staffed with

a coordinator, and each building has a social worker and counselors, in addition to the coordinator. Strategies employed to engage students include problem-solving circles and restorative conversations.

Renewal Conditions: BASCS shall devise and implement a weighted lottery in consultation with the NYSED CSO for students with disabilities and English language learners no later than the 2020-2021 school year.

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	Grades 7 - 12	Grades 5, 7-12	K and Grades 5-12	K and Grades 1, 5-12	K and Grades 1-2, 5-12
Total Approved Enrollment	400	460	640	712	784

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 - Grades 3, 5-12	K - Grade 12	K - Grade 12	K - Grade 12	K - Grade 12
Total Proposed Enrollment	856	928	928	928	928

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

The enrollment plan as outlined in the proposed enrollment table would allow the 72 second grade students, and the other early elementary school students, current enrolled in the school to continue their elementary school education uninterrupted.

Summary of Evidence for Renewal

Key Performance Area: Educational Success

Student Performance – Elementary/Middle School Outcomes

See Figure 1 regarding assessment proficiency regarding 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, Buffalo Academy of Science Charter School is *In Good Standing*.**

Academic Program for Elementary School/Middle School:

BASCS currently serves K - Grade 2 and Grades 5-12 across three campuses. The school utilizes the *Understanding by Design* (UbD) framework to align curricula, horizontally and vertically, and as the basis for

developing curriculum and scope and sequence of content areas. STEM-focused programming is incorporated in curriculum that offers embedded differentiation.

Academic Program for Students with Disabilities and English Language Learners/Multilingual Learners:

Weekly grade-level meetings at the elementary and middle schools are shared with special education teachers who suggest accommodations for individual students.

Weekly grade-level meetings at the elementary and middle-schools are shared with special education teachers who can suggest accommodations for individual students. Special education teachers at the high school are very involved with the graduation and college enrollment process. Counseling and special education services are integrated to ensure students are on the correct pathway toward post-secondary options. BASCS has established relationships with local and regional colleges that are successful in supporting students with higher-level needs.

ENL teachers make home visits at the beginning and middle of the school year, providing translators when necessary. Common planning with general education teachers and sharing of the New York State Identification Test for English Language Learners (NYSITELL) and the New York State English as a Second Language Achievement Test (NYSESLAT) testing results support development of lesson plans with appropriate adaptations for ELL/MLL students.

**Figure 1: Elementary/Middle School Outcomes Over Time
Comparison with Buffalo Public Schools**

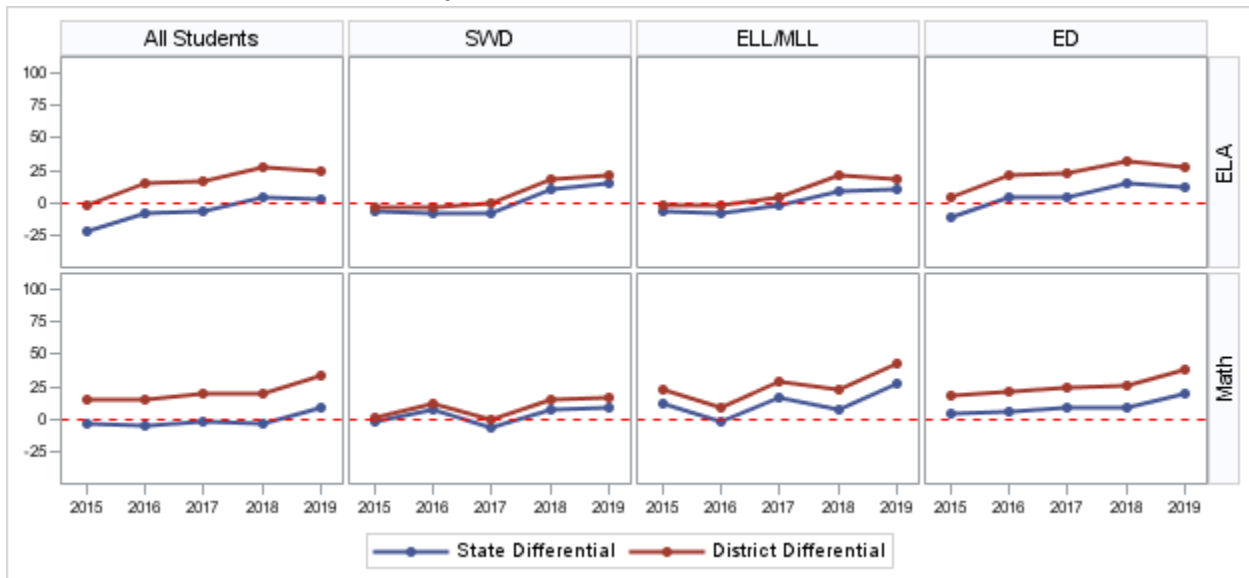


Table 1: Elementary/Middle School Assessment Proficiency Outcomes: Charter School, District & NYS

		ELA					Math				
		Buffalo Academy of Science CS	Buffalo Public Schools	Differential to District	NYS	Differential to NYS	Buffalo Academy of Science CS	Buffalo Public Schools	Differential to District	NYS	Differential to NYS
All Students	2014-2015	11%	12%	-1	32%	-21	26%	10%	+16	29%	-3
	2015-2016	31%	16%	+15	38%	-7	27%	11%	+16	31%	-4
	2016-2017	35%	18%	+17	41%	-6	34%	14%	+20	36%	-2
	2017-2018	48%	21%	+27	43%	+5	38%	18%	+20	41%	-3
	2018-2019	46%	22%	+24	43%	+3	53%	19%	+34	43%	+10
SWD	2014-2015	0%	3%	-3	6%	-6	5%	3%	+2	7%	-2
	2015-2016	0%	3%	-3	8%	-8	15%	3%	+12	7%	+8
	2016-2017	4%	4%	0	11%	-7	4%	4%	0	10%	-6
	2017-2018	25%	6%	+19	14%	+11	21%	5%	+16	13%	+8
	2018-2019	29%	7%	+22	13%	+16	24%	7%	+17	14%	+10
ELL/MLL	2014-2015	0%	1%	-1	6%	-6	25%	2%	+23	12%	+13
	2015-2016	0%	1%	-1	8%	-8	11%	1%	+10	13%	-2
	2016-2017	6%	1%	+5	8%	-2	31%	2%	+29	14%	+17
	2017-2018	29%	8%	+21	20%	+9	30%	7%	+23	23%	+7
	2018-2019	30%	11%	+19	19%	+11	53%	10%	+43	25%	+28
ED	2014-2015	11%	7%	+4	21%	-10	25%	7%	+18	21%	+4
	2015-2016	32%	11%	+21	28%	+4	28%	7%	+21	22%	+6
	2016-2017	36%	13%	+23	31%	+5	35%	10%	+25	26%	+9
	2017-2018	49%	16%	+33	34%	+15	39%	13%	+26	30%	+9
	2018-2019	45%	17%	+28	33%	+12	53%	14%	+39	33%	+20

Student Performance – High School Outcomes

The school has demonstrated strong academic performance in the high school grades, outperforming the district of location and, in some grades and subjects, outscoring the State average. **The school’s four-year Regents cohort outcomes have been outperforming the State average and continue to trend upward.**

Academic Program – High School

The school has developed varied, multi-level interventions and supports for students, ranging from in-class intervention grouping to online learning via Khan Academy, with additional tutors and instructional accommodations integrated in general education classrooms. Special education teachers at the high school are very involved with the graduation and college enrollment process. Counseling and special education services are integrated to ensure students are on the correct pathway toward post-secondary options. BASCS has established relationships with local and regional colleges that are successful in supporting students with higher-level needs.

Table 2: Regents 4-Year Cohort Outcomes

		All Students				SWD				ELL/MLL				ED			
		Charter Total Cohort	Buffalo Academy of Science CS	NYS	Differential to NYS	Charter Total Cohort	Buffalo Academy of Science CS	NYS	Differential to NYS	Charter Total Cohort	Buffalo Academy of Science CS	NYS	Differential to NYS	Charter Total Cohort	Buffalo Academy of Science CS	NYS	Differential to NYS
ELA	2012 Cohort	55	91%	85%	+6	8	63%	53%	+10	.	.	.	.	52	90%	79%	+11
	2013 Cohort	54	98%	85%	+13	.	.	.	.	7	86%	41%	+45	52	98%	80%	+18
	2014 Cohort	63	79%	84%	-5	5	40%	54%	-14	9	44%	52%	-8	52	79%	78%	+1
	2015 Cohort	69	96%	84%	+12	.	.	.	.	5	40%	55%	-15	63	95%	79%	+16
Global History	2012 Cohort	55	87%	78%	+9	8	50%	42%	+8	.	.	.	.	52	87%	70%	+17
	2013 Cohort	54	94%	78%	+16	.	.	.	.	7	100%	35%	+65	52	94%	70%	+24
	2014 Cohort	63	73%	77%	-4	5	20%	42%	-22	9	33%	43%	-10	52	71%	69%	+2
	2015 Cohort	69	91%	78%	+13	.	.	.	.	5	100%	48%	+52	63	90%	70%	+20
Math	2012 Cohort	55	95%	86%	+9	8	63%	52%	+11	.	.	.	.	52	94%	81%	+13
	2013 Cohort	54	98%	85%	+13	.	.	.	.	7	100%	53%	+47	52	98%	80%	+18
	2014 Cohort	63	92%	83%	+9	5	60%	49%	+11	9	78%	59%	+19	52	90%	77%	+13
	2015 Cohort	69	100%	84%	+16	.	.	.	.	5	100%	60%	+40	63	100%	78%	+22
Science	2012 Cohort	55	93%	84%	+9	8	63%	51%	+12	.	.	.	.	52	92%	78%	+14
	2013 Cohort	54	98%	84%	+14	.	.	.	.	7	100%	42%	+58	52	98%	78%	+20
	2014 Cohort	63	87%	83%	+4	5	40%	52%	-12	9	67%	50%	+17	52	87%	76%	+11
	2015 Cohort	69	96%	83%	+13	.	.	.	.	5	100%	51%	+49	63	95%	76%	+19
US History	2012 Cohort	55	87%	81%	+6	8	50%	49%	+1	.	.	.	.	52	87%	74%	+13
	2013 Cohort	54	96%	81%	+15	.	.	.	.	7	86%	40%	+46	52	96%	74%	+22
	2014 Cohort	63	81%	80%	+1	5	40%	48%	-8	9	44%	50%	-6	52	81%	72%	+9
	2015 Cohort	69	90%	79%	+11	.	.	.	.	5	60%	48%	+12	63	90%	71%	+19

Table 3: High School Graduation Rates by Cohort

		All Students				SWD				ELL/MLL				ED			
		Charter Total Cohort	Buffalo Academy of Science CS	NYS Graduation Rate	NYS Differential	Charter Total Cohort	Buffalo Academy of Science CS	NYS Graduation Rate	NYS Differential	Charter Total Cohort	Buffalo Academy of Science CS	NYS Graduation Rate	NYS Differential	Charter Total Cohort	Buffalo Academy of Science CS	NYS Graduation Rate	NYS Differential
2011 Cohort	4 Year	51	88%	80%	+8	.	.	.	.	.	.	.	.	8	25%	73%	-48
	5 Year	51	92%	84%	+8	.	.	.	.	.	.	.	.	7	57%	79%	-22
	6 Year	51	92%	85%	+7	.	.	.	.	.	.	.	.	7	57%	81%	-24
2012 Cohort	4 Year	55	95%	82%	+13	8	88%	57%	+31	.	.	.	.	52	94%	75%	+19
	5 Year	55	95%	85%	+10	8	88%	62%	+26	.	.	.	.	51	94%	80%	+14
	6 Year	55	95%	86%	+9	8	88%	64%	+24	.	.	.	.	51	94%	82%	+12
2013 Cohort	4 Year	54	96%	82%	+14	.	.	.	.	7	100%	42%	+58	52	96%	76%	+20
	5 Year	54	96%	85%	+11	.	.	.	.	6	100%	50%	+50	44	95%	80%	+15
	6 Year	54	96%	86%	+10	.	.	.	.	6	100%	53%	+47	44	95%	82%	+13
2014 Cohort	4 Year	63	86%	83%	+3	5	80%	60%	+20	9	56%	54%	+2	52	87%	76%	+11
	5 Year	63	89%	86%	+3	5	100%	66%	+34	9	67%	62%	+5	51	90%	81%	+9
2015 Cohort	4 Year	69	94%	83%	+11	.	.	.	.	5	80%	58%	+22	63	94%	77%	+17

Key Performance Area: Organizational Viability

Financial Condition

BASCS appears to be in a strong 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.⁴

A *composite score* is an overall measure of financial health. 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. BASCS’s composite score for 2018-2019 is 1.51. Table 4 shows the school’s composite scores from 2015-2016 to 2018-2019.

⁴ These rigorous indicators of fiscal soundness are aligned with those recommended by the National Association of Charter School Authorizers.

**Table 4: Buffalo Academy of Science Charter School’s Composite Scores
2015-2016 to 2018-2019**

<i>Year</i>	<i>Composite Score</i>
2015-2016	1.09
2016-2017	2.24
2017-2018	1.76
2018-2019	1.51

Financial Management

The Charter School Office reviewed Buffalo Academy of Science 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

Admission to BASCS shall comply with Section 2854(2) of the Education Law and all applicable laws. All children who would be eligible for enrollment in public schools in New York State in the available grades will be eligible to enroll in the charter school, subject to availability and the process set forth below. BASCS will admit each eligible student who submits a timely application, unless the number of applications exceeds the capacity of the student's requested grade level or of the school building. The lottery and admission priorities will be as follows: first preference will be given to students returning to the charter school; second preference will be given to siblings of students enrolled in the charter school; and third preference will be given to students residing in the Buffalo Public School district. BASCS will also use dynamic sibling priority, which allows siblings of newly accepted students with completed registration to move to the top of the waitlist in their grade level. Separate wait lists will be maintained for each grade level in the event that vacancies occur. The random lottery process used for student admission also will serve to place students in preferential order on these wait lists.

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 (EDs), SWDs, and ELLs/MLLs (Table 5).

The school is making good faith efforts to recruit, serve, and retain at-risk students.⁵ Recruitment efforts include extensive literature distribution through traditional paper-based flyers and brochures, but also

⁵ 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) requires that 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).

through the use of websites and social media, lawn signs and sidewalk advertising, all translated into numerous languages. Focusing on the effectiveness of a personal touch, school representatives make presentations at schools and community centers, at community events, in-person visits and phone calls. BASCS has added weighting to its recruitment efforts, to enhance the opportunities for ELL/MLL students and SWDs. BASCS has established checkpoints throughout the recruiting season to identify the number and types of applicants. Efforts also include conducting surveys of current ELL/MLL populations to ascertain priorities and appealing features, and creating individual retention plans to meet student- and family-specific needs.

Table 5: Student Demographics Comparison to Buffalo Public Schools

	SWD			ELL/MLL			ED		
	Buffalo Academy of Science CS	Buffalo Public Schools	Differential to District	Buffalo Academy of Science CS	Buffalo Public Schools	Differential to District	Buffalo Academy of Science CS	Buffalo Public Schools	Differential to District
2015-2016	12%	20%	-8	10%	14%	-4	88%	77%	+11
2016-2017	12%	21%	-9	10%	15%	-5	94%	76%	+18
2017-2018	11%	23%	-12	12%	20%	-8	86%	80%	+6
2018-2019	13%	23%	-10	10%	21%	-11	90%	82%	+8

Table 6: Retention - Aggregate and Subgroups

	All Students			SWD			ELL/MLL			ED		
	Buffalo Academy of Science Charter School	Buffalo Public Schools	Differential to District	Buffalo Academy of Science Charter School	Buffalo Public Schools	Differential to District	Buffalo Academy of Science Charter School	Buffalo Public Schools	Differential to District	Buffalo Academy of Science Charter School	Buffalo Public Schools	Differential to District
2016-2017	81%	86%	-5	82%	83%	-1	71%	83%	-12	89%	86%	+3
2017-2018	84%	88%	-4	90%	86%	+4	85%	86%	-1	88%	87%	+1
2018-2019	84%	88%	-4	86%	87%	-1	86%	87%	-1	88%	88%	0

Legal Compliance

BASCS 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 25, 2019. Two people attended, and two spoke. Both were in favor of the renewal, including the revision, and none were opposed.

Appendix A

Written Response to the Board of Regents Regarding the Board's Action at its May 2020 Meeting



May 26, 2020

Chancellor Betty A. Rosa
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Shannon Tahoe
Interim Commissioner of Education
New York State Education Department
89 Washington Avenue
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RE: Buffalo Academy of Science Charter School Written Response and Request for NY Board of Regents to Reconsider Its May 4, 2020 Non-Renewal Decision

Dear Chancellor Rosa and Ms. Tahoe,

Per Commissioner's Regulations Title 8, Chapter II, E.119.7(3), Buffalo Academy of Science Charter School (BUFFSCI) is providing a written response to the New York State Education Department and requesting the New York Board of Regents reconsider its May 4, 2020 action to not approve Buffalo Academy of Science Charter School's 2020-2025 charter renewal application.

This letter addresses the Board of Regents' issues for this decision and includes evidence to show the school provides a significant educational benefit to Buffalo students, especially the subgroups identified in New York Education Law Article 56 (Charter Schools).

Non-Renewal Rationale #1: Charter limit has been exceeded in Buffalo (5% limit)

New York Education Law Article 56 § 2852 (2)(d) specifies that approval of charter school applications is dependent on whether the total number of resident students attending charter schools is greater than 5% of the total public school enrollment. Currently, charter school enrollment in Buffalo City School District (BCSD) constitutes 23.45% of BCPS total enrollment.¹

¹New York State Education Department. Information and Reporting Services: Public School Enrollment: Preliminary District Enrollment by Grade 2019-20, Preliminary School Enrollment by Grade 2019-20. Retrieved May, 2020 at <http://www.p12.nysed.gov/irs/statistics/enroll-n-staff/home.html>

	BCSD Total Enrollment	Enrollment of Charter Schools Located in BCSD	% of BCSD Total Enrollment
2019-20 Enrollment	32,883	7,711	23.45%

Since charter school enrollment in BCSD boundaries has been exceeding the 5% limit, New York Education Law Article 56 § 2852 (2)(d) provides for approval dependent on:

- Granting the application would have a significant educational benefit to the students expected to attend the proposed charter school, or
- The school district in which the charter school will be located consents to such application

Significant Educational Benefit: Meeting Performance Framework Benchmarks

In November 2012, the New York Board of Regents adopted a new Renewal Policy and endorsed the Charter School Performance Framework. In the renewal process, charter schools must evidence meeting the established benchmarks in the performance framework. This information is verified by New York State Education Department Charter School Office staff prior to renewal applications being forwarded to the Board of Regents for consideration.

During the charter renewal site visit on December 12-13, 2019, NYSED Charter School Office staff verified that BUFFSCI met 9 of the 10 performance framework benchmarks. Below is the NYSED overview of findings provided in their February 26, 2020 renewal site visit report:

Performance Framework Benchmark	Level
Benchmark 1: Student Performance	Meets
Benchmark 2: Teaching and Learning	Meets
Benchmark 3: Culture, Climate, and Family Engagement	Meets
Benchmark 4: Financial Condition	Meets
Benchmark 5: Financial Management	Meets
Benchmark 6: Board Oversight and Governance	Meets
Benchmark 7: Organizational Capacity	Meets
Benchmark 8: Mission and Key Design Elements	Meets
Benchmark 9: Enrollment, Recruitment, and Retention	Approaches
Benchmark 10: Legal Compliance	Meets

Significant Educational Benefit: Eradicating Academic Achievement Disparities

BUFFSCI is acting strategically and intentionally about eradicating achievement disparities for all students and for subgroups of students. BUFFSCI well exceeds academic proficiency for all students and charter school law subgroups of students compared to BCSD, other charters in BCSD, NY State, and NYSED-designated similar schools across the state.*

Student Growth:

“Student Growth Percentile” (SGP) is calculated based on students’ ELA and math State assessment results in the current year compared to similar students. The term “similar students” means not only students with the same academic history, but also students with the same English language learner (ELL), economic disadvantage, or disability status and the degree to which a student’s classmates are members of these groups. Over the last three years, BUFFSCI’s average student growth percentiles are consistently and highly significantly higher than all other schools including selective and non-selective, public, private and charter schools in Buffalo. This clearly shows that BUFFSCI is making significant improvements in its students’ academic achievements and not just closing the achievement gap but reversing the achievement gap.

Buffalo schools' NYS Growth Scores, 2017-19	
School Name	Average Student Growth
BUFFALO ACADEMY OF SCIENCE CHARTER SCHOOL (BUFFSCI)	64.1
PS 27 HILLERY PARK ACADEMY	55.1
WEST HERTEL ELEMENTARY SCHOOL	54.2
FRANK A SEDITA SCHOOL #30	54.1
WATERFRONT ELEMENTARY SCHOOL	54
SOUTH BUFFALO CHARTER SCHOOL	53.9
COMMUNITY SCHOOL #53	53.4
PS 69 HOUGHTON ACADEMY	52.7
DR GEORGE BLACKMAN ECC	51.8
BENNETT PARK MONTESSORI SCHOOL	51.7
PS 81	51.4
BUFFALO ACADEMY FOR THE VISUAL & PERFORMING ARTS	51.4
ELMWOOD VILLAGE CHARTER SCHOOL - DAYS PARK	51.1
PS 61 ARTHUR O EVE SCHOOL OF DISTINCTION	51.0
PS 65 ROOSEVELT ECC	50.9
BUFFALO ELEMENTARY SCHOOL OF TECHNOLOGY	50.8
INTERNATIONAL SCHOOL	50.7
CHARTER SCHOOL FOR APPLIED TECHNOLOGY	50.7
PS 64 FREDERICK LAW OLMSTED	50.5
WEST BUFFALO CHARTER SCHOOL	50.5
HIGHGATE HEIGHTS	50.3
WESTERN NEW YORK MARITIME CHARTER SCHOOL	50.2
BILINGUAL CENTER	49.6
MARVA J DANIEL FUTURES PREPARATORY SCHOOL	49.6
INTERNATIONAL PREPARATORY SCHOOL (THE)	49.2
TAPESTRY CHARTER SCHOOL	49.2
NEWCOMER ACADEMY AT LAFAYETTE	48.9
BUFFALO UNITED CHARTER SCHOOL	48.9
PS 59 DR CHARLES DREW SCIENCE MAGNET	48.8
GLOBAL CONCEPTS CHARTER SCHOOL	48.5
STANLEY MAKOWSKI EARLY CHILDHOOD CENTER	48.4
PS 66 NORTH PARK MIDDLE ACADEMY	48.3
D'YOUVILLE-PORTER CAMPUS	48.2
NATIVE AMERICAN MAGNET	48.2
ENTERPRISE CHARTER SCHOOL	48.1
DR LYDIA T WRIGHT SCH OF EXCELLENCE	47.9

DISCOVERY SCHOOL	47.5
LORRAINE ELEMENTARY SCHOOL	47.3
KING CENTER CHARTER SCHOOL	47.3
HARRIET ROSS TUBMAN ACADEMY	47.0
DR ANTONIA PANTOJA COMMUNITY SCHOOL OF ACADEMIC EXCELLENCE	46.9
PS 74 HAMLIN PARK - CLAUDE AND OUIDA CLAPP ACADEMY	46.9
HERMAN BADILLO BILINGUAL ACADEMY	46.7
FREDERICK OLMSTED #156	46.5
SOUTHSIDE ELEMENTARY SCHOOL	45.7
BUILD COMMUNITY SCHOOL	45.7
WESTMINSTER COMMUNITY CHARTER SCHOOL	45.6
CITY HONORS SCHOOL	45.3
BUFFALO COLLEGIATE CHARTER SCHOOL	44.7
LOVEJOY DISCOVERY SCHOOL #43	44.0
HARVEY AUSTIN SCHOOL #97	44.0
PFC WILLIAM J GRABIARZ #79	43.7
MATH SCIENCE TECHNOLOGY PREPARATORY SCHOOL	42.7
PS 82	40.6
ACADEMY SCHOOL	40.1
CHARTER SCHOOL OF INQUIRY	39.8
PS 17	39.5

Academic Proficiency:

Academic proficiency comparisons of 2018-19 NY Grades 3-8 and NY Regents (Grades 9-12) assessments (scores of 3 and above) show that BUFFSCI exceeds academic proficiency of BCSD, other charter schools in BCSD, NY State, and NYSED-designated similar schools (NY Charter School Performance Framework 1.b.i).^{*} (NOTE: Grades 5-8 for ELA and math and Grade 8 for science are compared as BUFFSCI does not yet serve Grades 3-4.)²

	ELA (Gr. 5-8)	Math (Gr. 5-8)	Science (Gr. 8)	HS ELA	HS Math	HS Science
BUFFSCI	45.8%	53.3%	62%	80%	76%	94%
BCSD	22.0%	18.8%	27%	73%	54%	49%
Differential	+23.8%	+34.5%	+35%	+7%	+22%	45%
Other Charter Schools in BCSD	25.9%	23.5%	46%	78%	63%	44%
Differential	+19.9%	+29.8%	+16%	+2%	+13%	+50%
NY State	43.3%	45.3%	55%	79%	73%	75%
Differential	+2.5%	+8.0%	+7%	+1%	+3%	+19%
Similar Schools (NY Performance Framework)	41.0%	32.0%	44%	77%	47%	42%
Differential	+4.8%	+21.3%	+18%	+3%	+29%	+52%

Further, academic proficiency comparisons of NY Charter School Act subgroups (students with disabilities, English Language Learners, and low-income students) show that in Grades 5-8, except

²New York State Education Department. 2018-19 School Report Card (BUFFSCI, BCSD, Other Charter Schools in BCSD, New York State, and NYSED-determined similar schools). Retrieved November, 2019

for one low-income test score, BUFFSCI well exceeds academic proficiency of every student subgroup in BCSD, other charter schools in BCSD, NY State, and similar schools.³

Subgroup Comparison	ELA (Grades 5-8)			Math (Grades 5-8)			Science (Grade 8)		
	SWD	ELL	Low-Income	SWD	ELL	Low-Income	SWD	ELL	Low-Income
BUFFSCI	32%	22%	45%	22%	40%	54%	33%	17%	61%
BCSD	5%	3%	17%	5%	4%	14%	11%	6%	23%
Differential	+27%	+19%	+28%	+17%	+36%	+40%	+22%	+11%	+38%
Other Charters in BCSD	12%	5%	26%	15%	15%	23%	18%	0%	39%
Differential	+20%	+17%	+19%	+7%	+25%	+31%	+15%	+17%	+22%
NY State	12%	4%	34%	13%	12%	33%	27%	14%	46%
Differential	+20%	+18%	+11%	+9%	+28%	+21%	+6%	+3%	+15%
Similar Schools (1.b.i)	13%	2%	48%	13%	10%	36%	16%	10%	36%
Differential	+19%	+20%	-3%	+9%	+30%	+18%	+17%	+7%	+25%

BUFFSCI scores lower

Subgroup comparisons of NY Regents (high school) assessments show the importance of providing additional instructional accommodations and tutoring for Students with Disabilities in ELA. Notwithstanding, BUFFSCI test scores show that BUFFSCI well exceeds proficiency rates of BSCD, other charters in BCSD, NY state, and similar schools.⁴ BUFFSCI, as a STEM-focused school, takes its mission seriously—100% of all students are accepted into 4-year universities/colleges.

Subgroup Comparison	ELA (Regents)			Math (Regents)			Science (Regents)		
	SWD	ELL	Low-Income	SWD	ELL	Low-Income	SWD	ELL	Low-Income
BUFFSCI	40%	64%	79%	57%	80%	91%	42%	89%	91%
BCSD	41%	53%	70%	26%	33%	49%	17%	19%	44%
Differential	-1%	+11%	+9%	+31%	+47%	+42%	+25%	+70%	47%
Other Charters	52%	62%	82%	22%	75%	71%	20%	27%	46%
Differential	-12%	+2%	-3%	+35%	+5%	+20%	+22%	+62%	+45%
NY State	60%	45%	78%	45%	45%	64%	48%	38%	63%
Differential	-20%	+19%	+1%	+12%	+35%	+27%	-6%	+51%	+28%
Similar Schools*	52%	43%	77%	23%	35%	48%	26%	21%	46%
Differential	-12%	+21%	+2%	+34%	+45%	+43%	+16%	+68%	+45%

BUFFSCI scores lower

*Matching similar schools identified for BUFFSCI include 4 public and 2 charter schools in the Rochester City School District, 18 public and 1 charter in New York City Department of Education, and 1 public school in Yonkers City School District.

³New York State Education Department. 2018-19 School Report Card (BUFFSCI, BCSD, Other Charter Schools in BCSD, New York State, and NYSED-determined similar schools). Retrieved November, 2019

⁴New York State Education Department. 2018-19 School Report Card (BUFFSCI, BCSD, Other Charter Schools in BCSD, New York State, and NYSED-determined similar schools). Retrieved November, 2019

Significant Educational Benefit: High School Graduation

BUFFSCI has high academic expectations and higher graduation standards than required by New York State Education Department. The SWD percentage in the table below is based on 2 students in 2018-19. In 2018, the SWD graduation rate was 80%. In the last five years, the BUFFSCI SWD graduation rate is 72% (two years had too few students to report, 2018-19 NYSED data also shows too few students to report but data provided below is from school records). In BUFFSCI continuous improvement, instructional accommodations, and student support efforts, SWD students will continue to be a focus.

Graduation: 4-Year 2014 Cohort⁵	All Students	SWD	ELL	Low-Income
BUFFSCI	94.2%	50%	80.0%	93.7%
BCSD	64.7%	51.9%	33.2%	62.5%
Differential	+45.6%	-3.7%	+141.0%	+49.9%
Other Charters in BCSD	89.8%	86.5%	75.0%	88.9%
Differential	+4.9%	-42.2%	+6.7%	+5.4%
NY State	83.4%	60.6%	38.9%	77.1%
Differential	+13.0%	-17.5%	+105.7%	+21.5%
Similar Schools (<i>NY Performance Framework</i>)	83.2%	74.0%	48.6%	81.5%
Differential	+13.2%	-32.4%	+64.6%	+15.0%

BUFFSCI is lower

BUFFSCI has high graduation standards (including requiring 24 credits instead of state-required 22) that not only ensure that all students have a NYSED-board approved graduation diploma, many with Advanced Designations, but that all students attend 4-year colleges. Comparisons:

Graduation Data⁶	BUFFSC I	BCSD	Other Charters in BCSD
Graduation Rate (August 2019 4-Year Cohort)	94%	65%	90%
Local Diploma	3%	9%	15%
Regents with Advanced Designation	29%	14%	10%
Still Enrolled	4%	16%	5%
Dropped Out	1%	15%	5%

NYSED no longer collects/maintains postsecondary plan data. BUFFSCI tracks the acceptance rate of all graduates into postsecondary institutions as well as post-graduation plans. Historically, all graduates are accepted into 4-year colleges/universities. NYSED data, however, is not currently available to compare BUFFSCI to other Buffalo schools. The postsecondary plan data below is from 2016-17, the most recently provided by NYSED.⁷

⁵New York State Education Department. NYSED Data: 2018-19 Graduation Rate Database, Retrieved May 2020 at <https://data.nysed.gov/>

⁶New York State Education Department. NYSED Data: 2018-19 Graduation Rate Database, Retrieved May 2020 at <https://data.nysed.gov/>

⁷New York State Education Department. 2016-17 School Report Card (BUFFSCI, Charter Schools in BCSD, BCSD, New York State). Retrieved February, 2019

Postsecondary Plans	BUFFSCI	BCSD	Other Charters in BCSD
Plans: 4-Year College	100%	41%	47%
Plans: 2-Year College	0%	39%	36%
Plans: Other Postsecondary	0%	2%	1%
Plans: Employment	0%	11%	8%
Plans: Military	0%	1%	3%
Plans: Unknown	0%	2%	4%

Significant Educational Benefit: Parent Satisfaction—In-Demand School

BUFFSCI is an in-demand school as evidenced by significantly more enrollment applications received than available seats.

School Year	Enrollment Applications Received	Applications Selected to Fill Seats Available	Percent Enrolled
2015-16	412	117	28.4%
2016-17	600	174	29.0%
2017-18	885	259	29.3%
2018-19	947	226	23.9%
2019-20	1,008	290	28.8%
TOTAL/AVERAGE	3,852	1,066	27.7%

Every year, BUFFSCI must turn away 72% potential students. Annual school surveys further verify parent and student satisfaction.

Significant Educational Benefit: Enrolling Charter School Law Student Subgroups

Central to NY Charter School Law is the exchange from rule-based to performance-based accountability systems especially for students most at-risk of academic failure—specifically for students identified as 1) students with disabilities, 2) English language learners, and 3) students who are eligible for the free and reduced-price lunch program. These students are frequently enrolled in LEA public schools with low academic achievement and significant academic disparities across subgroups. Charter schools are designed to provide families of students with a high-quality public education choice.

New York Education Law Article 56 § 2851 (4)(e) requires charter schools to meet or exceed enrollment and retention targets for 1) students with disabilities, 2) English language learners, and 3) students who are eligible for the free and reduced-price lunch program. Charter school instructional programs are designed to address/reduce academic disparities—this mission and focused outcome are taken very seriously at BUFFSCI.

Although almost all charter schools in BCSD struggle with meeting SWD and ELL targets, BUFFSCI is closer to meeting these targets compared to other charter schools. Most recent enrollment data verifies this:

2019-20 Student Enrollment⁸	Students with Disabilities	English Language Learners	Low-Income
Buffalo City School District (<i>targets</i>)	21.6%	16.2%	75.7%
Buffalo Academy of Science Charter School	11.6%	7.5%	90.1%
Other Charters Located in BCSD	9.3%	3.8%	81.4%

Of 16 charter schools located in BCSD open in 2019-20:

- SWD target (21.6%): Only one charter school meets the BCSD Students with Disabilities target (Elmwood Village Charter School—Hertel): two-thirds of charters have lower SWD enrollment percentages than BUFFSCI
- ELL target (16.2%): Only one charter school meets the BCSD English Language Learner target (West Buffalo Charter School): BUFFSCI is the next closest to the target
- (Low-income target) 75.7%): two-third of charters meet this enrollment target including BUFFSCI

As a note, target populations in BCSD have decreased: in 2018-19, BCSD enrolled 23.1% SWD, 18.1% ELL, and 83.2% low-income (compared to 2019-20 enrollments of 21.6% SWD, 16.2% ELL, and 75.7% low-income). Reductions in SWD and ELL populations in charter schools reflect the loss of these populations in Buffalo.

BUFFSCI enrolls a large percentage of low-income students and continues to work hard to recruit and enroll ELL and SWD students: it is using a weighted lottery designed to attract ELL and SWD students. In addition, it continuously reaches out to, provides presentations with, and maintains flyers and recruitment/enrollment materials at community organizations who serve families of ELL and SWD students in order to assist in meeting its targets.

Meeting enrollment targets appear to be disparate across authorizers. While Board of Regents- authorized charter schools have the highest rates, charter schools authorized by the Buffalo Board of Education are farthest off the SWD and ELL targets:

Enrollment Targets by NY Charter School Authorizer	Students with Disabilities	English Language Learners	Low-Income
<i>2019-20 Targets</i>	21.6%	16.2%	75.7%
Board of Regents-Authorized (<i>average</i>)	12.2%	8.3%	90.4%
SUNY-Authorized (<i>average</i>)	9.2%	2.0%	73.3%
Buffalo Board of Education-Authorized (<i>average</i>)	3.5%	1.4%	95.8%

⁸New York State Education Department. Information and Reporting Services: Public School Enrollment: Preliminary District Enrollment by Students with Disabilities, English Language Learners, and Economically Disadvantaged 2019- 20, Preliminary School Enrollment by Students with Disabilities, English Language Learners, and Economically Disadvantaged 2019-20. Retrieved May, 2020 at <http://www.p12.nysed.gov/irs/statistics/enroll-n-staff/home.html>

Non-Renewal Rationale #2: Financial impact to school district (Buffalo City)

School districts receive state aid per enrolled student. For 2019-20, this is \$25,526 in BCSD⁹ Each school district with an authorized charter school provides charter tuition per student enrolled in the charter. For 2019-20, this is \$13,494.¹⁰ Although charter schools appear to be a cost to the school district, the district maintains 47% of the state aid. In addition, the district receives \$1,000 supplemental tuition aid per student attending a charter school. With BUFFSCI's closure, the district will lose \$856,000 supplemental tuition aid for the 2020-21 school year.

Charter schools are public schools and are tuition-free to parents who choose to send their children. Charter schools and their Board of Directors must adhere to the same laws, rules, codes, and policies as school districts.

Had students enrolled in a private school instead of a charter school, the district would lose the entire state aid amount. BCSD is not losing money because of charter schools. They do not need to provide teachers, staff, administrators, governance, facilities, or instruction to the students attending charter schools—the current difference between state aid and charter tuition is a savings to the school district.

In addition, since BUFFSCI graduates all students, BCSD is able to maintain the part of the tuition they would have lost had students dropped out. The 5-year average of BCSD dropout rate is 17.4%.¹¹ Keeping students in school for the 5-year charter period saves BCSD \$5.5 million. In addition, expected lifetime earnings increase for these potential dropouts, bringing \$94 million additional revenue to the Buffalo community. From a purely statistical point of view, returning to BCSD will increase the likelihood of student dropout, academic failure, and an impoverished community.

⁹Buffalo City School District. 2019-20 Adopted Budget. Retrieved August, 2019 at <https://www.buffaloschools.org/site/handlers/filedownload.ashx?moduleinstanceid=97&dataid=197087&FileName=2019-20%20Adopted%20Budget.pdf>

¹⁰ New York State Education Department. 2019-20 Charter School Basic Tuition and Supplemental Basic Tuition. Retrieved May 2020 at https://stateaid.nysed.gov/charter/html_docs/charter_1920_rates.htm

¹¹ NYSED. 2014-15, 2015-16, 2016-17, 2017-18, 2018-19 School Report Cards (BCSD). Retrieved May 2020.

Fiscal Impact: Potential savings for BCSD for 5-year charter period	
a) Number of high school students to be enrolled at BUFFSCI (5 years)	1,231
b) BCSD per pupil tuition rate (2019-20 BCSD Approved Budget) ¹²	\$25,526
c) Total potential tuition/revenue to BCSD	\$31,422,506
d) BCSD average 5-year dropout rate ¹³	17.4%
e) Saved tuition if students had stayed enrolled in BCSD/not dropped out	\$5,467,516
Fiscal Impact: Increased community revenue by graduating potential BCSD dropouts	
a) Annual wages (national average): less than a high school education ¹⁴	\$10,140
b) Annual wages (national average): Bachelor's degree + ¹⁵	\$59,632
c) Annual earnings potential lost by dropping out	\$49,492
d) Lost income potential over 30 years / lost revenue to Buffalo per dropout	\$1,484,759
e) Increased total revenue to the Buffalo community by enrolling BCSD students at risk of dropping out in BUFFSCI, avoiding dropout (17.4% of 5-year charter renewal seniors: 63 students)	\$93,539,797

We thank you for the opportunity to request reconsideration. Should you have questions or need further information, please do not hesitate to contact Joseph Polat at (716) 854-2490 or at polat@BUFFSCI.org.

Kind regards,



Selcuk Acar, Ph.D.
President, Board of Trustees



Joseph Polat, Ph.D.
Executive Director

¹² Buffalo City School District. 2019-20 Adopted Budget. Retrieved August, 2019 at <https://www.buffaloschools.org/site/handlers/filedownload.ashx?moduleinstanceid=97&dataid=197087&FileName=2019-20%20Adopted%20Budget.pdf>

¹³ New York State Education Department. NYSED Data: High School Graduation Rate (2014-15 to 2018-19) Retrieved May 2020 at <https://data.nysed.gov/>

¹⁴ U. S. Department of Labor. Employment status of the civilian population 25 years and over by educational attainment (seasonally adjusted). Bureau of Labor Statistics (March 2020)

¹⁵ U. S. Department of Labor. Employment status of the civilian population 25 years and over by educational attainment (seasonally adjusted). Bureau of Labor Statistics (March 2020)