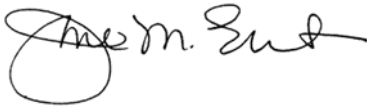





THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: P-12 Education Committee

FROM: Jhone M. Ebert 

SUBJECT: Discussions Regarding the Charter School Performance Framework, Section 3.16 of the Rules of the Board of Regents, and Key Decision-Making Points

DATE: October 5, 2017

AUTHORIZATION(S): 

SUMMARY

Issues for Discussion

The Board will discuss the key areas of decision-making regarding the Charter School Performance Framework that guide the performance oversight of Board of Regents-authorized charter schools, and discuss the components of §3.16 of the Rules of the Board of Regents that govern the oversight of charter schools and the delegation of authority to the Commissioner of Education.

Reason(s) for Discussion

Review of Regents policy.

Proposed Handling

These issues will be before the P-12 Education Committee for discussion at the October 2017 Regents meeting.

Procedural History

The Charter School Performance Framework is the document which enumerates the standards by which all Board of Regents-authorized charter schools are held accountable to at the time of renewal. Through the Rules of the Board of Regents, procedural guidelines are provided to govern the oversight of all charter schools.

Charter School Performance Framework

The Charter School Performance Framework was initially endorsed by the Board of Regents in October 2012 and amended in November 2015 (Attachment A). In creating the Performance Framework, the Department surveyed other states' and authorizers' frameworks, and designed this Framework specifically for use with Regents-authorized charter schools and to fit with the Strategic Plan¹ for the Department's Charter School Office. When developing this Framework, Department staff adhered to the following guiding principles which are outlined in the Performance Framework: 1) focus on student performance over compliance; 2) preserve operational autonomy; 3) facilitate transparent feedback to schools; 4) align to the ongoing accountability and effectiveness work for all public schools; and 5) balance clear performance benchmarks with Regents' discretion.

Discussions with the field have taken place across the State where board members and administrators of Regents-authorized schools were given the opportunity to provide feedback and suggested changes to the Performance Framework, and affirmed the importance of a performance-based accountability system as envisioned in Education Law §2850(2)(f). This feedback will be presented to the Board of Regents at the October meeting and the Board will discuss and provide feedback to the suggested revisions. Should the Board suggest revisions to the Framework, a revised Charter School Performance Framework would be submitted to the Board of Regents at a subsequent meeting for approval.

Rules of the Board of Regents

In September 2012, the Board of Regents voted to adopt a technical amendment of §3.16 of the Rules of the Board of Regents (Attachment B), relating to the delegation to the Commissioner of Education of the Board of Regents' authority.

Background Information

Charter School Performance Framework

The Charter Schools Act requires that, upon a school's submission of an application for renewal, the Department must engage in a process of analyzing the performance of the charter school in order to make sound renewal recommendations to the Board of Regents. As stated in the document, while the Department and the Regents will consider all of the benchmarks in the Performance Framework when making recommendations and decisions concerning charter renewal applications, the school's record of student academic performance is of paramount importance, as required by the terms of the Department's \$113 million federal Charter Schools Program (CSP) multi-year grant from the United States Department of Education. Although the Charter Schools Act broadly defines the criteria and related findings for renewal, it is not specific about the benchmarks that will be evaluated, nor the priorities that will be taken into consideration as part of the renewal process.

¹ The Charter School Office Strategic Plan is available at the following location:
<http://www.p12.nysed.gov/psc/homepage/NYSEDCSOSTrategicPlanJuly2011FINALrev.pdf>

The Board of Regents endorsed Charter School Performance Framework has the following key benefits:

1. Promotes transparency in the charter school renewal process, and clarifies the criteria for making high-stakes authorizing decisions;
2. Strengthens the Department's charter school performance oversight practices, and encourages consistency in renewal recommendations;
3. Helps to ensure that all charter schools authorized by the Board of Regents are of the highest quality;
4. Allows Department staff, as they are comprehensively analyzing and weighing evidence of a school's performance, to make recommendations that align with the Board's pre-defined priorities, while leaving room for the Board's discretion;
5. Recognizes that compliance is a minimum expectation and, through the Framework, places the focus on student performance. Charter schools enter into an autonomy-for-accountability, performance-based contract with the Board of Regents, and the Framework establishes the Regents' expectations for high performance; and
6. Complies with the authorizing practices recommended by the National Association of Charter School Authorizers².

The Charter School Performance Framework is based on three key areas of performance:

1. Educational Success;
2. Organizational Soundness; and
3. Faithfulness to the Charter and Law.

They are expanded upon with 10 Performance Benchmarks that together comprise both quantitative and qualitative measures of how a successful school should perform. Each Benchmark has a general definition and a list of indicators that should be in place as evidence of the school's performance.

² The National Association of Charter School Authorizers, has provided positive feedback to the New York State Education Department for its authorizing practices. See 2015 Index of Essential Charter Authorizer Practices Score - <http://www.qualitycharters.org/research-policies/archive/index-2015/>; 2016 Index of Essential Charter Authorizer Practices Score - http://www.qualitycharters.org/wp-content/uploads/2017/01/Index_of_Essential_Practices_2016_By_Authorizer_Name_FINAL.pdf; The National Alliance for Public Charter Schools has provided positive feedback as well. See the following site: http://www.publiccharters.org/wp-content/uploads/2015/01/model_law_2015.pdf?x87663

Key 2015 Performance Framework Decision Points for Discussion

The Board of Regents may want to consider revisions to certain key areas of the Charter School Performance Framework, as evidenced by previous Board discussions regarding charter school renewals and they are:

1. Comparative academic outcome measures and sub-group performance;
2. Enrollment and retention targets including the methodology by which they are calculated;
3. The methodology used to evaluate non-academic indicators of school quality; and
4. The standards for full-term, short-term, or non-renewal.

Rules of the Board of Regents

Education Law §2852(7) requires that a public charter school receive approval from the Board of Regents for any revision to its charter.

In 2010, the Board of Regents voted to delegate authority to the Commissioner to approve, on behalf of the Board of Regents, revisions to a school's charter with certain specified exceptions, so that revisions could be approved and issued expeditiously. The purpose of the proposed technical amendment was to conform additional provisions in §3.16(c) of the Regents Rules to the Department's existing practices of having the Commissioner, on behalf of the Board of Regents, consider non-material school revision requests, such as changes in school policies, charter school hearings, charter school complaints, and certain minor charter revisions. Material revision requests must be presented to the Board for a decision. Non-material revision requests may be decided by the Commissioner of Education, and are not required to be presented to the Board of Regents for a decision. The presentation to the Board at the October meeting will provide an opportunity for the Board to discuss the list of material and non-material revisions, and suggest whether to make changes to the decision-making process for revision requests.

Related Regents Items:

Charter School Performance Framework

October 2012 Charter School Office Update Regents Item:

[Charter School Office Update September 2012 Memo](#)

(<http://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/October2012/1012p12d2.pdf>)

November 2012 Charter School Performance Framework Regents Item:

[Charter School Renewal Policy and Performance Framework for Charter Schools](#)

(<http://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/November2012/1112p12a1.pdf>)

Rules of the Board of Regents

August 2010 Amendment to §3.16 of the Rules of the Board of Regents:

[Proposed Amendment of Section 3.16 Relating to Delegation of Authority to Approve Charter School Revisions](http://www.regents.nysed.gov/common/regents/files/documents/meetings/2010Meetings/September2010/0910brca14.pdf)

(<http://www.regents.nysed.gov/common/regents/files/documents/meetings/2010Meetings/September2010/0910brca14.pdf>)

Timetable for Implementation

Based on the feedback from the Board of Regents at the October 2017 meeting, the Department anticipates presenting a proposed Charter School Performance Framework for approval at the December 2017 meeting.

Similarly, it is anticipated that any proposed changes to the Rules of the Board of Regents will be presented for action at the December 2017 meeting. If adopted at that meeting, the proposed amendments will become effective after a public comment period in 2018.

Attachments

Attachment A – November 2015 Charter School Performance Framework

Attachment B –The Rules of The Board of Regents – §3.16



Charter School Performance Framework

**New York State Board of Regents
State Education Department**

Charter School Office

89 Washington Avenue
Albany, New York 12234
www.p12.nysed.gov/psc/

November 2015

Charter School Performance Framework

Overview

In June of 2010, the New York State Board of Regents (Regents), and the New York State Education Department (NYSED or the Department) embarked on a new approach to charter school authorizing, aligning the Regents' and Department's work with the best practices of the highest quality authorizers nationally.¹ A key component of this new approach is the Performance Framework (the Framework) for charter schools authorized by the Regents, which outlines the quality benchmarks for charter schools that represent the high-level of performance necessary to earn charter renewal.

The Framework, which is part of the Oversight Plan included in the Charter Agreement for each school, outlines ten (10) performance benchmarks in three key areas of charter school performance:

- Educational Success
- Organizational Soundness
- Faithfulness to Charter and Law

The Regents and the Department evaluate these areas of charter school performance by analyzing quantitative and qualitative data and evidence, compiled over the course of the school's charter term. Though each performance benchmark is important, the Regents and the Department considers *increases in student academic achievement for all groups of students described in Section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school's charter.*² Measures reflecting this priority are incorporated into Benchmark 1: Student Performance.

The Department conducted an extensive period of research and review to develop a Framework that draws from the best of what is available nationally. While the development of the Framework was iterative, Department staff adhered to the key guiding principles below throughout the process.

Guiding Principles of the Framework

- **Focuses on performance over compliance.** Each performance benchmark serves to highlight how a successful school should perform and operate in a key area. The New York State Board of Regents and Department recognize that compliance is a minimum expectation and, through the Framework, place the focus on student performance. Charter schools enter into an autonomy-for-accountability, performance-based contract with the Board of Regents, and the Framework establishes the Regents' expectations for high performance.
- **Preserves operational autonomy.** Each performance benchmark focuses on outcomes rather than process. The Regents and the Department must protect the building-level autonomies that allow charter schools to exercise the freedom to determine the means by which they achieve student outcomes.
- **Facilitates transparent feedback to schools.** The Framework is structured to ensure that clear and transparent feedback about performance can be conveyed to charter schools throughout the charter term.

¹ See <http://www.regents.nysed.gov/meetings/2010Meetings/June2010/0610emscd1.htm>.

² This is a required program assurance of the Department's \$113 million 2011-2016 federal Charter Schools Program grant (PR/Award #U282A110005), awarded to the Department in July 2011 to support the expansion of high-quality public charter schools and disseminate the best practices of existing charter schools.

Based on this feedback and other data, charter schools should be able to make adjustments to their operations and academic programs to improve performance.

- **Aligns to the ongoing accountability and effectiveness work for all public schools.** The Department developed the Framework during a period of broader educational reform in New York. To the greatest extent possible, the Department aligned the Framework with its overall educator and institutional accountability and school effectiveness work, but also incorporated additional performance metrics that capture the unique aspects of charter school autonomy and accountability.
- **Balances clear performance benchmarks with Regents’ discretion.** The Framework clearly outlines performance benchmarks for charter schools, but does not dictate renewal, revocation, or probation decisions. These high-stakes decisions are ultimately made by the Regents based on the totality of evidence presented by the charter school. The Regents have the discretion to consider all qualitative and quantitative factors when making these decisions, though improvement in student achievement for all student groups remains paramount.

Using the Performance Framework during the Charter Term

Charter schools are encouraged to refer to the Framework on a continuing basis to inform planning and as a means of self-assessing the overall health and viability of their school throughout its charter term. In 2015, the Department clarified the academic indicators in Benchmark 1 so charter schools can better assess their progress toward achievement of these targets as they progress through the charter term toward renewal. Benchmarks 2 and 3 are directly aligned with New York’s Diagnostic Tool for School and District Effectiveness, a research-based tool used to assess effectiveness in district public schools, that can also be used by charter schools for self-assessment purposes.

Using the Performance Framework for Charter Renewal Decision-Making

Every charter school authorized by the Regents undergoes a rigorous renewal process during the final year of its charter term to determine whether or not the school should continue to operate. The renewal process is triggered when a school submits a renewal application. This process includes a renewal site visit, as well as an analysis of all quantitative and qualitative evidence collected through the Department’s charter school performance oversight process over the course of the charter term. The Framework provides the performance benchmarks and lens of inquiry for the renewal site visit and for subsequent Department analysis, which leads to a recommendation regarding charter renewal to the Regents. The Department’s recommendation to the Regents will be based on the guidelines outlined in the *Regents’ Charter School Renewal Policy*³, summarize key findings, and include an assessment of whether the charter school exceeds, meets, approaches, or falls far below each performance benchmark (see scale below).

Level	Description
Exceeds	The school meets the performance benchmark; potential exemplar in this area.
Meets	The school generally meets the performance benchmark; few concerns are noted.
Approaches	The school does not meet the performance benchmark; a number of concerns are noted.
Falls Far Below	The school falls far below the performance benchmark; significant concerns are noted.

³ Presented to the New York State Board of Regents at their November 5, 2012 meeting.

**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 Common Core Learning Standards (CCLS) for all students. Teachers engage in strategic practices and decision-making in order to address the gap between what students know and need to learn so that all students experience consistent high levels of engagement, thinking and achievement.
	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.

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).

Important Notes:

- The period of evaluation for the indicators and measures presented below generally spans from the beginning of the charter term through the end of the penultimate year (second to last) of the charter term. For example, if a school's charter term runs from July 1, 2012 through June 30, 2017, the data under consideration will end with the academic results through the end of the 2015-2016 school year (including Regents testing in August 2016, if available). For renewal terms, the last year of the prior charter term will generally be considered as a baseline for the next renewal term. The Department's renewal policy permits an examination of previous charter terms in making a renewal recommendation to the Regents, since multiple short-term renewals are generally discouraged.
- All goals are based on New York State assessments (elementary and middle school) or Regents examinations (high school) for all tested subjects at all grade levels and all accountability subgroups, unless otherwise indicated. For logistical and data integrity reasons, the Department will rely primarily on these measures based on state assessments to evaluate performance for this benchmark.
- While the Department may consider other assessment data as supplementary evidence for a school's performance, it will not supplant state assessment results with other assessment results.
- The indicators and measures presented below are based on state assessments, metrics, and accountability requirements currently in use or planned. The Department reserves the right to revise these measures in order to accommodate changes in state assessments, metrics, or accountability requirements, including any new U.S. Department of Education requirements that may be enacted during the charter term.

Benchmark 1 Indicators

Renewal is based on evidence that the following targets are generally met:

Indicator	Measure	Description	Minimum Expectations ⁴	Target Outcome	
1. All Schools					
1a.	Accountability				
All Students & Subgroups	(i)	ESEA Accountability Designation	Reward, Good Standing, Local Assistance Plan, Focus or Priority School Status	Good Standing	Reward
1b.	Similar Schools Comparison				
All Students & Subgroups	(i)	Comparative Proficiency	Comparison of the performance of all schools in NYS with the same grade configuration and similar population of students identified as economically disadvantaged, students with disabilities and English language learners. Performance is based on schools' aggregate proficiency compared to the NYS average on 3-8 ELA and mathematics assessments and/or high school cohort ELA and mathematics outcomes.	At least 1 standard deviation above the mean	Greater than 1 standard deviation above the mean

⁴ With limited exception, all schools are expected to meet the minimum expectations. Meeting minimum expectations does not guarantee renewal. Further, the failure to progress toward target outcomes may adversely affect the renewal recommendation.

Indicator	Measure	Description	Minimum Expectations	Target Outcome
2. Elementary/Middle School Outcomes				
2a.	Trending Toward Proficiency			
All Students	(i) Aggregate Standards-Based Trend Toward Proficiency	% of students in the school maintaining a proficient testing level or trending toward proficiency from one year's test administration to the next. Analysis will examine proficiency maintenance or improvement of all students in the school compared to each student's previous year's test scores.	Maintenance or increase in 75% of total tested students' proficiency levels	Maintenance or increase in 100% of total tested students' proficiency levels
Schools can track students' annual growth by determining the percent of the total student population who: a) moved from level 1 → 2, 3 or 4; b) moved from level 2 → 3 or 4; c) remained at level 3; d) moved from level 3 → 4; or e) remained at level 4.				
Subgroups	(ii) Subgroup Standards-Based Trend Toward Proficiency	% of students in the school maintaining a proficient testing level or trending toward proficiency from one year's test administration to the next. Analysis will examine proficiency maintenance or improvement of students in the school who are economically disadvantaged, students with disabilities, and English language learners, compared to each student's previous year's test scores.	Maintenance or increase in 75% of total tested subgroup proficiency levels	Maintenance or increase in 100% of total tested students' subgroup proficiency levels
Schools can track students' annual growth by determining the percent of each student subgroup who: a) moved from level 1 → 2, 3 or 4; b) moved from level 2 → 3 or 4; c) remained at level 3; d) moved from level 3 → 4; or e) remained at level 4.				
2b.	Proficiency			
All Students	(i) Aggregate School Level Proficiency	% of students who score proficiently on 3-8 state assessments for all students at the school level.	District Average	State Average
Subgroups	(ii) Subgroup School Level Proficiency	% of students who score proficiently on 3-8 state assessments by subgroup at the school level compared to the subgroup. Includes students who are economically disadvantaged, students with disabilities and English language learners.	District Average	State Average
All Students	(iii) Grade Level Proficiency	% of students who score proficiently on 3-8 state assessments for all students by grade level.	District Average	State Average

Indicator	Measure	Description	Target
3. High School Outcomes			
3a.	Regents Testing Outcomes		
All Students	(i) Aggregate Annual Regents Outcomes ⁵	Annual Regents testing outcomes for every tested subject for all students	State Average
Subgroups	(ii) Subgroup Annual Regents Outcomes	Annual Regents testing outcomes for every tested subject by subgroup	State Average
All Students	(iii) Aggregate Total Cohort Regents Testing Outcomes	Cohort Regents testing outcomes for ELA, mathematics, science, Global History and US History for all students	State Average
Subgroups	(iv) Subgroup Total Cohort Regents Testing Outcomes	Cohort Regents testing outcomes for ELA, mathematics, science, Global History and US History by subgroup	State Average
3b.	Graduation Outcomes		
All Students	(i) Aggregate Cohort Graduation Rate	4-year and 5-year graduation rate for all students (<i>6-year graduation rate for transfer schools only</i>) ⁶ . Includes August graduation rates (except for the 6-year rate as this is not collected data).	80%
Subgroups	(ii) Subgroup Cohort Graduation Rate	4-year and 5-year graduation rate for students identified as economically disadvantaged, students with disabilities, and English language learners (<i>6-year graduation rate for transfer schools only</i>). Includes August graduation rates (except for the 6-year rate as this is not collected data).	80%
All Students	(iii) Aggregate On-Track to Graduate	% of all students in a cohort that have passed 3 out of 5 Regents exams required for graduation by their 3 rd year of high school (<i>transfer school cohorts will be measured by their 4th year of high school in passing 3 out of 5 Regents exams</i>)	75%
Subgroups	(iv) Subgroup On-Track to Graduate	% of cohort by subgroup that has passed 3 out of 5 Regents exams required for graduation by their 3 rd year of high school (<i>transfer school cohort subgroups will be measured by their 4th year of high school in passing 3 out of 5 Regents exams</i>)	75%

⁵ Students are included in the Annual Regents Testing Outcomes if during the school year being reported, they had a Regents assessment score and were enrolled at the time the assessment was administered. In circumstances when a student takes the same assessment more than once during the school year being reported, only the highest score for that school year is reported.

⁶ The state accountability graduation target is always set at 80%.

All Students	(v)	Aggregate Student Persistence ⁷	% of students in a 4-year and 5-year cohort that remain enrolled in the school until they graduate from the high school program (<i>6-year rate for transfer schools only</i>). Includes the August rate (except for the 6-year rate as this is not collected data).	85%
Subgroups	(vi)	Subgroup Student Persistence	% of students identified as economically disadvantaged, students with disabilities, and English language learners in a 4-year and 5-year cohort that remain enrolled in the school until they graduate from the high school program (<i>6-year rate for transfer schools only</i>). Includes the August rate (except for the 6-year rate as this is not collected data).	85%

⁶ Persistence is defined as any student who enters the cohort in the 9th grade and remains enrolled in the school until graduating from the high school program. This measure should be calculated as the number of students who dropped out plus the number of those with unknown outcomes divided by the cohort enrollment as of June of the academic reporting year.

Benchmark 1 Data Guide

Academic information is most useful to schools when they can track, compare and predict their own data. Benchmark 1 is designed with this in mind and intended to be a tool that schools can use to make programmatic decisions as well as track their academic standing each year of the charter term leading to renewal. Below is a guide for accessing these data indicators. While a school may be able to access school-level data reports, district and statewide data needed for comparisons may not be available until a later date. Schools should closely monitor public data release dates from the Office of Information and Reporting Services and the IRS Portal announcements as this will determine when comparative data can be accessed. The Charter School Office may update these links periodically as data reporting information changes.

1a.(i) ESEA Accountability Designation	http://www.p12.nysed.gov/accountability/ESEADesignations.html	<i>School Data</i>
1b.(i) Comparative Proficiency	http://www.p12.nysed.gov/irs/statistics/enroll-n-staff/home.html NYS Report Card Data data.nysed.gov	<i>School Data & Similar Schools</i>
2a.(i) Aggregate Standards-Based Trend Toward Proficiency	L2RPT Report SIRS-301: Tested/Not Tested Confirmation Report (Student Level) http://www.p12.nysed.gov/irs/level2reports/SIRS_301-TNT_Guide.pdf	<i>School Data</i>
2a.(ii) Subgroup Standards-Based Trend Toward Proficiency	L2RPT Report SIRS-301: Tested/Not Tested Confirmation Report (Student Level) http://www.p12.nysed.gov/irs/level2reports/SIRS_301-TNT_Guide.pdf	<i>School Data</i>
2b.(i) Aggregate School Level Proficiency	L2RPT Report SIRS-301: Tested/Not Tested Confirmation Report http://www.p12.nysed.gov/irs/level2reports/SIRS_301-TNT_Guide.pdf NYS Report Card Data data.nysed.gov or NYS 3-8 Data Release http://www.p12.nysed.gov/irs/ela-math/	<i>School Data</i> <i>District/State Data</i>
2b.(ii) Subgroup School Level Proficiency	L2RPT Report SIRS-301: Tested/Not Tested Confirmation Report http://www.p12.nysed.gov/irs/level2reports/SIRS_301-TNT_Guide.pdf NYS Report Card Data data.nysed.gov or NYS 3-8 Data Release http://www.p12.nysed.gov/irs/ela-math/	<i>School Data</i> <i>District/State Data</i>
2b.(iii) Grade Level Proficiency	L2RPT Report SIRS-301: Tested/Not Tested Confirmation Report http://www.p12.nysed.gov/irs/level2reports/SIRS_301-TNT_Guide.pdf NYS Report Card Data data.nysed.gov or NYS 3-8 Data Release http://www.p12.nysed.gov/irs/ela-math/	<i>School Data</i> <i>District/State Data</i>

3a.(i) Aggregate Annual Regents Outcomes	<i>L2RPT Report SIRS-309: Annual Regents Report</i> http://www.p12.nysed.gov/irs/level2reports/SIRS-309-AnnualRegentsReport.pdf	<i>School Data</i>
	<i>NYS Report Card Data</i> data.nysed.gov	<i>State Data</i>
3a.(ii) Subgroup Annual Regents Outcomes	<i>L2RPT Report SIRS-309: Annual Regents Report</i> http://www.p12.nysed.gov/irs/level2reports/SIRS-309-AnnualRegentsReport.pdf	<i>School Data</i>
	<i>NYS Report Card Data</i> data.nysed.gov	<i>State Data</i>
3a.(iii) Aggregate Total Cohort Regents Testing Outcomes	<i>L2RPT Report SIRS-202: Total Cohort – Assessment Summary</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_202-TCAssessmentSummaryL2RPT.pdf	<i>School Data</i>
	<i>NYS Report Card Data</i> data.nysed.gov	<i>State Data</i>
3a.(iv) Aggregate Total Cohort Regents Testing Outcomes	<i>L2RPT Report SIRS-202: Total Cohort – Assessment Summary</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_202-TCAssessmentSummaryL2RPT.pdf	<i>School Data</i>
	<i>NYS Report Card Data</i> data.nysed.gov	<i>State Data</i>
3b.(i) Aggregate Cohort Graduation Rate	<i>L2RPT Report SIRS-201: Total Cohort –Summary</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_201-TCsummaryL2RPT.pdf or <i>NYS Report Card Data</i> data.nysed.gov	<i>School Data</i>
3b.(ii) Subgroup Cohort Graduation Rate	<i>L2RPT Report SIRS-201: Total Cohort –Summary</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_201-TCsummaryL2RPT.pdf or <i>NYS Report Card Data</i> data.nysed.gov	<i>School Data</i>
3b.(iii) Aggregate On-Track to Graduate	<i>L2RPT Report SIRS-202: Total Cohort – Assessment Summary (Student Level)</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_202-TCAssessmentSummaryL2RPT.pdf	<i>School Data</i>
3b.(iv) Subgroup On-Track to Graduate	<i>L2RPT Report SIRS-202: Total Cohort – Assessment Summary (Student Level)</i> http://www.p12.nysed.gov/irs/level2reports/SIRS_202-TCAssessmentSummaryL2RPT.pdf	<i>School Data</i>

3b.(v) Aggregate Student Persistence

L2RPT Report SIRS-201: Total Cohort –Summary

http://www.p12.nysed.gov/irs/level2reports/SIRS_201-TCsummaryL2RPT.pdf

School Data

3b.(vi) Subgroup Student Persistence

L2RPT Report SIRS-201: Total Cohort –Summary

http://www.p12.nysed.gov/irs/level2reports/SIRS_201-TCsummaryL2RPT.pdf

School Data

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 Common Core Learning Standards (CCLS) for all students. Teachers engage in strategic practices and decision-making in order to address the gap between what students know and need to learn so that all students experience consistent high levels of engagement, thinking and achievement.

Renewal is based on evidence that the following indicators are generally present:

1. Curriculum:
 - a. The school has a documented curriculum that is aligned to the CCLS.
 - b. Teachers use unit and lesson plans that introduce complex materials, stimulate higher order thinking, and build deep conceptual understanding and knowledge around specific content.
 - c. The curriculum is aligned horizontally across classrooms at the same grade level and vertically between grades.
 - d. The curriculum is differentiated to provide opportunities for all students to master grade-level skills and concepts.
 - e. The curriculum is systematically reviewed and revised.
2. Instruction:
 - a. The school staff has a common understanding of high-quality instruction, and observed instructional practices align to this understanding.
 - b. Instructional delivery fosters engagement with all students.
3. Assessment and Program Evaluation:
 - a. The school uses a balanced system of formative, diagnostic and summative assessments.
 - b. The school uses qualitative and quantitative data to inform instruction and improve student outcomes.
 - c. The school uses qualitative and quantitative data to evaluate the quality and effectiveness of the academic program, and modifies the program accordingly.
4. Supports for Diverse Learners:
 - a. The school provides supports to meet the academic needs for all students, including but not limited to: students with disabilities, English language learners, and economically disadvantaged students.
 - b. The school has systems to monitor the progress of individual students and facilitate communication between interventionists and classroom teachers regarding the needs of individual students.

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, 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.

Renewal is based on evidence that the following indicators are generally present:

1. Behavior Management and Safety:

- a. The school has a clear approach to behavioral management, including a written discipline policy.
- b. The school appears safe and all school constituents are able to articulate how the school community maintains a safe environment.
- c. The school has systems in place to ensure that the environment is free from harassment and discrimination.
- d. Classroom environments are conducive to learning and generally free from disruption.

2. Family Engagement and Communication:

- a. The school communicates with and engages families with the school community.
- b. Teachers communicate with families to discuss students' strengths and needs.
- c. The school assesses family and student satisfaction using strategies such as surveys, feedback sessions, community forums, or participation logs, and considers results when making schoolwide decisions.
- d. The school has a systematic process for responding to family or community concerns.
- e. The school shares school-level academic data with the broader school community to promote transparency and accountability among families, students and school constituents.

3. Social-Emotional Supports:

- a. The school has systems or programs in place to support the social-emotional needs of students.
- b. School leaders collect and use data to track the social-emotional needs of students.
- c. School leaders collect and use data regarding the impact of programs designed to support students' social and emotional health.

Benchmark 4: Financial Condition

The school is in sound and stable financial condition as evidenced by performance on key financial indicators.

Important Notes:

- The key financial indicators used to evaluate this benchmark will be presented within a separate fiscal dashboard instrument that will provide context for the school's performance on each of the metrics, outline the specific targets for each metric, and also provide additional subsidiary detail on each calculation.
- Unless otherwise indicated, financial data is derived from the school's annual independently audited financial statements.

1. Near-Term Indicators:	
1a.	Current Ratio
1b.	Unrestricted Days Cash
1c.	Enrollment Variance
1d.	Composite Score
2. Sustainability Indicators:	
2a.	Total Margin
2b.	Debt to Asset Ratio
2c.	Debt Service Coverage Ratio

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.

Renewal is based on evidence that the following indicators are generally present:

1. The school has an accurate and functional accounting system that includes monthly budgets.
2. The school sets budget objectives and regularly analyzes its budget in relation to those objectives.
3. The school has allocated budget surpluses in a manner that is fiscally sound and directly attends to the social and academic needs of the students attending the school.
4. The school has and follows a written set of fiscal policies.
5. The school has complied with state and federal financial reporting requirements.
6. The school has and is maintaining appropriate internal controls and procedures.
7. The school follows generally accepted accounting principles as evidenced by independent financial audits with an unqualified audit opinion, a limited number of findings that are quickly corrected, and the absence of a going concern disclosure.

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.

Renewal is based on evidence that the following indicators are generally present:

1. The board recruits and selects board members with skills and expertise that meet the needs of the school.
2. The board engages in strategic and continuous improvement planning by setting priorities and goals that are aligned with the school's mission and educational philosophy.
3. The board demonstrates active oversight of the charter school management, fiscal operations and progress toward meeting academic and other school goals.
4. The board regularly updates school policies.

5. The board utilizes a performance-based evaluation process for evaluating school leadership, itself and providers.
6. The board demonstrates full awareness of its legal obligations to the school and stakeholders.

Benchmark 7: Organizational Capacity

The school has established a well-functioning organizational structure and 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.

Renewal is based on evidence that the following indicators are generally present:

1. School Leadership:
 - a. The school has an effective school leadership team that obtains staff commitment to a clearly defined mission and set of goals, allowing for continual improvement in student learning.
 - b. Roles and responsibilities for leaders, staff, management, and board members are clearly defined. Members of the school community adhere to defined roles and responsibilities.
 - c. The school has clear and well-established communication systems and decision-making processes in place to ensure effective communication across the school.
 - d. The school successfully recruits, hires, and retains key personnel, and makes decisions – when warranted – to remove ineffective staff members.
2. Professional Climate:
 - a. The school is fully staffed with high quality personnel to meet all educational and operational needs, including finance, human resources, and communication.
 - b. The school has established structures for frequent collaboration among teachers.
 - c. The school ensures that staff has requisite skills, expertise, and professional development necessary to meet students' needs.
 - d. The school has systems to monitor and maintain organizational and instructional quality— which includes a formal process for teacher evaluation geared toward improving instructional practice.
 - e. The school has mechanisms to solicit teacher feedback and gauge teacher satisfaction.
3. Contractual Relationships (If Applicable):
 - a. The board of trustees and school leadership establish effective working relationships with the management company or comprehensive service provider.
 - b. Changes in the school's charter management or comprehensive service provider contract comply with required charter amendment procedures.
 - c. The school monitors the efficacy of contracted service providers or partners.

Benchmark 8: Mission and Key Design Elements

The school is faithful to its mission and has implemented the key design elements outlined in its charter.

Renewal is based on evidence that the following indicators are generally present:

1. School stakeholders share a common and consistent understanding of the school’s mission and key design elements outlined in the charter.
2. The school has fully implemented the key design elements in the approved charter and in any subsequently approved revisions.

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.

Important Notes:

- The methodology for setting the enrollment and retention targets required by the 2010 amendments to the Charter Schools Act (Education Law §2851(4)(e) and §2852(9-b)) was approved by the Board of Regents at their July 2012 meeting. See <http://www.regents.nysed.gov/meetings/2012Meetings/July2012/712brca11.pdf>
- 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 forth for each individual school. In September 2015, the Department updated the data used to establish the enrollment and retention targets. See <http://www.p12.nysed.gov/psc/enrollment-retention-targets.html>. Schools chartered, opened, or renewed by the Board of Regents after the finalization of the new calculator in September 2015 must meet the targets prescribed therein.

1. Enrollment Targets	
1a.	Eligible for Free and Reduced Price Lunch (FRPL) Enrollment Target (Economically Disadvantaged)
1b.	English Language Learner (ELL) Enrollment Target
1c.	Students with Disabilities (SWD) Enrollment Target
2. Retention Targets	
2a.	Eligible for Free and Reduced Price Lunch (FRPL) Retention Target (Economically Disadvantaged)
2b.	English Language Learner (ELL) Retention Target
2c.	Students with Disabilities (SWD) Retention Target

Renewal is based on evidence that the following indicators are generally present:

1. The school maintains sufficient enrollment demand for the school to meet or come close to meeting the enrollment plan outlined in the charter.

If the enrollment and retention targets are not met:

1. The school is making regular and significant annual progress towards meeting the targets.
2. The school has implemented extensive recruitment strategies and program services to attract and retain students with disabilities, English language learners, and students who are eligible for free and reduced priced lunch. Strategies include, but are not limited to: outreach to parents and families in the surrounding communities, widely publicizing the lottery for such school, efforts to academically support these students, and enrollment policy revisions, such as employing a weighted lottery or enrollment preference, to increase the proportion of enrolled students from the three priority populations.
3. The school has implemented a systematic process for evaluating recruitment and outreach strategies and program services for each of the three categories of students, and makes strategic improvements as needed.

Progress toward meeting targets as exemplified in extensive or good faith efforts will be reviewed upon midterm site visits but will be fully assessed upon renewal. Schools should be able to draw a relationship between extensive or good faith efforts to recruit target populations and a clear and evident increase in enrollment within those populations. Therefore, a full assessment of the validity of such efforts will not be conducted until the end of the renewal period to allow the school time to adjust and test recruitment strategies to attract target populations.

Benchmark 10: Legal Compliance

The school has complied with applicable laws, regulations, and the provisions of its charter.

Renewal is based on evidence that the following indicators are generally present:

1. The school has compiled a record of substantial compliance with applicable state and federal laws and the provisions of its charter including, but not limited to: those related to student admissions and enrollment; FOIL and Open Meetings Law; protecting the rights of students and employees; financial management and oversight; governance and reporting; and health and safety requirements.
2. The school has undertaken appropriate corrective action when needed, and has implemented necessary safeguards to maintain compliance with all legal requirements.
3. The school has sought Board of Regents and/or Charter School Office approval for significant revisions.

Acknowledgements

The Department would like to acknowledge the financial assistance of the Tiger Foundation and the National Association of Charter School Authorizers in supporting the development of this Framework. Additionally, the Department would like to acknowledge and thank the following organizations and individuals for sharing their exemplar materials and for their thoughtful partnership: Regents Research Fund, State University of New York Charter Schools Institute, New York City Department of Education, SchoolWorks, Colorado Department of Education, Denver Public Schools, Indianapolis Mayor’s Charter School Office, DC Public Charter School Board, Massachusetts Department of Elementary and Secondary Education, Baltimore Public Schools, National Association of Charter School Authorizers, National Consensus Panels on Charter School Academic and Operational Quality, Institute for Strategic Leadership and Learning, Jim Ford, Margaret Lin, and Richard Wenning.

Charter Schools Regulation

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE
STATE OF NEW YORK
TITLE 8. EDUCATION DEPARTMENT
CHAPTER I. RULES OF THE BOARD OF REGENTS PART 3.
UNIVERSITY OF THE STATE OF NEW YORK; STATE EDUCATION DEPARTMENT

Last reviewed April 13, 2016

[Disclaimer](#)

8 NYCRR 3.16 Delegation of authority with respect to charter schools.

(a) Complaints against charter schools.

The Board of Regents delegates to the Commissioner of Education the authority to receive, investigate and respond to complaints presented to the Board of Regents pursuant to Education Law section 2855(4), the authority to issue appropriate remedial orders pursuant to Education Law section 2855(4), and the authority to place a charter school on probationary status and to develop and impose a remedial action plan pursuant to Education Law section 2855(3).

(b) Hearings.

The Board of Regents delegates to the Commissioner of Education the authority to conduct and hold public hearings as required pursuant to article 56 of the Education Law to solicit comments from the community including, but not limited to, hearings in connection with the issuance, revision or renewal of a charter pursuant to Education Law section 2857(1-a) and hearings to discuss the location of a charter school pursuant to Education Law section 2853(3)(a).

(c) Charter revisions.

(1) The Board of Regents delegates the Commissioner of Education the authority to approve, on behalf of the Board of Regents, proposed revisions of a charter pursuant to Education Law section 2852(7), except for proposed revisions relating to:

- (i) educational philosophy, mission or vision;
- (ii) governance or leadership structure;
- (iii) the curriculum model or school design changes that are inconsistent with that approved in the current charter;
- (iv) hiring or termination of a management company;
- (v) school name;
- (vi) location, if such revision results in relocation to another school district;
- (vii) maximum enrollment, as set forth in the current charter; and/or
- (viii) grades served, as set forth in the current charter.

(2) Notwithstanding the provisions of paragraph (1) of this subdivision, revisions relating to subparagraphs (1)(i) through (iii) of this subdivision that are determined by the commissioner not to be significant may be approved by the commissioner pursuant to this delegation of authority.