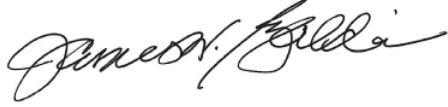





TO: P-12 Education Committee

FROM: James N. Baldwin 

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

DATE: February 3, 2022

AUTHORIZATION(S): 

SUMMARY

Issue for Decision

Should the Board of Regents approve the proposed revision to the charter of the following charter school authorized by the Board of Regents?

- **School in the Square Public Charter School** (A revision to increase the charter school's grade span to add Grades 9-12 to its currently approved kindergarten through Grade 8 configuration, to commence in the 2022-2023 school year and be fully implemented by the 2025-2026 school year, with a corresponding increase in enrollment from 924 students to 1276 students).

Reason(s) for Consideration

Required by State statute.

Proposed Handling

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

Procedural History

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

Background Information

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

Related Regents Items

School in the Square Public Charter School

November 2015 [Initial Charter](https://www.regents.nysed.gov/common/regents/files/1115p12a2.pdf)
(<https://www.regents.nysed.gov/common/regents/files/1115p12a2.pdf>)

April 2016 [Relocation Revision](https://www.regents.nysed.gov/common/regents/files/416p12a5.pdf)
(<https://www.regents.nysed.gov/common/regents/files/416p12a5.pdf>)

January 2020 [Key Design Element, and Enrollment and Grade-Level Expansion Revisions](https://www.regents.nysed.gov/common/regents/files/120p12a1.pdf)
(<https://www.regents.nysed.gov/common/regents/files/120p12a1.pdf>)

March 2021 [First Renewal with Enrollment and Grade-Level Expansion Revision](https://www.regents.nysed.gov/common/regents/files/321p12a6revised.pdf)
(<https://www.regents.nysed.gov/common/regents/files/321p12a6revised.pdf>)

Recommendation

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

VOTED: That the Board of Regents finds that: (1) the **School in the Square Public Charter School** meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the charter school can demonstrate the ability to operate in an educationally and fiscally sound manner; (3) granting the request to amend the charter is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of Section twenty-eight hundred fifty of Article 56 of the Education Law; and (4) granting the request to amend the charter will have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the charter revision for **School in the Square Public Charter School** and amends the provisional charter accordingly.

Timetable for Implementation

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

School in the Square Public Charter School

In accordance with Education Law, Article 56, the **New York State Education Department recommends that this charter school be permitted to revise its charter to** increase the charter school’s grade span to add Grades 9-12 to its currently approved kindergarten through Grade 8 configuration, to commence in the 2022-2023 school year and be fully implemented by the 2025-2026 school year, with a corresponding increase in enrollment from 924 students to 1276 students.

Table 1: School in the Square Public Charter School Summary

Name of Charter School	School in the Square Public Charter School
Board Chair	Scott Levenson
District of Location	NYC CSD 6 ¹
Initial Commencement of Instruction	Fall 2016
Current Term Authorized Grades/Approved Enrollment	K - Grade 8 / 924 students
Comprehensive Management Service Provider	None
Facilities	<ul style="list-style-type: none"> • ES: 108 Cooper Street, Manhattan - Private Space • MS: 120 Wadsworth Avenue, Manhattan - Private Space
Mission Statement	<p>“School in the Square (S2) engages, educates and empowers adolescents in Washington Heights to respond mindfully and creatively to life’s opportunities and challenges. S2 draws its name from the concept of the public square, where communities come together to solve problems and celebrate successes. We envision S2 as a place where students, families, and educators are seen, heard and inspired, and where students build the academic foundations, emotional intelligence and leadership skills necessary to excel in college and professional life. In line with our commitment to equity and diversity, S2 is dedicated to serving all students by providing a differentiated and inclusive learning environment.”</p>
Key Design Elements	<ul style="list-style-type: none"> • Rigorous Curriculum (Partnerships and personalized learning) • Collaborative Professional Culture • Compassionate Community (Social Emotional Supports) • Dual language program beginning kindergarten
Recommended Material Revision	<p>A revision to increase the charter school’s current grade span to add Grades 9-12 to the school’s currently approved kindergarten through Grade 8 configuration to commence in the 2022-2023 school year and be fully implemented by the 2025-2026 school year, with a corresponding increase in enrollment from 924 students to 1276 students.</p>

¹ Twenty-one percent of all students residing in this district attend charter schools.

**Table 2: School in the Square Public Charter School Approved Enrollment
For the Current Charter Term**

	Year 1 2021 - 2022	Year 2 2022 - 2023	Year 3 2023 - 2024	Year 4 2024 - 2025	Year 5 2025 - 2026
Grade Configuration	K - Grade 1, Grades 6-8	K - Grade 2, Grades 6-8	K - Grade 3, Grades 6-8	K - Grade 4, Grades 6-8	K - Grade 8
Total Authorized Enrollment	524	624	724	824	924

***Table 3: School in the Square Public Charter School Proposed Enrollment**

	Year 2 2022 - 2023	Year 3 2023 - 2024	Year 4 2024 - 2025	Year 5 2025 - 2026
Grade Configuration	K - Grade 2, Grades 6-9	K - Grade 3, Grades 6-10	K - Grade 4, Grades 6-11	K - Grades 12
Total Proposed Enrollment	712	900	1088	1276

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

Rationale for Revision Recommendation

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

Material Revision:

In November 2015, the Board of Regents approved and chartered the School in the Square Public Charter School (“School in the Square or “the school”) in New York City CSD 6. The school’s educational program focuses on providing a dual language immersion program beginning in kindergarten, implementing a 50/50 two-way immersion model. It also provides a rigorous, standards-based curriculum, provides small group instruction to all students, and implements a co-teaching model. A focus of the school is a “relationships first” approach to fostering positive personal relationships, building a strong school culture, and providing outreach and support to their community. This work is supported through the social-emotional team and Restorative Justice practices as well as support from the family engagement coordinator. The school takes great pride in the continuation of its relationship with alumni and families. It is in year three of a five-year partnership with CUNY Graduate Center to understand and support School in the Square alumni as they move through high school grades.

At the school’s last renewal in the 2020-2021 school year, School in the Square was meeting nine out of the 10 benchmarks set forth in the Board of Regents Charter School Performance Framework. The school is implementing the mission, key design elements, education program, and organizational plan set forth in the charter.

The school’s trustees request that the Board of Regents approve a material revision to the school’s charter to allow the school to add Grades 9-12 to its approved kindergarten through Grade 8

configuration. This revision would allow the school to continue building upon the academic and social-emotional foundation it has built with students and families, as well as its partnership with the CUNY Graduate Center and current high school alumni. This request responds to repeated requests from families and community members to add a high school. During the COVID-19 pandemic, the school and its students and families rallied and reached out to their local community to provide needed items such as food, clothing, mental health referrals, medical care partnerships, and employment resources and opportunities. This outreach conducted by the school during these challenging times demonstrates its commitment to improving the lives of the students, families and the neighborhoods where the schools are located.

Approving this revision request will result in a significant educational benefit to the students expected to attend the charter school, because it would provide a high-quality option for families. If approved, this school will be one of the few bilingual high school options in New York City. It is likely to improve student learning and achievement, because it allows for the continuity of learning and the following opportunities built into the high school program:

- Building upon and expanding the school's original mission that begins with its dual language elementary school rooted in values of access and equity, linguistic diversity and students as writers/researchers/and civic participants, community service projects;
- Preparing students not only for college and career but to be active participants in society;
- School design including Culturally Responsive and Sustaining Education, student-centered inquiry, interdisciplinary projects, and a four-year sequence of Oral Histories and Participatory Action Research (PAR) in close partnership with Guttman Community College and CUNY's Graduate Center;
- Partnerships with local civic organizations, including but not limited to Broadway Housing Collective, People's Theatre Project, food banks, and CUNY.

Performance Framework Ratings:

At the time of the November 2020 renewal site visit, School in the Square was rated on each of the 10 NYSED Charter School Performance Framework Benchmarks as follows:

**2015 Charter School Performance Framework Benchmark Ratings
School in the Square Public Charter School**

2015 Performance Benchmark		Level
Educational Success	<p>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).</p> <p>Note: Due to the ongoing impact of the COVID-19 pandemic, the data used to formulate this rating has not been updated since the administration of the state 3-8 math and ELA Assessments in SY 2018-2019. Therefore, this rating does not reflect the efficacy of the school’s academic program in SY 2019-2020 through the current academic year which is reflected in the Benchmark 2 and 3 ratings.</p>	Meets
	<p>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 New York State 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.</p>	Meets
	<p>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.</p>	Meets
Organizational Soundness	<p>Benchmark 4: Financial Condition: The school is in sound and stable financial condition as evidenced by performance on key financial indicators.</p>	Meets
	<p>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.</p>	Meets
	<p>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.</p>	Meets
	<p>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.</p>	Meets
Faithfulness to Charter & Law	<p>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.</p>	Meets
	<p>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.</p>	Approaches
	<p>Benchmark 10: Legal Compliance: The school complies with applicable laws, regulations, and the provisions of its charter.</p>	Meets

Table 4: 2021 3-8 Assessments (FOR INFORMATIONAL PURPOSES ONLY)

SCHOOL IN THE SQUARE PUBLIC CS		Level 1	Level 2	Level 3	Level 4	Percent Proficient	Receiving entirely remote instruction	Refusal	Other Reason for not Testing	Percent Tested
2020:21	ELA	16	15	5	9	31%	177	69	25	14%
	Mathematics	15	13	4	2	18%	167	86	29	11%
	Science	.	1	2	.	67%	.	.	100	3%

Note: The category of 'Other Reason for not Testing' includes: No Assessment; Absent/No Valid Score; Not tested; Medically Excused; and Administrative Error.

Figure 1: Elementary/Middle School Assessment Proficiency State and District Differentials Over Time Comparison to NYC CSD 6

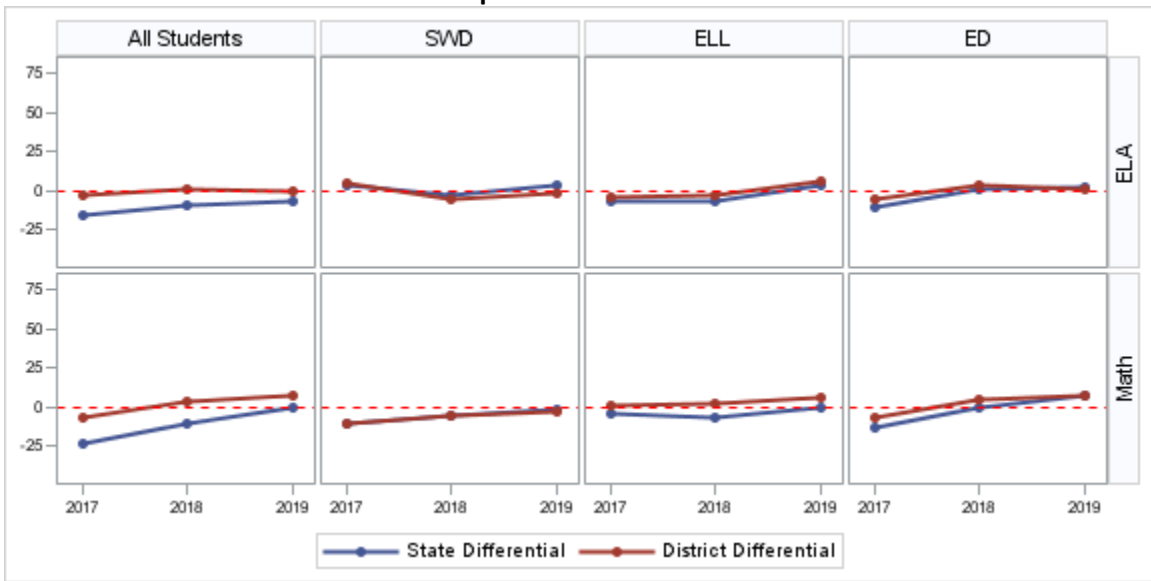


Table 5: Elementary/Middle School Assessment Proficiency Outcomes: Charter School, District & NYS

		ELA					Math				
		School in the Square Public CS	NYC CSD 6	Differential to District	NYS	Differential to NYS	School in the Square Public CS	NYC CSD 6	Differential to District	NYS	Differential to NYS
All Students	2016-2017	17%	20%	-3	32%	-15	17%	24%	-7	40%	-23
	2017-2018	36%	35%	1	45%	-9	33%	29%	+4	43%	-10
	2018-2019	39%	39%	0	45%	-6	42%	34%	8	42%	0
SWD	2016-2017	11%	6%	+5	7%	+4	0%	10%	-10	11%	-11
	2017-2018	11%	16%	-5	14%	-3	8%	13%	-5	13%	-5
	2018-2019	16%	17%	-1	13%	+3	12%	15%	-3	13%	-1
ELL	2016-2017	0%	4%	-4	6%	-6	11%	10%	+1	15%	-4
	2017-2018	13%	16%	-3	20%	-7	15%	13%	+2	22%	-7
	2018-2019	22%	16%	+6	19%	+3	23%	17%	+6	23%	0
ED	2016-2017	13%	18%	-5	23%	-10	15%	22%	-7	28%	-13
	2017-2018	36%	32%	+4	35%	+1	31%	26%	+5	31%	0
	2018-2019	37%	36%	+1	35%	+2	40%	32%	+8	33%	+7

Table 6: Student Demographics Comparison to NYC CSD 6

	SWD			ELL			ED		
	School In the Square Public CS	NYC CSD 6	Differential to District	School In the Square Public CS	NYC CSD 6	Differential to District	School In the Square Public CS	NYC CSD 6	Differential to District
2016-2017	17%	23%	-6	18%	33%	-15	86%	86%	0
2017-2018	19%	24%	-5	24%	39%	-15	85%	90%	-5
2018-2019	24%	23%	+1	22%	38%	-16	79%	88%	-9
2019-2020	25%	23%	+2	22%	38%	-16	84%	87%	-3
2020-2021	20%	23%	-3	27%	34%	-7	84%	84%	0

Table 7: Retention Comparison to NYC CSD 6

	All Students			SWD			ELL			ED		
	School In the Square Public CS	NYC CSD 6	Differential to District	School In the Square Public CS	NYC CSD 6	Differential to District	School In the Square Public CS	NYC CSD 6	Differential to District	School In the Square Public CS	NYC CSD 6	Differential to District
2017-2018	94%	92%	+2	94%	90%	+4	84%	90%	-6	93%	92%	1
2018-2019	93%	91%	+2	89%	89%	0	94%	90%	+4	92%	91%	+1
2019-2020	96%	92%	+4	91%	91%	0	94%	91%	+3	96%	92%	+4
2020-2021	96%	94%	+2	95%	92%	+3	96%	94%	+2	97%	95%	+2

Table 8: Actual vs Contracted Enrollment

School in the Square Public CS	Contracted Enrollment	Reported Enrollment	Percent of Contracted Enrollment
2016-2017	108	105	97%
2017-2018	216	204	94%
2018-2019	324	301	93%
2019-2020	324	304	94%
2020-2021	424	412	97%

Summary of Public Comment

The required public hearing was held by the New York City Department of Education on February 2, 2022. Fourteen people attended, and 6 spoke. All 6 were in favor of the revision and none were opposed.

The school provided the following evidence of community support for this revision request:

- Various letters of support from federal, state, and local officials, as well as colleges and community-based organizations—many who have been partnering with the school for the past several years—including:
 - A letter from a member of Congress and two letters from members of the NYS Assembly and Community Board 12 Manhattan; and
 - Colleges, universities, and community-based organizations, including The Graduate Center of CUNY, Guttman Community College, Broadway Housing Communities, Campaign Against Hunger Westside, Coalition for Immigrant Freedom, Facing History and Ourselves, Juan Pablo Duarte Foundation, New York Presbyterian Allen Hospital Ambulatory and Community Health Care Network, NMIC Washington Heights/Inwood and Bronx, Morris- Jamel Mansion, People’s Theater Project, Uptown Soccer, Word Up Community Bookstore, and YM and YWHA Washington Heights/Inwood.

- Significant engagement with current students, alumni, and parents by polling existing middle school parents in their home language as well as current 7th and 8th graders, to determine the percent who would be “highly likely” or “likely” to continue their education at School in the Square:
 - More than 90% of respondents indicated that they would like to remain, or have their children remain, at School in the Square for high school.
 - Parents surveyed were overwhelmingly supportive of proposed revision. In the survey, parents spoke about the possibility of their child staying in the community and attending what they know would be a high school respectful of their cultural and linguistic identity.
 - Additionally, the school met with every 7th and 8th grade student in the school in a combination of “town halls” and small group meetings. In these meetings, students spoke about:
 - Teachers’ willingness to give them extra time and attention to help ensure their success. They want that to continue in high school.
 - Although these cohorts have had most of their middle school experience during the pandemic, they enjoy having more choice in some electives and some classroom projects than they had in elementary school. They expressed excitement about the additional choices they would have at the prospective School in the Square High School.
 - Students were excited about the fact that they could participate in a bilingual high school program while remaining in their neighborhood, but also have out-of-school learning experiences throughout the city.

APPENDIX

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

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

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

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

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

Performance Framework

The Board of Regents Charter School Performance Framework, which is part of the Board of Regents Charter School Renewal Policy and the Oversight Plan included in the Charter Agreement for each school, outlines three key areas of charter school performance: (1) Educational Success; (2) Organizational Soundness; and (3) Faithfulness to Charter and Law. The Charter School Performance Framework sets forth ten performance benchmarks in these three areas. The Charter School Performance Framework is designed to focus on performance outcomes, preserve operational autonomy, and facilitate transparent feedback to schools. It aligns with the Department's ongoing accountability and effectiveness work under the Every Student Succeeds Act (ESSA) and holds charter schools accountable to standards set forth in the Education Law, while providing the Regents with discretion. Generally, charter schools are required to demonstrate performance outcomes that exceed those of traditional public schools.

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