



**TO:** P-12 Education Committee

**FROM:** Angelique Johnson-Dingle *Angelique Johnson-Dingle*

**SUBJECT:** Revisions to Charters Authorized by the Board of Regents

**DATE:** April 6, 2023

**AUTHORIZATION(S):** *Betty M...*

### SUMMARY

#### Issue for Decision

Should the Board of Regents approve the revision recommendations for the following charter schools authorized by the Board of Regents?

- **Bronx Arts and Science Charter School** (Amend its organizational chart to reflect significant changes).
- **Brooklyn Urban Garden Charter School** (Amend its enrollment policy to include an admission preference for English language learner students and economically disadvantaged students beginning in the 2023–2024 school year).
- **Discovery Charter School** (Enrollment increase from 280 students to 300 students, amend the school’s mission, and amend the school’s Key Design Elements).

#### Reason(s) for Consideration

Required by State statute.

#### Proposed Handling

This issue will come before the P-12 Education Committee for recommendation to the Full Board for action at its April 2023 meeting.

## **Procedural History**

The New York State Education Department (NYSED or “the Department”) made the revision recommendations being presented to the Board of Regents for approval 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**

### **Bronx Arts and Science Charter School**

November 2018 [Initial Charter](https://www.regents.nysed.gov/common/regents/files/1118p12a1.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/1118p12a1.pdf>)

### **Brooklyn Urban Garden Charter School**

September 2011 [Initial Charter](https://www.regents.nysed.gov/common/regents/files/documents/meetings/2011Meetings/September2011/911p12a1.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/documents/meetings/2011Meetings/September2011/911p12a1.pdf>)

March 2018 [First Renewal](https://www.regents.nysed.gov/common/regents/files/318p12a5.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/318p12a5.pdf>)

May 2022 [Second Renewal with Key Design Element, Mission, and Organizational Structure Revisions](https://www.regents.nysed.gov/common/regents/files/522p12a5.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/522p12a5.pdf>)

### **Discovery Charter School**

December 2010 [Initial Charter](https://www.regents.nysed.gov/common/regents/files/documents/meetings/2010Meetings/December2010/1210p12a2.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/documents/meetings/2010Meetings/December2010/1210p12a2.pdf>)

March 2013 [Relocation Revision](https://www.regents.nysed.gov/common/regents/files/313brca5.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/313brca5.pdf>)

April 2016 [First Renewal](https://www.regents.nysed.gov/common/regents/files/416p12a2.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/416p12a2.pdf>)

April 2019 [Second Renewal](#)

(<https://www.regents.nysed.gov/common/regents/files/419p12a1.pdf>)

March 2021 [Third Renewal](#)

(<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 **Bronx Arts and Science 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 **Bronx Arts and Science Charter School** and amends the provisional charter accordingly.

VOTED: That the Board of Regents finds that: (1) the **Brooklyn Urban Garden 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 **Brooklyn Urban Garden Charter School** and amends the provisional charter accordingly.

VOTED: That the Board of Regents finds that: (1) the **Discovery 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 revisions for **Discovery Charter School** and amends the provisional charter accordingly.

## **Timetable for Implementation**

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

**Bronx Arts and Science Charter School**

In accordance with Education Law, Article 56, the **New York State Education Department (NYSED)** recommends that this charter school be permitted to revise its charter to amend its organizational chart to reflect significant changes.

**Table 1: Charter School Summary**

<b>Name of Charter School</b>	<b>Bronx Arts and Science Charter School</b>
<b>Board Chair</b>	Adaline Walker-Santiago
<b>District of Location</b>	NYC CSD 8 <sup>1</sup>
<b>Initial Commencement of Instruction</b>	Fall 2019
<b>Current Term Authorized Grades /Approved Enrollment</b>	K - Grade 5 / 360 students
<b>Comprehensive Management Service Provider</b>	iLearn Schools, Inc.
<b>Facilities</b>	925 Hutchinson River Parkway, Bronx, NY 10465 - Private Space
<b>Mission Statement</b>	<i>The mission of the Bronx Arts and Science Charter School is to provide high-quality STEAM-based education in a digital learning environment to empower students to meet and surpass grade-level standards and succeed in college and careers.</i>
<b>Key Design Elements<sup>2</sup></b>	<ul style="list-style-type: none"> <li>• Technology Integration</li> <li>• Balanced Literacy</li> <li>• STEAM-Based Approach</li> <li>• Use of Data</li> <li>• Opportunities for Growth and Enrichment</li> </ul>
<b>Recommended Material Revisions</b>	<ul style="list-style-type: none"> <li>• Amend its organizational chart to reflect significant changes beginning in the 2023-2024 school year.</li> </ul>

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

	<b>Year 1 2019 to 2020</b>	<b>Year 2 2020 to 2021</b>	<b>Year 3 2021 to 2022</b>	<b>Year 4 2022 to 2023</b>	<b>Year 5 2023 to 2024</b>
<b>Grade Configuration</b>	K - Grade 2	K - Grade 3	K - Grade 4	K - Grade 5	K - Grade 5
<b>Total Approved Enrollment</b>	207	249	318	360	360

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<sup>1</sup> Twenty percent of all students residing in this district attend charter schools.

<sup>2</sup> The full description of the school’s key design elements is in the application.

## **Rationale for Revision Recommendation**

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

In November 2018, the Board of Regents approved and chartered the Bronx Arts and Science Charter School (“BASCS” or “the school”) in NYC CSD 8. The school follows the iLearn Schools academic program, which focuses on science, technology, engineering, arts, and math (STEAM)-based curriculum. The curriculum emphasizes inquiry and project-based learning and incorporates technology integration, balanced literacy, and opportunities for growth and enrichment. 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 amend its organizational chart to reflect significant changes.

Approving this revision request will result in a significant educational benefit to the students expected to attend the charter school and is likely to improve student learning and achievement because it will allow the school to revise its organizational chart in order to enhance its organizational operations. The school plans to hire an executive director to serve as upper management who can assist with strengthening the school’s relationship with the community; provide leadership to the school’s administrative team; improve staff performance; and design, direct and execute overall organizational strategies and goals. The executive director will play a critical role as a liaison between the school and its Charter Management Organization (CMO), iLearn Schools, and will ensure the CMO provides connected and tailored support to the school, informed by ongoing feedback and communication. This revision will also allow the school’s current principal to focus their time and attention on academic and instructional, rather than operational, matters.

### **Performance Framework Ratings:**

At the time of the May 2022 midterm site visit, the Bronx Arts and Science Charter School was rated on each of the ten NYSED Charter School Performance Framework Benchmarks. At that time, the Bronx Arts and Science Charter School was meeting four of the 9 benchmarks for which ratings are provided on the NYSED Charter School Performance Framework. *Based on current (2021-2022) data, the rating for benchmarks 1 (Student Performance) and 9 (Enrollment, Recruitment, and Retention) have both increased to an Approaches.*

**2015 Charter School Performance Framework Benchmark Ratings  
Bronx Arts and Science Charter School**

2015 Performance Benchmark		Level
Educational Success	<p><b>Benchmark 1: Student Performance:</b> 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><b>Note:</b> 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>	<b>Cannot be Rated at this Time</b>
	<p><b>Benchmark 2: Teaching and Learning:</b> School leaders have systems in place designed to cultivate shared accountability and high expectations that lead to students' well-being, improved academic outcomes, and educational success. The school has a rigorous and coherent curriculum and assessments that are aligned with 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 consistently high levels of engagement, thinking, and achievement.</p>	<b>Approaches</b>
	<p><b>Benchmark 3: Culture, Climate, and Family Engagement:</b> 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>	<b>Approaches</b>
Organizational Soundness	<p><b>Benchmark 4: Financial Condition:</b> The school is in a sound and stable financial condition as evidenced by performance on key financial indicators.</p>	<b>Meets</b>
	<p><b>Benchmark 5: Financial Management:</b> 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>	<b>Meets</b>
	<p><b>Benchmark 6: Board Oversight and Governance:</b> 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>	<b>Meets</b>
	<p><b>Benchmark 7: Organizational Capacity:</b> 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.</p>	<b>Approaches</b>
Faithfulness to Charter & Law	<p><b>Benchmark 8: Mission and Key Design Elements:</b> The school is faithful to its mission and has implemented the key design elements included in its charter.</p>	<b>Meets</b>
	<p><b>Benchmark 9: Enrollment, Recruitment, and Retention:</b> 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>	<b>Falls Far Below</b>
	<p><b>Benchmark 10: Legal Compliance:</b> The school complies with applicable laws, regulations, and the provisions of its charter.</p>	<b>Approaches</b>

**Summary of Public Comment**

The required public hearing was held by the New York City Department of Education on February 16, 2023. Thirty-four people attended, and 18 spoke. Eighteen people spoke in favor of the revision, and no one was opposed.

The school provided evidence of community support for this revision request recommendation by providing meeting materials showing the revision was discussed with families.

**Brooklyn Urban Garden Charter School**

In accordance with Education Law, Article 56, the **New York State Education Department (NYSED)** recommends that this charter school be permitted to revise its charter to amend its enrollment policy to include an admission preference for English language learner students and economically disadvantaged students.

**Table 1: Charter School Summary**

<b>Name of Charter School</b>	<b>Brooklyn Urban Garden Charter School (BUGS)</b>
<b>Board Chair</b>	Jackie Piccolo
<b>District of Location</b>	NYC CSD 15 <sup>3</sup>
<b>Initial Commencement of Instruction</b>	Fall 2013
<b>Current Term Authorized Grades /Approved Enrollment</b>	Grades 6 - 8 / 300 students
<b>Facilities</b>	111 Broadway, Suite 604, New York, NY 10006 - Private Space
<b>Mission Statement</b>	<i>The mission of Brooklyn Urban Garden Charter School is to provide hands-on, interdisciplinary education to young adolescents of all abilities and backgrounds, with a focus on real-world problem-solving and the exploration of environmental, social, and economic sustainability. Brooklyn Urban Garden Charter School students will excel in the core academic subjects and become engaged community members who are critical thinkers prepared to achieve excellence in high school and beyond.</i>
<b>Key Design Elements<sup>4</sup></b>	<ul style="list-style-type: none"> <li>• Inquiry-Based Study of the Science of Sustainability</li> <li>• Extended Time for Learning</li> <li>• A Positive and Inclusive School Climate</li> <li>• A Professional Learning Community</li> <li>• Authentic Assessments and Individualization</li> <li>• Use of Technology</li> </ul>
<b>Recommended Material Revision</b>	<ul style="list-style-type: none"> <li>• Amend its enrollment policy to include an admission preference for English language learner students and economically disadvantaged students.</li> </ul>

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<sup>3</sup> Six percent of all students residing in this district attend charter schools.

<sup>4</sup> The full description of the school’s key design elements is in the application.



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

	<b>Year 1 2022 to 2023</b>	<b>Year 2 2023 to 2024</b>	<b>Year 3 2024 to 2025</b>	<b>Year 4 2025 to 2026</b>
<b>Grade Configuration</b>	Grades 6 - 8	Grades 6 - 8	Grades 6 - 8	Grades 6 - 8
<b>Total Approved Enrollment</b>	300	300	300	300

### **Rationale for Revision Recommendation**

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

In September 2011, the Board of Regents approved and chartered the Brooklyn Urban Garden Charter School (“BUGS” or “the school”) in NYC CSD 15. The school demonstrates commitment and alignment to the pillars of sustainability that undergird its mission and vision. The Sustainability Competencies Framework is integrated across content areas and focuses students on applying creative approaches to real-world challenges, particularly those related to the environment and surrounding community. Specifically, the school provides the opportunity for students to explore grade-wide learning themes and deeply engage in authentic project and problem-based learning through the lens of social justice. BUGS continue to develop its restorative practices model and provide holistic support for its students via The Collaborative for Academic, Social, and Emotional Learning (CASEL) and through its multiple partnerships with community-based organizations that are aligned with its core values. The school is fully 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 approves a material revision to the school’s charter to amend its enrollment policy to include an admission preference for English language learner students and economically disadvantaged students.

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

Approving this revision request will result in a significant educational benefit to the students expected to attend the charter school and is likely to improve student learning and achievement because the enrollment preference includes enhancements to the school program with the goal of providing “equity and access for all learners” through research-based interventions and increased special population support.

To further implement BUGS’ KDE #3 (“A Positive and Inclusive School Climate: BUGS will create a safe, welcoming, and respectful school climate that supports equity and access for all learners”) and to better serve ED and ELL students, the school’s board is proposing the following enhancements to the school program:

1. A school-wide Standards Based Grading and instructional approach;

2. The creation of a Student and Family Support Coordinator position to focus on coordinating community-based services and internal resources to best meet the needs of ED students (and coordinate with the ELL teacher/coordinator on meeting ELL students' family needs);
3. Various curricular, instructional, and culture adjustments that are research-based to meet the needs of ED and ELL students; and
4. Financial and logistical assistance through a range of free programs, uniforms, technology, free after-school program, and waived fees.

In addition, BUGS has been experiencing a change in its student demographics over the last three years and, in the context of the NYC CSD 15 middle school diversity initiative, is finding itself increasingly unable to recruit and enroll ELL and ED students in proportions comparable to or greater than NYC CSD 15. After many years of adding and increasing its admissions and enrollment policy weighting for ED and ELL students and greatly increasing and innovating outreach efforts, the school finds that it needs to implement a preference for ED and ELL students to ensure the most disadvantaged applicants receive timely offers.

**Performance Framework Ratings:**

At the time of the November 2021 renewal site visit, BUGS was rated on each of the 10 NYSED Charter School Performance Framework Benchmarks, as set forth in the table below. At that time, BUGS was meeting seven out of the 10 benchmarks set forth in the NYSED Charter School Performance Framework. *Based on current (2021-2022) data, the rating for benchmark 1 (Student Performance) has increased to a Meets.*

**2015 Charter School Performance Framework Benchmark Ratings  
Brooklyn Urban Garden Charter School**

2015 Performance Benchmark		Level
<b>Educational Success</b>	<p><b>Benchmark 1: Student Performance:</b> 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><b>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.</b></p>	<b>Approaches</b>
	<p><b>Benchmark 2: Teaching and Learning:</b> School leaders have systems in place designed to cultivate shared accountability and high expectations that lead to students' well-being, improved academic outcomes, and educational success. The school has a rigorous and coherent curriculum and assessments that are aligned with 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 consistently high levels of engagement, thinking, and achievement.</p>	<b>Meets</b>
	<p><b>Benchmark 3: Culture, Climate, and Family Engagement:</b> 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>	<b>Meets</b>

<b>Organizational Soundness</b>	<b>Benchmark 4: Financial Condition:</b> The school is in a sound and stable financial condition as evidenced by performance on key financial indicators.	<b>Meets</b>
	<b>Benchmark 5: Financial Management:</b> 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.	<b>Meets</b>
	<b>Benchmark 6: Board Oversight and Governance:</b> 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.	<b>Meets</b>
	<b>Benchmark 7: Organizational Capacity:</b> 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.	<b>Meets</b>
<b>Faithfulness to Charter &amp; Law</b>	<b>Benchmark 8: Mission and Key Design Elements:</b> The school is faithful to its mission and has implemented the key design elements included in its charter.	<b>Meets</b>
	<b>Benchmark 9: Enrollment, Recruitment, and Retention:</b> 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.	<b>Approaches</b>
	<b>Benchmark 10: Legal Compliance:</b> The school complies with applicable laws, regulations, and the provisions of its charter.	<b>Approaches</b>

**Summary of Public Comment**

The required public hearing was held by the New York City Department of Education on February 16, 2023. Eighteen people attended, and 11 spoke. Eleven people spoke in favor of the revision, and no one was opposed.

The school provided evidence of community support for this revision request recommendation by providing meeting materials showing the revision was discussed with families.

## Discovery Charter School

In accordance with Education Law, Article 56, the **New York State Education Department (NYSED)** recommends that this charter school be permitted to revise its charter to increase its authorized enrollment from 280 students to 300 students; amend its mission; and amend its Key Design Elements.

**Table 1: Charter School Summary**

<b>Name of Charter School</b>	<b>Discovery Charter School</b>
<b>Board Chair</b>	Sara Varhus
<b>District of Location</b>	Greece Central School District <sup>1</sup>
<b>Initial Commencement of Instruction</b>	Fall 2011
<b>Current Term Authorized Grades /Approved Enrollment</b>	K - Grade 6 / 280 students
<b>Facilities</b>	133 Hoover Drive, Rochester, New York 14615 – Private Space
<b>Mission Statement</b>	<i>Discovery Charter School prepares students to meet the challenges of a rapidly changing world, providing children living in poverty with real skills for the real world. Within a learning environment featuring a rigorous and highly enriched curriculum, Expeditionary Learning, assessment-guided instruction, a culture of inquiry and enthusiasm, and services designed to mitigate the major negative impacts of poverty, students achieve beyond their peers and become exceptionally well prepared to engage the world wherever their interests take them.</i>
<b>Key Design Elements<sup>2</sup></b>	<ul style="list-style-type: none"> <li>• Poverty preference</li> <li>• Rigorous and highly enriched curriculum</li> <li>• Assessment-guided instruction</li> <li>• Culture of inquiry and enthusiasm</li> <li>• Services designed to mitigate the major negative impacts of poverty</li> <li>• Students achieve beyond their peers</li> <li>• 6.75 hours of daily instruction and 200 days of instruction per year</li> <li>• Class size will be limited to 20 with a classroom teacher and one shared aide</li> <li>• Classroom teachers will be supported by full-time substitutes, teaching assistants, and reading and special education teachers to accommodate the needs of the student population</li> <li>• An ESL teacher, a Reading Specialist, A Librarian/Media Specialist, special education teachers, and a Dean of Students/Community Liaison on staff</li> </ul>

**Recommended Material Revisions**

- To increase its authorized enrollment from 280 students to 300 students;
- To amend its mission; and
- To amend its Key Design Elements

<sup>1</sup>Two percent of all students residing in this district attend charter schools.  
<sup>2</sup> The full description of the school’s Key Design Elements is in the application.

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

	<b>Year 1 2021 to 2022</b>	<b>Year 2 2022 to 2023</b>	<b>Year 3 2023 to 2024</b>
<b>Grade Configuration</b>	K - Grade 6	K - Grade 6	K - Grade 6
<b>Total Approved Enrollment</b>	280	280	280

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

	<b>Year 1 2023 to 2024</b>
<b>Grade Configuration</b>	K - Grade 6
<b>Total Recommended Enrollment</b>	300

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

**Rationale for Revisions Recommendation**

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

In December 2010, the Board of Regents approved and chartered the Discovery Charter School (“Discovery” or “the school”) in the East Irondequoit Central School District. In March 2013, the school moved to the Greece Central School District. The school’s educational program focuses on incorporating elements of the Expeditionary Learning curriculum into its own hands-on, interdisciplinary program, which also includes an emphasis on character education. Following a leadership transition four years ago, the current leadership team has been working together, providing stability for the school based on their vision for supporting teachers and improving the school’s academic performance. The school is fully 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 material revisions to the school’s charter to allow the school to increase its authorized enrollment from the currently approved 280 students to 300 students; amend its mission; and amend its Key Design Elements.

Approving these revision requests is likely to improve student learning and achievement because they will sharpen the school community's shared understanding of a clarified mission and its Key Design Elements.

The enrollment revision would allow the school to enroll the maximum number of students that may be served in the current facility by at least partially responding to a waiting list of 848 students. Staff and board members have given strong support for the clarification of the mission and Key Design Elements, and they continue to take advantage of opportunities to give feedback on their implementation. The mission currently reads: *"Discovery Charter School prepares students to meet the challenges of a rapidly changing world, providing children living in poverty real skills for the real world. Within a learning environment featuring a rigorous and highly enriched curriculum, Expeditionary Learning, assessment-guided instruction, a culture of inquiry and enthusiasm, and services designed to mitigate the major negative impacts of poverty, students achieve beyond their peers and become exceptionally well prepared to engage the world wherever their interests take them."* The school is requesting it be amended to read: *"Discovery Charter School provides a high-quality education in a safe and supportive learning community for students and families, empowers students with diverse talents, delivers rigorous and culturally relevant instruction, and fosters creativity, inquiry, and strong character development."*

The original Key Design Elements are:

- Poverty Preference
- Rigorous and highly enriched curriculum
- Assessment-guided instruction
- Culture of inquiry and enthusiasm
- Services designed to mitigate the major negative impacts of poverty
- Students achieve beyond their peers
- 6.75 hours of daily instruction and 200 days of instruction per year
- Class size will be limited to 20 with a classroom teacher and one shared aide
- Classroom teachers will be supported by full-time substitutes, teaching assistants, and reading and special education teachers to accommodate the needs of the student population
- An ESL teacher, a Reading Specialist, a Librarian/Media Specialist, special education teachers, and a Dean of Students/Community Liaison on staff

The proposed Key Design Elements are:

- Poverty preference in the lottery
- Rigorous and highly enriched curriculum
- Assessment-guided instruction
- Culture of inquiry and enthusiasm
- Services designed to mitigate the major negative impacts of poverty
- Students achieve beyond their peers
- Increased instructional time for students and intensive professional development for staff
- Promote family involvement

#### **Performance Framework Ratings:**

At the time of the May 2022 mid-term site visit, the Discovery Charter School was rated on each of the 10 NYSED Charter School Performance Framework Benchmarks as set forth in the table below. At that time, the Discovery Charter School was meeting eight out of the 10 benchmarks set forth in the NYSED

Charter School Performance Framework. *Based on current (2021-2022) data, this school's rating for benchmark 1 (Student Performance) has increased to a Meets.*

**2019 Charter School Performance Framework Benchmark Ratings  
Discovery Charter School**

2019 Performance Benchmark		Level
Educational Success	<b>Benchmark 1: Student Performance:</b> The school has met or exceeded achievement indicators for academic proficiency, trends toward proficiency, similar schools, college and career readiness, and high school graduation, if applicable. Proficiency at the elementary/middle school level shall be defined as achieving a performance level of 3 or higher on Grade 3-8 state assessments in ELA, math, and science. At the high school level, passing shall be defined as obtaining a Regents exam score of 65 or higher. <b>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.</b>	<b>Falls Far Below</b>
	<b>Benchmark 2: Teaching and Learning:</b> School leaders have systems in place designed to cultivate shared accountability and high expectations that lead to students' well-being, improved academic outcomes, and educational success. The school implements research-based practices and has a rigorous and coherent curriculum and assessments that are aligned with New York State Learning Standards 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 consistently high levels of engagement, thinking, and achievement.	<b>Meets</b>
	<b>Benchmark 3: Culture, Climate, and Student and Family Engagement:</b> The school has systems in place to support students' social and emotional health and to provide for a positive, safe, and respectful learning environment that prepares all students for college and careers. 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.	<b>Meets</b>
Organizational Soundness	<b>Benchmark 4: Financial Condition:</b> The school is in a sound and stable financial condition as evidenced by performance on key financial indicators.	<b>Meets</b>
	<b>Benchmark 5: Financial Management:</b> 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.	<b>Meets</b>
	<b>Benchmark 6: Board Oversight and Governance:</b> 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.	<b>Meets</b>
	<b>Benchmark 7: Organizational Capacity:</b> 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.	<b>Meets</b>
Faithfulness to Charter & Law	<b>Benchmark 8: Mission and Key Design Elements:</b> The school is faithful to its mission and has implemented the key design elements included in its charter.	<b>Meets</b>
	<b>Benchmark 9: Enrollment, Recruitment, and Retention:</b> 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. High schools are meeting persistence rates commensurate with the NYSED target.	<b>Meets</b>
	<b>Benchmark 10: Legal Compliance:</b> The school complies with applicable laws, regulations, and the provisions of its charter.	<b>Approaches</b>

### **Summary of Public Comment**

The required public hearing was held by the Greece Central School District on February 7, 2023. Eight people attended, and eight spoke. Two were in favor of the revision and six were opposed.

The school provided evidence of community support for these revision recommendations through the following:

- The board of trustees and staff were polled for input on the enrollment increase with no negative implications or the academic program or the school culture identified.
- The school community, aware of the extensive waitlist, supports the increase, which will maximize the use of the available space in the facility.
- Once the enrollment increase is approved, letters will be sent to families and postings put on Facebook and the school's website.
- As part of its strategic planning process, the school revised its mission and key design elements with input from staff, trustees, parents, and older students.
- Survey results and other staff feedback to the board showed evidence that the staff values the rigorous and consistent instructional program, and the board intends to continue to monitor the implementation of the key design elements.
- The revised mission was developed as part of the strategic planning process, to clarify and make the statement succinct. Input was garnered from staff, trustees, parents, and older students.



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

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

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

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

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

Performance Framework

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

The Department considers evidence related to all ten performance benchmark areas of the Charter School Performance Framework when making recommendations to the Regents concerning charter revisions. However, student academic performance is of paramount importance when evaluating each school (See [§ 8 NYCRR 119.7](http://www.nysed.gov/charter-schools/law-regulations-memos) (<http://www.nysed.gov/charter-schools/law-regulations-memos>). 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.nysed.gov/charter-schools/oversight-plan-board-regents-authorized-charter-schools) (<http://www.nysed.gov/charter-schools/oversight-plan-board-regents-authorized-charter-schools>), 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.