





TO: P-12 Education Committee

FROM: Allison Armour-Garb 

SUBJECT: Renewal Recommendations for Charter Schools Authorized by the Board of Regents

DATE: May 10, 2021

AUTHORIZATION(S): 

SUMMARY

Issue for Decision

Should the Board of Regents approve the proposed renewal charters for the following charter schools authorized by the Board of Regents pursuant to Article 56 of the Education Law (the New York Charter Schools Act):

South Bronx Community Charter High School (Short-term, three-year renewal and revisions to decrease the school's currently authorized enrollment from 425 students to 385 students beginning in the 2021-2022 school year; and to amend the charter school's organizational chart to add an associate director position to support the school's capacity building and services for special populations, to commence in the current school year, upon Regents approval.)

Vertus Charter School (Short-term, three-year renewal.)

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 May 2021 meeting.

Procedural History

The New York State Education Department (NYSED) made the renewal recommendations being presented to the Board of Regents for approval and issuance as required by Article 56 of the Education Law and 8 NYCRR 119.7.

Background Information

The Board of Regents and NYSED 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.

As State assessments were not administered in the 2019-2020 school year due to the COVID-19 pandemic, NYSED is not able to include results from that academic year in the analysis of Benchmark 1 of [the Charter School Performance Framework](http://www.p12.nysed.gov/psc/regentsoversightplan/SectionIIIPerformanceFramework.html) (<http://www.p12.nysed.gov/psc/regentsoversightplan/SectionIIIPerformanceFramework.html>) for the schools presented in this Regents Item. Similarly, some schools in this Regents Item have implemented significant academic turnaround/intervention programs during the course of their current short-term renewal, which are not reflected in the Benchmark 1 ratings for these schools.

Related Regents Items:

November 2012: [Board of Regents Charter School Renewal Policy](https://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/November2012/1112p12a1.pdf)
(<https://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/November2012/1112p12a1.pdf>)

South Bronx Community Charter High 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>)

Vertus Charter School

December 2013 [Initial Charter](https://www.regents.nysed.gov/common/regents/files/1213p12a2%5B1%5D.pdf)
(<https://www.regents.nysed.gov/common/regents/files/1213p12a2%5B1%5D.pdf>)

March 2019 [Renewal with Enrollment Reduction Revision](https://www.regents.nysed.gov/common/regents/files/419p12a1.pdf)
(<https://www.regents.nysed.gov/common/regents/files/419p12a1.pdf>)

Recommendations

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

VOTED: That the Board of Regents finds that, the **South Bronx Community Charter High School**: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of Section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of the **South Bronx Community Charter High School** and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including **June 30, 2024**.

VOTED: That the Board of Regents finds that, the **Vertus Charter School**: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of Section twenty-eight hundred fifty of this article; and (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of the **Vertus Charter School** and that a renewal charter be issued, and that its provisional charter be extended for a term up through and including **June 30, 2024**.

Timetable for Implementation

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

South Bronx Community Charter High School

In accordance with Education Law, Article 56, Sections 2851(4) and 2852(2), Commissioner’s Regulation 119.7, and the Board of Regents Charter School Renewal Policy, the **New York State Education Department recommends a short-term renewal for a period of three years for South Bronx Community Charter High School. The charter term would begin on July 1, 2021 and expire on June 30, 2024, and the school would be permitted to decrease the school’s currently authorized enrollment from 425 students to 385 students beginning in the 2021-2022 school year and to amend its organizational chart to add an associate director position to support the school's capacity building and services for special populations.**

Charter School Summary

Name of Charter School	South Bronx Community Charter High School
Board Chair	Alvarez Symonette
District of Location	NYC CSD 7 ¹
Initial Commencement of Instruction	Fall 2016
Charter Term(s)	Initial Term: September 9, 2016 - June 30, 2021
Current Term Authorized Grades/Authorized Enrollment	Grades 9-12 / 425 students
Proposed Renewal Term Authorized Grades/Proposed Authorized Enrollment	Grades 9-12 / 425 students
Facilities	730 Concourse Village West, Bronx, NY 10451 - Private Space
Mission Statement	<i>The mission of South Bronx Community CHS is to promote students’ excellence through an emphasis on academic, interpersonal and professional skills in a supportive and responsive learning environment. South Bronx Community CHS students graduate with a positive sense of self, ready to design and realize their future in college, community, and career.</i>
Key Design Elements	<ul style="list-style-type: none"> • More Competence-Based Teaching and Learning. • Cultural Responsiveness. • Supportive Staffing. • Adaptive Operations and Management.
Recommended Material Revisions	<ul style="list-style-type: none"> • To decrease the school’s currently authorized enrollment from 425 students to 385 students beginning in the 2021-2022 school year; and • To amend the charter school’s organizational chart to add an associate director position to support the school's capacity building and services for special populations.
Link to Charter School Renewal Report	http://www.p12.nysed.gov/psc/csdirectory/SouthBronxCommunityCharterHighSchool/documents/FinalDraftSBCCHSRENSVRPT3-31-2021.pdf

¹ Thirty-one percent of all students residing in this district attend charter schools. As the total enrollment of resident students attending charter schools in this district is greater than 5 percent of the total public school enrollment, pursuant to Education Law Section 2852(2)(d), NYSED notes that granting this renewal application provides a significant educational benefit to the students attending and expected to attend this charter school.

South Bronx Community Charter High School (SBCCHS) is meeting seven of the 10 benchmarks 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.

In June 2020, the school received a NoD from NYSED's CSO based on its enrollment deficiencies. The school was then required by NYSED to provide a CAP establishing strategies and measurable outcomes to improve enrollment performance. The school is currently implementing the strategies outlined in the CAP and provides quarterly progress reports and updates to the CSO. The CAP will be closely monitored, and NYSED will report to the Regents as necessary.

**Charter School Performance Framework Benchmark Ratings
South Bronx Community Charter High School**

2015 Performance Benchmark		Level
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).	Meets
	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.	Meets
	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.	Meets
Organizational Soundness	Benchmark 4: Financial Condition: The school is in sound and stable financial condition as evidenced by performance on key financial indicators.	Meets
	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.	Meets
	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.	Approaches
	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.	Meets
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.	Meets
	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.	Approaches
	Benchmark 10: Legal Compliance: The school complies with applicable laws, regulations, and the provisions of its charter.	Falls Far Below

Innovative and Noteworthy Programs: SBCCHS has a unique model that equally values youth development and academic attainment. As a result, 90 percent of its students have internship experiences, and the 84 percent graduation rate of the school’s first cohort of 12th grade students outpaces NYC CSD 7, its district of location, where the graduation rate was 66 percent.

The school continues to build social and emotional skill development into student learning experiences and has created robust advising and parent communication systems to ensure students are receiving social and emotional support on a daily basis, even now that the learning is done remotely. Student

support and engagement were maintained during the COVID-19 pandemic and move to remote learning via SBCCHS’s CORE advisor program; groups consist of two adults and up to 20 students, who stay together throughout their high school experience. Students met with their CORE group for the first 20 minutes of the day in an online synchronous session.

Renewal Conditions:

- Develop and implement a multi-step comprehensive process compliant with all State requirements to ensure that all school employees have fingerprint clearance prior to their start date at the school and that the records SBCCHS maintains accurately reflect those clearances. SBCCHS will submit such school board approved policy, including the identification and training of applicable staff members, to NYSED’s CSO for review and approval no later than May 30, 2021 (during the school’s current charter term).
- The school must administer the interim/local assessments detailed in the school's charter, and/or other interim and/or summative assessments approved by NYSED’s CSO, to evaluate students' academic achievement, progress, and growth, as set forth in NYSED’s Charter [School Local Assessment Plan Policy](http://www.p12.nysed.gov/psc/aboutcharterschools/lawsandregs/documents/BoRAuthorizedCharterSchoolLocalAssessmentReportingMemoApril2020_FINAL.pdf) (http://www.p12.nysed.gov/psc/aboutcharterschools/lawsandregs/documents/BoRAuthorizedCharterSchoolLocalAssessmentReportingMemoApril2020_FINAL.pdf).

Table 1: Current Grade Levels and Authorized Enrollment

	Year 1 2016 to 2017	Year 2 2017 to 2018	Year 3 2018 to 2019	Year 4 2019 to 2020	Year 5 2020 to 2021
Grade Configuration	Grade 9	Grades 9-10	Grades 9-11	Grades 9-12	Grades 9-12
Total Authorized Enrollment	110	220	325	425	425

Table 2: Proposed Renewal Term Grade Levels and Proposed Enrollment

	Year 1 2021 to 2022	Year 2 2022 to 2023	Year 3 2023 to 2024
Grade Configuration	Grades 9-12	Grades 9-12	Grades 9-12
Total Proposed Enrollment	425	425	425

Summary of Evidence for Renewal

Key Performance Area: Educational Success

Student Performance – High School Outcomes

The school has demonstrated strong academic performance in regard to cohort Regents exam outcomes in the high school grades, outperforming the State average in some subjects. **According to the 2020-2021 school year ESEA accountability designations, SBCCHS is *In Good Standing*.**

Academic Program for High School:

- SBCCHS has a project-based learning approach combined with direct instruction.
- SBCCHS uses a competency-based education model. The 19 competencies are the central organizing unit for curriculum design, learning facilitation, and assessment. The SBCCHS competency framework is aligned to the New York State Learning Standards, Common Core State Standards, and CASEL social-emotional learning framework.
- Teaching and learning at SBCCHS is organized to support students in mastering a specific set of knowledge and skills—academic, social and emotional—that collectively define college and career readiness.
- Every student is part of an advisory group that is sustained with the same students and staff member throughout their years at SBCCHS. The school reports that it expects that its students will increase Regents’ pass rates during the next charter term through the implementation of these academic intervention services.

Academic Program for SWDs and ELLs:

- The competency-based model gives SBCCHS the ability to personalize support for ELLs.
- Teachers collaboratively plan and organize supports for SWDs and ELLs.
- SBCCHS uses a Response to Intervention approach to support students, including assistive technology, access to Learning Coaches, and programmed supports and tutoring.
- Learning coaches and ELL specialists provide support to general education teachers to employ ELL strategies, including home language support and sheltered content instruction.

Table 3: High School Cohort Graduation Rates

All Students				SWD				ELL				ED			
Charter Total Cohort	South Bronx Community CHS	NYS	Differential to NYS	Charter Total Cohort	South Bronx Community CHS	NYS	Differential to NYS	Charter Total Cohort	South Bronx Community CHS	NYS	Differential to NYS	Charter Total Cohort	South Bronx Community CHS	NYS	Differential to NYS
99	83%	85%	-2	12	75%	63%	+12	11	64%	63%	+1	85	82%	80%	+2

Key Performance Area: Organizational Soundness

Financial Condition

SBCCHS appears to be in good financial condition, as evidenced by performance on key indicators derived from the school’s independently audited financial statements.

NYSED monitors the school’s compliance with Benchmark 4 of the Charter School Performance Framework, which includes its near- and long-term financial condition. Unless otherwise indicated, financial data is derived from the school’s annual independently audited financial statements, which are publicly available on [NYSED’s website](http://www.p12.nysed.gov/psc/csdirectory/CSLaunchPage.html) (<http://www.p12.nysed.gov/psc/csdirectory/CSLaunchPage.html>).

A financial composite score is an overall measure of financial health based on a weighting of primary reserves, equity, and net income. A charter school with a score between 1.5 and 3.0 is generally considered to be in good financial health. SBCCHS’s 2019-2020 composite score is 1.92.

**Table 4: Composite Scores
2016-2017 to 2019-2020**

<i>Year</i>	<i>Composite Score</i>
2016-2017	1.48
2017-2018	2.58
2018-2019	2.31
2019-2020	1.92

Financial Management

NYSED’s CSO reviewed SBCCH’s 2019-2020 audited financial statements to determine whether the independent auditor observed sufficient internal controls over financial reporting. The auditor did not identify deficiencies in internal controls that could be considered material weaknesses.

Key Performance Area: Faithfulness to the Charter and Law

Enrollment, Recruitment, and Retention

Through the following efforts toward increasing the percentage of at-risk students enrolled, the school is coming close to but not yet meeting its targets for ELLs (see Table 5, below):

The school is making good faith efforts to recruit, serve, and retain at-risk students². Efforts to recruit and retain students in the ED, ELL, and SWD populations include:

- outreach to parents and families in the surrounding community;
- use of online recruitment platforms;
- emphasis on academic and youth development support for these students;
- enrollment policy revisions, such as employing a weighted lottery to increase the proportion of enrolled ELLs.

² Education Law §2854(2)(a) requires that schools demonstrate good faith efforts to attract and retain a comparable or greater enrollment of students with disabilities, FRPL-eligible students and English language learners when compared to the enrollment figures for such students in the school district in which the charter is located. SUNY and the Regents were charged with setting specific enrollment and retention targets for each charter school and have done so (Education Law §2852(9-a)(b)(i)). All charter schools that were initially chartered after August 2010 or renewed after January 1, 2011 are expected to meet or exceed the enrollment and retention targets set by the Regents and SUNY. When submitting an application for renewal of the charter, schools are required to provide information detailing the means by which they will meet the enrollment and retention targets (Education Law §2851(4)(e)), and this information is considered by the Regents in the review of the school’s performance over the charter term. A school’s plan to change its enrollment practices, whether by weighting the lottery or preferencing, may also be considered when determining whether the school will meet the targets in the upcoming charter term. A school’s repeated failure to meet or exceed its enrollment and retention targets, when combined with a failure to show that extensive efforts to meet the targets have been made, may be cause for termination or revocation of the charter, pursuant to Section Education Law §2855(1)(e).

Table 5: Subgroup Enrollment: Students with Disabilities, ELLs, and Economically Disadvantaged

	SWD			ELL			ED		
	South Bronx Community CHS	NYC CSD 7	Differential to District	South Bronx Community CHS	NYC CSD 7	Differential to District	South Bronx Community CHS	NYC CSD 7	Differential to District
2016-2017	16%	29%	-13	15%	22%	-7	89%	93%	-4
2017-2018	21%	28%	-7	18%	25%	-7	76%	91%	-15
2018-2019	24%	26%	-2	12%	23%	-11	81%	89%	-8
2019-2020	23%	26%	-3	12%	22%	-10	88%	90%	-2

Table 6: Aggregate and Subgroup Retention

	All Students			SWD			ELL			ED		
	South Bronx Community CHS	NYC CSD 7	Differential to District	South Bronx Community CHS	NYC CSD 7	Differential to District	South Bronx Community CHS	NYC CSD 7	Differential to District	South Bronx Community CHS	NYC CSD 7	Differential to District
2017-2018	91%	82%	+9	82%	75%	+7	69%	81%	-12	89%	82%	+7
2018-2019	91%	78%	+13	96%	73%	+23	89%	80%	+9	90%	78%	+12
2019-2020	91%	80%	+11	90%	77%	+13	94%	79%	+15	91%	81%	+10

Table 7: Aggregate Enrollment: Reported vs Contracted (Target = 100%)

South Bronx Community CHS	Contracted Enrollment	Reported Enrollment	Percent of Contracted Enrollment
2016-2017	110	107	97%
2017-2018	220	216	98%
2018-2019	325	289	89%
2019-2020	425	332	78%

Legal Compliance

SBCCHS to some extent operates in accordance with applicable law, regulations, rules, and other policies, including the terms of its charter, by-laws, and other school-specific policies. At the time of the site visit, the school was not in compliance with federally mandated disciplinary procedures for students with disabilities and the Dignity for All Students Act. While the board asserted that it is making efforts to become compliant with these procedures, the CSO liaison is following up with them to ensure that receipt and review of procedures occur. The board holds meetings in accordance with the Open Meetings Law.

Summary of Public Comment

The required public hearing was held by NYCDOE on October 28, 2020. Five people attended, one person spoke in favor of the renewal, and no one was opposed. An additional public hearing to discuss the material revision request was held by NYCDOE on February 22, 2021. One person attended, and no one spoke.

Vertus Charter School

In accordance with Education Law, Article 56, Sections 2851(4) and 2852(2), Commissioner’s Regulation 119.7, and the Board of Regents Charter School Renewal Policy, the **New York State Education Department recommends a short-term renewal for a period of three years for Vertus Charter School. The charter term would begin on July 1, 2021 and expire on June 30, 2024.**

Charter School Summary

Name of Charter School	Vertus Charter School
Board Chair	<ul style="list-style-type: none"> • Bryan Hickman (until December 31, 2020) • Victoria Van Voorhis (as of January 1, 2021)
District of Location	Rochester City School District ³
Initial Commencement of Instruction	Fall 2014
Charter Terms	<ul style="list-style-type: none"> • Initial Charter Term: September 1, 2014 - June 30, 2019 • First Renewal Term: July 1, 2019 - June 30, 2021
Current Term Authorized Grades/Authorized Enrollment	Grades 9-12 / 340 students
Proposed Renewal Term Authorized Grades/Proposed Authorized Enrollment	Grades 9-12 / 340 students
Facilities	21 Humboldt Street, Rochester New York 14609 - Private Space
Mission Statement	<i>To develop leaders of character for the community and the workplace.</i>
Key Design Elements	<ul style="list-style-type: none"> • Strong relationships. • Personalized year-round academics. • Character development. • Career preparation.
Recommended Material Revisions	None
Link to Charter School Renewal Report	http://www.p12.nysed.gov/psc/csdirectory/VertusCharterSchool/documents/VertusFinalReport-3-30-2021.pdf

Vertus Charter School (Vertus) is meeting five of the 10 benchmarks 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.

In February 2019, the school received a NoD from NYSED’s CSO based on its enrollment deficiencies. The school was then required by NYSED to provide a CAP establishing strategies and measurable outcomes to improve ELL enrollment. The school is currently implementing the strategies outlined in the CAP and provides quarterly progress reports and updates to the CSO. The CAP is being closely monitored, and NYSED will report to the Regents as necessary.

³ Twenty percent of all students residing in this district attend charter schools. As the total enrollment of resident students attending charter schools in this district is greater than 5 percent of the total public school enrollment, pursuant to Education Law Section 2852(2)(d), NYSED notes that granting this renewal application provides a significant educational benefit to the students attending and expected to attend this charter school.

Charter School Performance Framework Benchmark Ratings
Vertus Charter School

2019 Performance Benchmark		Level
Educational Success	Benchmark 1: Student Performance: 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.	Approaches
	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 implements research-based practices and has rigorous and coherent curriculum and assessments that are aligned to 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 consistent high levels of engagement, thinking and achievement.	Meets
	Benchmark 3: Culture, Climate, and Student and Family Engagement: 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 career. 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.	Meets
Organizational Soundness	Benchmark 4: Financial Condition: The school is in sound and stable financial condition as evidenced by performance on key financial indicators.	Meets
	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.	Approaches
	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.	Approaches
	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.	Meets
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.	Meets
	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. . High schools are meeting persistence rates commensurate with the NYSED target.	Approaches
	Benchmark 10: Legal Compliance: The school complies with applicable laws, regulations, and the provisions of its charter.	Approaches

Innovative and Noteworthy Programs:

As chartered, Vertus serves young men who are at risk of not completing high school, including but not limited to students who are over-age and under-credited (OA/UC) or have transferred from or dropped out of other high schools. A high percentage of the population (86 percent) is ED. The percent of SWDs (28 percent) exceeds the Rochester City School District by 4 percentage points. Vertus’ enrollment policy is designed to enroll students as long as they have the possibility of graduating, before they age out of the public school system in the year that they turn 21. The school welcomes and fully supports all students,

including those who may need more than four years to complete the NYS requirements, regardless of their ability to meet traditional academic expectations. These students generally need more time to learn and to access 21st century technology, as well as the flexibility to progress at their own pace as they make up learning deficits, build confidence, and get on track for success.

Renewal Conditions:

- Devise and implement a weighted lottery policy for ELL students, subject to NYSED approval, for implementation no later than the 2021-2022 school year.
- The school must administer the interim/local assessments detailed in the school's charter, and/or other interim and/or summative assessments approved by NYSED's CSO, to evaluate students' academic achievement, progress, and growth, as set forth in NYSED's Charter School [Local Assessment Plan Policy](http://www.p12.nysed.gov/psc/aboutcharterschools/lawsandregs/documents/BoRAuthorizedCharterSchoolLocalAssessmentReportingMemoApril2020_FINAL.pdf) (http://www.p12.nysed.gov/psc/aboutcharterschools/lawsandregs/documents/BoRAuthorizedCharterSchoolLocalAssessmentReportingMemoApril2020_FINAL.pdf).

Table 1: Current Grade Levels and Authorized Enrollment

	Year 1 2019 to 2020	Year 2 2020 to 2021
Grade Configuration	Grades 9 - 12	Grades 9 - 12
Total Authorized Enrollment	340	340

Table 2: Proposed Renewal Term Grade Levels and Proposed Enrollment

	Year 1 2021 to 2022	Year 2 2022 to 2023	Year 3 2023 to 2024
Grade Configuration	Grades 9 - 12	Grades 9 - 12	Grades 9 - 12
Total Proposed Enrollment	340	340	340

Summary of Evidence for Renewal

Key Performance Area: Educational Success

Student Performance – High School Outcomes

The school has demonstrated mixed academic performance in regard to cohort Regents exam outcomes in the high school grades, under-performing the State average in all subjects at the four-year cohort rate, although there is improvement over time. However, when considering five-year cohort performance, there is an increase in passing rates in all five required Regents exam subject areas. **According to the 2018-2019 school year ESEA accountability designations, Vertus is in need of Targeted Support and Improvement.**

Academic Program for High School:

- Vertus employs a blended model of instruction, combining online courses with teacher-led courses. The students progress through a series of online classes, demonstrating mastery of content areas and skills in preparation for their Regents exams.
- The school provides wrap-around support services to students through its preceptors, staff members who focus on student engagement and support and are liaisons among the school, community, and students' families.
- The school provides career planning and a number of opportunities for students to prepare for their post-secondary experiences through college advisement, career explorations, internships, and dual enrollment in certification programs.

Academic Program for SWDs and ELLs:

- SWDs:
 - Students who receive special education services benefit from additional support provided by special education teachers, who assist them in the school's learning lab as well as provide additional one-to-one or small group support.
 - The director of specialized services monitors the progress of students with individualized education programs (IEPs) by meeting with their teachers weekly and tracking student progress toward meeting the academic goals in their IEPs
- ELLs:
 - The school supports ELLs through individualized support for all students, as well through the services of an ENL teacher, who provides support to ELL students during learning lab in addition to providing a teacher-led class designed to support their English language acquisition.
 - The school's online learning platform provides content in Spanish and other languages, to support students' content-area acquisition while they are learning English. The school has also provided opportunities for ELLs to form a peer support network.

Table 3: High School Cohort Graduation Rates

		All Students				SWD				ELL				ED			
		Charter Total Cohort	Vertus CS	NYS	Differential to NYS	Charter Total Cohort	Vertus CS	NYS	Differential to NYS	Charter Total Cohort	Vertus CS	NYS	Differential to NYS	Charter Total Cohort	Vertus CS	NYS	Differential to NYS
2014 Cohort	4 Year	48	65%	83%	-18	9	33%	60%	-27	.	.	.	.	43	65%	76%	-11
	5 Year	48	77%	86%	-9	9	56%	66%	-10	.	.	.	.	45	76%	81%	-5
	6 Year	48	83%	87%	-4	9	67%	68%	-1	.	.	.	.	43	84%	83%	+1
2015 Cohort	4 Year	64	66%	83%	-17	13	62%	62%	0	.	.	.	.	62	66%	77%	-11
	5 Year	66	82%	87%	-5	12	67%	67%	0	.	.	.	.	58	84%	82%	+2
2016 Cohort	4 Year	72	82%	85%	-3	19	79%	63%	+16	6	83%	63%	+20	59	80%	80%	0

Key Performance Area: Organizational Soundness**Financial Condition**

Vertus appears to be in adequate financial condition, as evidenced by performance on key indicators derived from the school’s independently audited financial statements.

NYSED monitors the school’s compliance with Benchmark 4 of the Charter School Performance Framework, which includes its near- and long-term financial condition. Unless otherwise indicated, financial data is derived from the school’s annual independently audited financial statements, which are publicly available on [NYSED’s website](http://www.p12.nysed.gov/psc/csdirectory/CSLaunchPage.html) (<http://www.p12.nysed.gov/psc/csdirectory/CSLaunchPage.html>).

A financial composite score is an overall measure of financial health based on a weighting of primary reserves, equity, and net income. A charter school with a score between 1.5 and 3.0 is generally considered to be in good financial health. Vertus’ most recent composite score is 1.14.

**Table 4: Composite Scores
2015-2016 to 2019-2020**

<i>Year</i>	<i>Composite Score</i>
2015-2016	1.39
2016-2017	1.89
2017-2018	.57
2018-2019	-.92
2019-2020	1.14

Financial Management

NYSED’s CSO reviewed Vertus’ 2019-2020 audited financial statements to determine whether the independent auditor observed sufficient internal controls over financial reporting.

The auditor identified a deficiency in internal controls that could be considered a material weakness: During the audit for the period ending June 30, 2019, the auditor noted that contribution revenue was overstated, because a note payable was incorrectly recorded as a contribution. The auditor recommended that the school review the detail of all transactions to assure proper accounting treatment. As of June 30, 2020, the auditor noted that contributions and per-pupil and federal revenues were

incorrectly recorded, resulting in a material adjustment to revenues. The auditor again recommended that the school review the detail of all transactions to assure proper accounting treatment.

In addition, going back to the period ending June 30, 2016, the auditor noted that the school was not adhering to its own formally documented policies and procedures regarding purchases and continued to have findings for each period following, including the period ending June 30, 2020:

- The principal approved her own expense reimbursements, and the reimbursements were not approved by the board of trustees.
- Certain debit card purchases were made without documented approval by the principal.
- Receipts were not maintained for certain debit card purchases.
- The financial associate did not document review of certain bank statements.

While the auditor did not consider the findings for the period ending June 30, 2020 to be a significant deficiency or material weakness, it is concerning to NYSED's CSO that established policies and procedures continue to not be adhered to over the course of several years, particularly in light of the condition of the school's finances.

Key Performance Area: Faithfulness to the Charter and Law

Enrollment, Recruitment, and Retention

Through the following efforts toward increasing the percentage of at-risk students enrolled, the school is coming close to, but not yet meeting, its targets for all special population subgroups: EDs, SWDs, and ELLs (see Table 5, below).

The school is making good faith efforts to recruit, serve, and retain at-risk students⁴. Efforts to recruit and retain students in the ED, ELL, and SWD populations include:

- Employing a range of media outlets to inform the general public about the school.
- Adding board members to strengthen community engagement and attract more students.
- Broadening recruitment efforts through expanded outreach to the community.
- Addressing barriers to overall enrollment such as year-round classes, single-gender enrollment, and strict uniform requirements.

⁴ Education Law §2854(2)(a) requires that schools demonstrate good faith efforts to attract and retain a comparable or greater enrollment of students with disabilities, FRPL-eligible students and English language learners when compared to the enrollment figures for such students in the school district in which the charter is located. SUNY and the Regents were charged with setting specific enrollment and retention targets for each charter school and have done so (Education Law §2852(9-a)(b)(i)). All charter schools that were initially chartered after August 2010 or renewed after January 1, 2011 are expected to meet or exceed the enrollment and retention targets set by the Regents and SUNY. When submitting an application for renewal of the charter, schools are required to provide information detailing the means by which they will meet the enrollment and retention targets (Education Law §2851(4)(e)), and this information is considered by the Regents in the review of the school's performance over the charter term. A school's plan to change its enrollment practices, whether by weighting the lottery or preferencing, may also be considered when determining whether the school will meet the targets in the upcoming charter term. A school's repeated failure to meet or exceed its enrollment and retention targets, when combined with a failure to show that extensive efforts to meet the targets have been made, may be cause for termination or revocation of the charter, pursuant to Section Education Law §2855(1)(e).

Table 5: Subgroup Enrollment: Students with Disabilities, ELLs, and Economically Disadvantaged

	SWD			ELL			ED		
	Vertus CS	Rochester CSD	Differential to District	Vertus CS	Rochester CSD	Differential to District	Vertus CS	Rochester CSD	Differential to District
2015-2016	19%	22%	-3	1%	14%	-13	99%	89%	+10
2016-2017	21%	21%	0	3%	16%	-13	100%	88%	+12
2017-2018	17%	20%	-3	7%	18%	-11	86%	87%	-1
2018-2019	22%	20%	+2	7%	19%	-12	100%	87%	13
2019-2020	25%	21%	+4	8%	19%	-11	82%	87%	-5

Table 6: Aggregate and Subgroup Retention

	All Students			SWD			ELL			ED		
	Vertus CS	Rochester CSD	Differential to District	Vertus CS	Rochester CSD	Differential to District	Vertus CS	Rochester CSD	Differential to District	Vertus CS	Rochester CSD	Differential to District
2015-2016	62%	84%	-22	0%	83%	-83	0%	81%	-81	0%	84%	-84
2016-2017	75%	81%	-6	62%	77%	-15	100%	77%	+23	76%	81%	-5
2017-2018	67%	83%	-16	75%	79%	-4	86%	80%	+6	67%	82%	-15
2018-2019	80%	83%	-3	85%	78%	+7	74%	79%	-5	87%	83%	+4
2019-2020	78%	84%	-6	73%	80%	-7	90%	82%	+8	78%	84%	-6

Table 7: Aggregate Enrollment: Reported vs Contracted (Target = 100%)

Vertus CS	Contracted Enrollment	Reported Enrollment	Percent of Contracted Enrollment
2015-2016	192	137	71%
2016-2017	288	251	87%
2017-2018	384	276	72%
2018-2019	384	281	73%
2019-2020	340	281	83%

Legal Compliance

Vertus to some extent operates in accordance with applicable law, regulations, rules, and other policies, including the terms of its charter, by-laws, and other school-specific policies. At the time of the site visit, the school was not in compliance with federally mandated disciplinary procedures for students with disabilities and the Dignity for All Students Act. The CSO requested that the school revise its discipline policy to include DASA provisions (or submit a separate DASA policy); however, to date, the CSO has not

received such revisions. The CSO liaison continues to work with the board to ensure that the requested revisions are submitted, and the school becomes compliant. The board holds meetings in accordance with the Open Meetings Law.

Summary of Public Comment

The required public hearing was held by the Rochester City School District on October 6, 2020. No one attended or spoke in favor of or opposition to the renewal.

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 renewal 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 5 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.

In addition, Renewal Guidelines contained in the Regulations of the Commissioner of Education (8 NYCRR 119.7(d)) were adopted by the Board of Regents and require that the Board further consider the following when evaluating a charter renewal application:

- (a) The information in the charter school's renewal application;
- (b) Any additional material or information submitted by the charter school;
- (c) Any public comments received;
- (d) Any information relating to the site visit and the site visit report;
- (e) The charter school's annual reporting results including, but not limited to, student academic achievement;
- (f) The Department's renewal recommendation and the charter school's written response, if any; and
- (g) Any other information that the board, in its discretion, may deem relevant to its determination whether the charter should be renewed.

[The Board of Regents Renewal Policy](https://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/November2012/1112p12a1.pdf) (https://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/November2012/1112p12a1.pdf) sets forth the following renewal options and standards upon which the Department's recommendation is based:

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

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

Nonrenewal: A school's charter will not be renewed if the school does not apply for renewal or the school fails to meet the benchmark standards for either full-term or short-term renewal. In the case of nonrenewal, a school's charter will be terminated upon its expiration, and the school will be required to comply with [the Department's Closing Procedures](http://www.p12.nysed.gov/psc/regentsoversightplan/sectioni-iv/ClosingProceduresChecklist0220.pdf) (http://www.p12.nysed.gov/psc/regentsoversightplan/sectioni-iv/ClosingProceduresChecklist0220.pdf) to ensure an orderly closure by the end of the school year.

To operationalize these statutory and regulatory requirements, the Board of Regents endorsed the Charter School Performance Framework. This document, and the ten academic, organizational, and legal domains contained within it, were created based on the limited criteria that can be considered when making decisions pertaining to the authorization of new charter schools, charter school renewals, and charter school revisions as set forth in Section 2852(2) of the Education Law. Comprehensive data for these benchmark standards is included in the charter school Regents item, summary documents, and Regents meeting presentations.

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 renewal applications. 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) (<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) (<http://www.p12.nysed.gov/psc/regentsoversightplan/SectionIIMonitoringPlan.html>), including review of the information presented by the schools in their Renewal Applications; specific fiscal reviews; a renewal site visit of up to two days conducted by a Department team for each school; comprehensive analysis of achievement data; and consideration of public comment.