




**TO:** P-12 Education Committee

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

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

**DATE:** June 8, 2023

**AUTHORIZATION(S):** 

### SUMMARY

#### Issue for Decision

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

- **Brooklyn Laboratory Charter School** (Decrease grade span to remove Grade 6 through Grade 8 from its current Grade 6 through Grade 12 configuration beginning in the 2023–2024 school year.)
- **Ivy Hill Preparatory Charter School** (Decrease authorized enrollment from the currently approved 360 students to 265 students.)

#### Reason(s) for Consideration

Required by State statute.

#### Proposed Handling

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

#### Procedural History

The New York State Education Department (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**

### **Brooklyn Laboratory Charter School**

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

March 2017: [Merger, and Enrollment and Grade-Level Expansion Revisions](https://www.regents.nysed.gov/common/regents/files/317p12a6.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/317p12a6.pdf>)

March 2018: [Enrollment Reduction Revision](https://www.regents.nysed.gov/common/regents/files/318p12a4.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/318p12a4.pdf>)

April 2019: [First Renewal with Enrollment and Grade-Level Expansion Revision](http://www.regents.nysed.gov/common/regents/files/419p12a1.pdf)  
(<http://www.regents.nysed.gov/common/regents/files/419p12a1.pdf>)

May 2020: [Enrollment Reduction Revision](https://www.regents.nysed.gov/common/regents/files/520bra5.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/520bra5.pdf>)

June 2022: [Second Renewal with Key Design Elements, and Organizational Structure Revisions](https://www.regents.nysed.gov/common/regents/files/622p12a1revised.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/622p12a1revised.pdf>)

### **Ivy Hill Preparatory Charter School**

June 2018: [Initial Charter](https://www.regents.nysed.gov/common/regents/files/618p12a3.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/618p12a3.pdf>)

## **Recommendation**

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

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

VOTED: That the Board of Regents finds that: (1) the **Ivy Hill Preparatory 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 **Ivy Hill Preparatory 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.

## Brooklyn Laboratory Charter School

In accordance with Education Law, Article 56, the **New York State Education Department recommends that this charter school be permitted to revise its charter to decrease its grade span to remove Grade 6 through Grade 8 from its current Grade 6 through Grade 12 configuration beginning in the 2023–2024 school year.**

**Table 1: Charter School Summary**

<b>Name of Charter School</b>	<b>Brooklyn Laboratory Charter School</b>
<b>Board Chair</b>	Martha (Mickey) Revenaugh
<b>District of Location</b>	New York City (NYC) Community School District (CSD) 13 <sup>1</sup>
<b>Initial Commencement of Instruction</b>	Fall 2014
<b>Current Term Authorized Grades /Approved Enrollment</b>	Grades 6-12 / 770 students
<b>Comprehensive Management Service Provider</b>	None
<b>Facilities</b>	77 Sands Street, Brooklyn, New York 10201 – Private Space
<b>Mission Statement</b>	“The mission of Brooklyn Laboratory Charter School is to prepare students with the academic foundation, digital literacy, and ethical leadership skills they need to excel in college and professional life.”
<b>Key Design Elements</b>	<ul style="list-style-type: none"> <li>• “Rigorous college preparatory curriculum.</li> <li>• Effective Instruction.</li> <li>• Focus on college-level reading and writing.</li> <li>• Extending learning time.</li> <li>• Entrepreneurial learning.</li> <li>• Building productive, engaged, and active citizens.</li> <li>• No Excuses school culture.</li> <li>• Data-driven instruction.</li> <li>• Next Generation learning and assessment.</li> <li>• Family Partnership.”</li> </ul>
<b>Recommended Material Revisions</b>	Decrease school’s grade span to remove Grade 6 through Grade 8 from its current Grade 6 through Grade 12 configuration beginning in the 2023–2024 school year.

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

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

	<b>Year 1 2022to 2023</b>	<b>Year 2 2023to 2024</b>	<b>Year 3 2024 to 2025</b>
<b>Grade Configuration</b>	Grades 6–12	Grades 6–12	Grades 6–12
<b>Total Approved Enrollment</b>	770	770	770

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

	<b>Year 1 2023 to 2024</b>	<b>Year 2 2024 to 2025</b>
<b>Grade Configuration</b>	Grades 9–12	Grades 9–12
<b>Total Recommended Enrollment</b>	770	770

\*The proposed chart was submitted by the Brooklyn Laboratory 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 revision described above in the **Issue for Decision** section, for the following reasons.

In December 2013, the Board of Regents approved and chartered the Brooklyn Laboratory Charter School (“Brooklyn Lab” or “the school”) in NYC CSD 13 School District. The school’s educational program focuses on curriculum selected to accelerate learning, advance scholars up to grade level, and increase progress toward college readiness. Multiple layers of instructional support are provided to ensure that all scholars make meaningful academic growth, master core content, and cultivate habits critical for postsecondary and career success. The school is partially implementing the mission, key design elements, education program, and organizational plan set forth in the charter. Despite broad understanding of the mission by stakeholder groups, several of the approved key design elements were not being implemented as of the latest renewal visit; an extended day, week, and year was not apparent in the school’s calendar and the “no excuses school culture” had been replaced by a culture of “high expectations.”

The school’s trustees request that the Board of Regents approve a material revision to the school’s charter to allow the school to decrease its grade span to remove Grade 6 through Grade 8 from its current Grade 6-12 configuration beginning in the 2023-2024 school year.

Approving this revision request will result in a significant educational benefit to the students expected to attend the charter school because fewer grade levels will allow school staff to focus more specifically on the students who are enrolled. The Education Corporations for Brooklyn Laboratory Charter School and the Edmund W. Gordon Brooklyn Laboratory Charter School (EWGB:CS) merged to form the Brooklyn Laboratory Charter School Education Corporation. EWGBLCS submitted a revision request to remove Grades 9–12 from its current Grade 6–12 configuration to then focus on teaching students in Grades 6–

8. Approving the Brooklyn Lab revision request is likely to improve student learning and achievement because of this narrower academic focus.

This revision would allow the school to bring clarity to the unique identity of each school and to provide clearer presentation of school data to the board and other stakeholders.

**Performance Framework Ratings:**

At the time of the June 2022 renewal, the Brooklyn Laboratory Charter School was rated on each of the 10 NYSED Charter School Performance Framework Benchmarks as follows. These ratings reflect performance over the entire charter term and were considered when making a renewal recommendation, pursuant to the Board of Regents Renewal Policy. At that time, the Brooklyn Laboratory Charter School was meeting five out of the 10 benchmarks set forth in the NYSED Charter School Performance Framework.

**2019 Charter School Performance Framework Benchmark Ratings<sup>2</sup>  
Brooklyn Laboratory 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.	Approaches
	<b>Benchmark 2: Teaching and Learning:</b> 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
	<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 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	<b>Benchmark 4: Financial Condition:</b> The school is in sound and stable financial condition as evidenced by performance on key financial indicators.	Meets
	<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.	Meets
	<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.	Approaches

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<sup>2</sup> Charter schools authorized or renewed beginning in the 2019-2020 school year and thereafter use the [2019 Charter School Performance Framework](#), and all other charter schools use the [2015 Charter School Performance Framework](#) until renewal. Refer to the appropriate framework for the applicable benchmark standards.

2019 Performance Benchmark		Level
	<b>Benchmark 7: Organizational Capacity:</b> 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.	<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>Approaches</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>Approaches</b>
	<b>Benchmark 10: Legal Compliance:</b> The school complies with applicable laws, regulations, and the provisions of its charter.	<b>Falls Far Below</b>

**Summary of Public Comment**

The required public hearing was held by the New York City Department of Education on May 2, 2023. Fifteen people attended, and three spoke. Three were in favor of the revision and none were opposed. In addition, the CSO received one written public comment in favor of the revision.

### Ivy Hill Preparatory Charter School

In accordance with Education Law, Article 56, the **New York State Education Department recommends that this charter school be permitted to revise its charter to decrease its authorized enrollment from the currently approved 360 students to 265 students.**

<b>Name of Charter School</b>	<b>Ivy Hill Preparatory Charter School</b>
<b>Board Chair</b>	Nancy Olisma
<b>District of Location</b>	NYC CSD 18 <sup>3</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>	None
<b>Facilities</b>	475 East 57 <sup>th</sup> Street, Brooklyn, New York 11203 - Private Space
<b>Mission Statement</b>	“Through high-quality curriculum and instruction, intentional leadership development, and a commitment to excellence in all that we do, Ivy Hill Preparatory Charter School educates Kindergarten through fifth grade scholars to thrive in middle and high school, graduate from the college of their choice, and access lives of promise and opportunity.”
<b>Key Design Elements</b>	<ul style="list-style-type: none"> <li>• “The road to college begins in kindergarten.</li> <li>• Reading is fundamental. Literacy is power.</li> <li>• “Student success requires a data-driven approach and a relentless commitment to results.</li> <li>• Exceptional teaching produces exceptional results.</li> <li>• Intentional character development creates student leaders.</li> <li>• It takes a village to raise a child.”</li> </ul>
<b>Recommended Material Revisions</b>	Decrease school’s authorized enrollment from the currently approved 360 students to 265 students.

**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 1	K - Grade 2	K - Grade 3	K - Grade 4	K - Grade 5
<b>Total Approved Enrollment</b>	120	180	240	300	360

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

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



	<b>Year 1 2023 to 2024</b>
<b>Grade Configuration</b>	K - Grade 5
<b>Total Recommended Enrollment</b>	265

\*The proposed chart was submitted by the Ivy Hill Preparatory 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 revision described above in the **Issue for Decision** section, for the following reasons.

In June 2018, the Board of Regents approved and chartered the Ivy Hill Preparatory Charter School (“Ivy Hill Prep” or “the school”) in NYC CSD 18. The school’s educational program focuses on providing multiple supports to students, including several adults in each classroom, intervention blocks, and incorporation of character development into classroom activities. 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 a material revision to the school’s charter to allow the school to decrease its authorized enrollment from the currently approved 360 students to 265 students.

Approving this revision request will result in a significant educational benefit to the students expected to attend the charter school because staff efforts will be focused on the students enrolled in the school, not on recruitment activities. Approving this revision request is likely to improve student learning and achievement because of this renewed focus on academics.

This revision would allow the school to attain compliance by meeting its overall enrollment targets, reflecting the needs of the community that the school serves and allowing it to create a sustainable, realistic budget.

**Performance Framework Ratings:**

At the time of the April 2022 midterm visit, the Ivy Hill Preparatory Charter School was rated on each of the 10 NYSED Charter School Performance Framework Benchmarks as follows. These ratings reflect performance over the entire charter term will be considered when making a renewal recommendation, pursuant to the Board of Regents Renewal Policy. At that time, the Ivy Hill Preparatory Charter School was meeting six out of the 10 benchmarks set forth in the NYSED Charter School Performance Framework (with the exception of Benchmark 1, which was not able to be rated at that time due to the disruption of the NYS Testing Program).

**2015 Charter School Performance Framework Benchmark Ratings<sup>4</sup>**  
**Ivy Hill Preparatory Charter School**

2015 Performance Benchmark		Level
Educational Success	<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).	<b>Cannot be Rated at this Time</b>
	<b>Benchmark 2: Teaching and Learning:</b> 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 (NYSL) 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.	<b>Meets</b>
	<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.	<b>Meets</b>
Organizational Soundness	<b>Benchmark 4: Financial Condition:</b> The school is in 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>Approaches</b>
	<b>Benchmark 7: Organizational Capacity:</b> 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.	<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.	<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 May 31, 2023. six people attended, and no one spoke. No one was in favor; no one was opposed.

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<sup>4</sup> Charter schools authorized or renewed beginning in the 2019-2020 school year and thereafter use the [2015 Charter School Performance Framework](#) and all other charter schools use the [2015 Charter School Performance Framework](#) until renewal. Refer to the appropriate framework for the applicable benchmark standards.

**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](https://www.nysed.gov/charter-schools/charter-school-regulations-1197) (<https://www.nysed.gov/charter-schools/charter-school-regulations-1197>)). 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.