
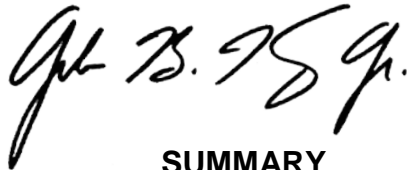




**TO:** P-12 Education Committee  
**FROM:** Ken Slentz   
**SUBJECT:** Charter School Renewal Policy and Performance Framework for Charter Schools Authorized by the Board of Regents

**DATE:** October 25, 2012

**AUTHORIZATION(S):**

  
**SUMMARY**

**Issue for Decision**

Should the Board of Regents approve the Charter School Renewal Policy and direct staff to finalize a Performance Framework to guide the performance oversight of charter schools authorized by the Board of Regents?

**Reason(s) for Consideration**

Review of Policy

**Proposed Handling**

This issue will come before the P-12 Education Committee for approval at the November 2012 meeting.

**Procedural History**

At the October 2012 meeting of the P-12 Education Committee, the Regents discussed an update on the Charter School Office that included a description of the work underway to finalize a Charter School Renewal Policy and Performance Framework.

**Background Information**

The October 2012 Charter School Office Update to the Board of Regents included a discussion about the development of the Regents Charter School Renewal

Policy and the Performance Framework that will guide the work of the Charter School Office concerning the performance oversight of the charter schools authorized by the Board of Regents. That work has been completed and the Regents Charter School Renewal Policy (attached) is now before the Regents for approval. The Performance Framework, which outlines the performance benchmarks by which charter schools will be evaluated when they apply for renewal, will be revised and updated as necessary as additional data becomes available and to reflect changes in state education policies. The draft Performance Framework (attached) is before the Regents now for discussion and endorsement and will also be shared with the field for response and feedback.

These documents serve multiple purposes; first, the Charter School Renewal Policy provides the field with a concise policy statement from the Regents concerning the approval of applications for charter renewals for charter schools that the Regents directly authorize. It provides a clear and transparent picture of the priorities that will be considered by the Department and the Regents when reviewing and evaluating a charter school renewal application, an outline of the renewal process and a description of the possible renewal outcomes. The Performance Framework provides an outline of the quality benchmarks for charter schools that will be evaluated during the renewal process. As is made clear throughout both documents, while the Department and the Regents will consider all of the benchmarks in the Performance Framework when making recommendations and decisions concerning charter renewal applications, the school's record of student academic performance is of paramount importance.

Taken together, these two documents provide a roadmap for the renewal process for charter schools authorized by the Regents and ensure that all interested and impacted parties are informed at the outset of the process of the benchmarks by which a renewal application will be judged and the policy underpinnings of charter renewal decisions. In addition, these two documents provide the federal government with the necessary assurance that, as required by the terms of the Department's \$113 million federal Charter Schools Program (CSP) multi-year grant, improvement in student academic achievement is the most important factor that will be considered by the Regents when determining whether to renew or revoke a school's charter.

When developing these documents, Department staff adhered to several guiding principles which are outlined in the Performance Framework and which were included in the October 2012 Charter School Office Update item to the Regents. Three of those guiding principles bear repeating here as they guide all of the work of the Department on behalf of the Regents as charter school authorizers. First, the focus is on STUDENT performance. Second, the autonomy given to charter schools through the Charter School Act (Article 56 of the Education Law) concerning the means by which they achieve the desired results of student and operational performance must be preserved. And third, at all times, performance oversight and benchmarks are balanced with the discretion that the Regents have to consider many qualitative and quantitative factors when making the ultimate decisions concerning charter school applications.

## **Recommendation**

VOTED, that the Board of Regents approves the Charter School Renewal Policy and endorses the Charter School Performance Framework as described in this item, and directs staff to revise and update the Performance Framework, in consultation with the field, as necessary, consistent with the Charter School Renewal Policy and the guiding principles outlined in the Performance Framework.

Attachments

**New York State Board of Regents  
New York State Education Department  
Charter School Renewal Policy**

*Draft Presented for Approval at the November 5, 2012, Meeting of the Board of Regents*

**Introduction**

In New York State, pursuant to the New York Charter Schools Act of 1998 (Education Law Article 56, as amended, the “Act”), the Board of Regents (the “Regents”) has a general oversight role for all charter schools in the State. The New York State Education Department (the “Department”) serves as staff to the Regents to conduct oversight activities on behalf of and to make recommendations to the Regents. This document, outlines policy, processes and criteria for charter renewal.

**Background and Legal Requirements**

The New York Charter Schools Act provides increased autonomy to the boards of trustees of charter schools (“board” or “boards”) to operate charter schools in return for increased accountability. Charter renewal is not automatic. When the Regents approve an initial charter school application, the school’s board of trustees is incorporated as an educational corporation and receives a provisional charter (certificate of incorporation), which permits the board to operate a public charter school in New York State for a period of up to five years—the initial charter term. In the year prior to the expiration of the initial charter term, the board may apply for renewal of the initial charter for an additional term of up to five years. Subsequent renewals also require a renewal application prior to the expiration of the charter term in order for schools to be eligible for renewal.

While the Act provides grounds for the Regents to revoke a school’s charter at any time during the charter period, the specific grounds for revocation<sup>1</sup> are such that the renewal analysis process is the primary point at which the school’s educational success is summatively assessed and a decision about whether to allow the school to continue to operate is made.

- (a) Similar to the requirement for approval of an initial charter application, the Regents are precluded from approving a charter renewal application unless the Regents make the findings required in §2852(2) of the Act.<sup>2</sup> Among other things, the Regents must make findings that the charter school

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<sup>1</sup> Education Law §2855(1) states that the board of regents may terminate a charter upon any of the following grounds:

- (a) When a charter school’s outcome on student assessment measures adopted by the board of regents falls below the level that would allow the commissioner to revoke the registration of another public school, and student achievement on such measures has not shown improvement over the preceding three school years;
- (b) Serious violations of law;
- (c) Material and substantial violation of the charter, including fiscal mismanagement;
- (d) When the public employment relations board makes a determination that the charter school demonstrates a practice and pattern of egregious and intentional violations of subdivision one of section two hundred nine-a of the civil service law involving interference with or discrimination against employee rights under article fourteen of the civil service law; or
- (e) Repeated failure to comply with the requirement to meet or exceed enrollment and retention targets of students with disabilities, English language learners, and students who are eligible applicants for the free and reduced price lunch program pursuant to targets established by the board of regents or the board of trustees of the state university of New York, as applicable. Provided, however, if no grounds for terminating a charter are established pursuant to this section other than pursuant to this paragraph, and the charter school demonstrates that it has made extensive efforts to recruit and retain such students, including outreach to parents and families in the surrounding communities, widely publicizing the lottery for such school, and efforts to academically support such students in such charter school, then the charter entity or board of regents may retain such charter.

<sup>2</sup> Education Law §2852(2) outlines the required findings that must be made to approve a charter application:

has demonstrated the ability to operate the school in an educationally and fiscally sound manner and that granting the renewal application is likely to improve student learning and achievement and materially further the purposes of the Act. The Act includes several specific requirements for an initial application to establish a new charter school; however, there are only a few specific requirements prescribed in the Act for a charter school renewal application.<sup>3</sup>

The Regents renewal application guidelines describe the information required by the Regents to be included in a charter renewal application.<sup>4</sup> This information in the application, together with the analysis of additional quantitative and qualitative data, provides the basis upon which the Department makes a renewal recommendation to the Regents and upon which the Regents determine if they can make the findings required by the Act to approve the renewal application.

### **Renewal Process and Criteria**

Every charter school authorized by the Regents undergoes a rigorous renewal process during the final year of its charter term to determine whether or not the school should continue to operate. The renewal process is triggered when a school submits a renewal application, and includes a renewal site visit, and an analysis of all evidence related to the charter school over the course of the school's charter term (the "charter record"); including quantitative and qualitative evidence collected through the Department's charter school performance oversight process. Additionally, the Department will analyze the school's plans for the next term outlined in the renewal application (if the school's charter were to be renewed) to determine the extent to which the plans are reasonable, feasible and achievable.

The analysis of a charter school's renewal application within the context of the findings required in Education Law §2852(2) is framed by the performance benchmarks outlined in the Regents' and Department's Charter School Performance Framework (the "Framework"). The Framework is part of the Oversight Plan for each school and includes specific benchmarks and measures that each school agrees to meet in order to earn renewal of its charter. The Framework outlines ten (10) performance benchmarks in three key areas:

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- (a) the charter school described in the application meets the requirements set out in [the Act] and all other applicable laws, rules and regulations;
  - (b) the education corporation can demonstrate the ability to operate the school in an educationally and fiscally sound manner;
  - (c) granting the application is likely to improve student learning and achievement and materially further the purposes set out in [Education Law § 2850(2)]; 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) granting the application would have a significant educational benefit to the students expected to attend the proposed charter school or (ii) the school district in which the charter school will be located consents to such application, however the decision to renew a charter is left to the sound discretion of the Board of Regents.

<sup>3</sup> Education Law §2851(4) outlines the specific requirements in a charter school renewal application:

- (a) a report of the progress of the charter school in achieving the educational objectives set forth in the charter;
- (b) a detailed financial statement that discloses the cost of administration, instruction, and other spending categories for the charter school that will allow a comparison of such costs to other schools, both public and private;
- (c) copies of each of the annual reports of the charter school, including the charter school report cards and the certified financial statements;
- (d) indications of parent and student satisfaction; and
- (e) the means by which the charter school will meet or exceed the enrollment and retention targets prescribed by the board of regents, of students with disabilities, English language learners and students who are eligible applicants for the federal Free and Reduced Price Lunch program, which shall be considered by the Board of Regents prior to approving a renewal application.

<sup>4</sup> See <http://www.p12.nysed.gov/psc/OversightPlan.html>.

- **Educational Success**, including student performance; teaching and learning; and the school’s culture, climate and family engagement;
- **Organizational Soundness**, including financial condition; financial management; board oversight and governance; and organizational capacity, and
- **Faithfulness to the Charter and Law**, including alignment to the mission and key design elements of the charter; enrollment, recruitment, and retention; and legal compliance.

Though the Department, in developing recommendations for the Regents, and the Regents, in reviewing such recommendations, will comprehensively analyze and weigh evidence in all areas of school performance when considering a charter school’s application for renewal, student academic achievement is of paramount importance.<sup>5</sup> In particular, the Department will “*use increases in student academic achievement for all groups of students described in Section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school’s charter.*”<sup>6</sup> The Department incorporated multiple measures that reflect this priority into the Framework’s Benchmark 1: Student Performance.

The Department, in formulating renewal recommendations, and Regents, in making renewal decisions, will also carefully consider the following factors:

- **Context and trends.** Because each standard in the Framework is not weighted equally, and because the school’s overall trend of performance and stage of development is considered, the Department will not utilize a formal point system to formulate a renewal recommendation. Failure to meet every indicator of every performance benchmark will not necessarily result in a non-renewal recommendation by the Department in all cases. The Framework sets the quality bar for a high performing charter school, but the Department expects that all high performing schools will be in a continual process of reflection and improvement.
- **Subsequent renewals.** As previously stated, for all renewal decisions, the most important factor when determining a renewal outcome is student performance. However, the Regents and Department understand that the context of evaluation for a first renewal may be substantively different than for any subsequent renewals. In subsequent renewal reviews, the Regents and Department will place an even greater emphasis on student performance, 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. This approach is also consistent with moving from a compliance-based to a performance-based system of institutional accountability.
- **Protecting the interests of families and the public.** At all times, the Regents will act to protect the interests of families and the public, which may include nonrenewal or revocation of a charter in situations that may involve criminal violations, fraud, an unsafe environment, organizational instability or other issue that is particularly serious or egregious.

Finally, it should be noted again that, though the Framework clearly outlines the performance benchmarks that charter schools are expected to meet, Department renewal recommendations and Regents’ renewal decisions are not dictated by a formula or point system. The Regents will make a charter renewal decision based on the totality of evidence presented by the charter school, and the Regents have the discretion to consider many relevant qualitative and quantitative factors when making these decisions.

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<sup>5</sup> In particular, Education Law §2852(5-a) provides for Regents’ review and approval of proposed charters submitted by other charter entities. To secure Regents approval, the Regents and the Department require that all other authorizers adhere to renewal policy and processes that are comparable in rigor to that of the Regents and similarly emphasize increases in student academic achievement for all student groups.

<sup>6</sup> This is a required program assurance of the Department’s \$113 million 2011-2016 federal Charter Schools Program grant (PR/Award #U282A110005), awarded to the Department in July 2011 to support the expansion of high-quality public charter schools and disseminate the best practices of existing charter schools.

## Renewal Outcomes

The following renewal outcomes are possible.

- **Full-Term Renewal:** A school’s charter may be renewed for the maximum term of five years<sup>7</sup>. In order for a school to be eligible for a full-term renewal, during the current charter term, the school must have compiled a strong and compelling record of meeting or exceeding Benchmark 1, 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. As discussed above, 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. Therefore, in general, the option for a short-term renewal will be available only to schools applying for their first renewal, and the past practice of granting multiple short-term renewals to charter schools that have not been academically successfully will no longer be continued. 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.
- **Non-Renewal:** A school’s charter will not be renewed if the school does not apply for renewal or the school fails to meet the benchmark for either full-term or short-term renewal. In the case of non-renewal, a school’s charter will be terminated upon its expiration and the school will be required to comply with the Department’s Closing Procedures<sup>8</sup> to ensure an orderly closure by the end of the school year.

**Please Note:** The Regents may include additional terms, conditions, and/or requirements in a school’s Full-Term or Short-Term Renewal charter to address specific situations or areas of concern. For example, a school may meet the standards for full-term renewal or short-term renewal with regard to its educational success, but may be required to address organizational deficiencies that need to be corrected but do not prevent the Regents from making the required renewal legal findings. A school may also meet the standards for full-term renewal or short-term renewal of only a portion of its educational program (e.g., for the elementary school program, but not the middle school program). Such additional terms and/or requirements may include, but are not limited to, restrictions on the number of students and grades to be served by the school, additional student performance metrics, heightened reporting requirements, or specific corrective action.

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<sup>7</sup> The Department is in the process of “right-sizing” all charter terms so that they conclude at the end of a school year (June 30). Schools with expiration dates in the middle of the school year that are granted a Full Renewal will begin the new term the same year it expires plus four additional years, thus technically have a four year and several months term as the Full Renewal.

<sup>8</sup> See <http://www.p12.nysed.gov/psc/documents/nysed-charter-school-closing-procedures.pdf>

**New York State Board of Regents  
New York State Education Department  
Charter School Performance Framework  
Version 1.0<sup>1</sup> – Draft for Discussion – October 23, 2012**

**Overview**

In June of 2010, the New York State Board of Regents (the “Regents”), and the New York State Education Department (the “Department”) embarked on a new approach to charter school authorizing, aligning the Regent’s and Department’s work with the best practices of the highest quality authorizers nationally.<sup>2</sup> A key component of this new approach is the Performance Framework (the “Framework”) for charter schools authorized by the Regents, which outlines the quality benchmarks for charter schools that represent the high-level of performance necessary to earn charter renewal.

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

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

The Regents and the Department evaluate these areas of charter school performance by quantitative and/or qualitative data and evidence, compiled over the course of the school’s charter term. Though each performance benchmark is important, the Regents and the Department will consider *increases in student academic achievement for all groups of students described in Section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school’s charter.*<sup>3</sup> Measures reflecting this priority are incorporated into Benchmark 1: Student Performance.

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

**Guiding Principles of the Framework**

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

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<sup>1</sup> Please note, this Performance Framework may be revised and updated from time to time as data availability and overall state educational policy changes.

<sup>2</sup> See <http://www.regents.nysed.gov/meetings/2010Meetings/June2010/0610emscd1.htm>.

<sup>3</sup> This is a required program assurance of the Department’s \$113 million 2011-2016 federal Charter Schools Program grant (PR/Award #U282A110005), awarded to the Department in July 2011 to support the expansion of high-quality public charter schools and disseminate the best practices of existing charter schools.



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

**Using the Performance Framework during the Charter Term**

Charter schools are encouraged to refer to the Framework on a continuing basis to inform planning and as a means of self-assessing the overall health and viability of their school throughout its charter term. In particular, Benchmarks 2 and 3 are directly aligned with New York’s Diagnostic Tool for School and District Effectiveness, a research-based tool that will be used to assess effectiveness in district public schools that can also be used by charter schools for self-assessment purposes. The Department anticipates providing annual feedback to schools on Benchmarks 1, 4, and 9 using data submitted by schools, and formative feedback to schools on other benchmarks through the charter school performance oversight process, including site visits as outlined in the Department’s Monitoring Plan.<sup>4</sup>

**Using the Performance Framework for Charter Renewal Decision-Making**

Every charter school authorized by the Regents undergoes a rigorous renewal process during the final year of its charter term to determine whether or not the school should continue to operate. The renewal process is triggered when a school submits a renewal application, and includes a renewal site visit, and an analysis of all evidence related to the charter school over the course of the school’s charter term (the “charter record”); including quantitative and qualitative evidence collected through the Department’s charter school performance oversight process. The Framework provides the performance benchmarks and lens of inquiry for the renewal site visit and for subsequent Department analysis, which leads to a recommendation regarding charter renewal to the Regents. The Department’s recommendation to the Regents will be based on the guidelines outlined in the *Regents’ Charter School Renewal Policy*<sup>5</sup>, summarize key findings, and include an assessment of whether the charter school exceeds, meets, approaches, or falls far below each performance benchmark (see scale below).

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

<sup>4</sup> See the Monitoring Plan located at <http://www.p12.nysed.gov/psc/documents/NYSEDMonitoringPlanSeptember2011.pdf> for more details about the ongoing performance oversight process.

<sup>5</sup> Presented to the New York State Board of Regents at their November 5, 2012 meeting.

**New York State Education Department  
Charter School Performance Framework v.1.0**

<b>Performance Benchmark</b>		<b>Level</b>
<b>Educational Success</b>	<b>Benchmark 1: Student Performance:</b> The school has met or come close to meeting student achievement goals for academic growth, proficiency, and college and career readiness on state standards and achievement goals outlined in the school’s charter.	
	<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 Common Core Learning Standards (CCLS) for all students. Teachers engage in strategic practices and decision-making in order to address the gap between what students know and need to learn so that all students experience consistent high levels of engagement, thinking and achievement.	
	<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>Organizational Soundness</b>	<b>Benchmark 4: Financial Condition:</b> The school is in sound and stable financial condition as evidenced by performance on key financial indicators.	
	<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>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>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>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>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>Benchmark 10: Legal Compliance:</b> The school complies with applicable laws, regulations, and the provisions of its charter.	

## Benchmark 1: Student Performance

The school has met or come close to meeting student achievement indicators for academic growth, proficiency, and college and career readiness on state standards and achievement goals outlined in the school's charter.

### Important Notes:

- The period of evaluation for the indicators and measures presented below spans from the beginning of the charter term through the end of the penultimate year of the charter term. For example, if a school's charter term runs from July 1, 2012, through June 30, 2017, the data under consideration will be results available through the end of the 2015-2016 school year (including August Regents testing in August 2016, if available). For renewal terms, the last year of the prior charter term will be considered as a baseline for the next renewal term.
- All growth and achievement goals are based on New York State assessments (elementary and middle school) or Regents examinations (high school) for all tested subjects at all grade levels and all accountability subgroups unless otherwise indicated. For logistical and data integrity reasons, the Department will rely primarily on these measures based on state assessments to evaluate performance on this benchmark.
- In the event that a school believes that the performance rating assigned for this benchmark is not fully representative of student performance at the school, the Department may consider requests to review additional valid and reliable data demonstrating the progress the school has made in meeting this benchmark, and will review such evidence on a case-by-case-basis. The most compelling cases will focus primarily on a strong body of evidence that points to consistent performance improvements over the charter term. In addition, while the Department will consider other assessment data as supplementary evidence for a school's performance, it will not supplant state assessment results with other assessment results.
- Schools are free to articulate additional student performance measures using state or other assessment instruments that align with their charter, with the approval of the Department.
- The indicators and measures presented below are based on state assessments, metrics, and accountability requirements currently in use or planned. The Department reserves the right to revise these measures in order to accommodate changes in state assessments, metrics, or accountability requirements, including any new U.S. Department of Education requirements that may be enacted during the charter term. All such changes will be made in consultation with the charter school.

#	Indicator	Measure	Meets Level
<b>1. Student Progress Over Time (Growth)</b>			
1a.	Aggregate growth	Unadjusted Mean Growth Percentile (MGP) for all students on NYS assessments.	State Average
1b.	Subgroup growth	Unadjusted Mean Growth Percentile (MGP) for all accountability subgroups.	State Average
1c.	Performance Index: Aggregate growth to proficiency	Performance Index (which accounts for the number of students who are proficient or those making growth sufficient to achieve proficiency within 3 years or by Grade 8).	Effective Annual Measurable Objective Target
1d.	Performance Index: Subgroup growth to proficiency	Performance Index (which accounts for the number of students who are proficient or those making growth sufficient to achieve proficiency within 3 years or by Grade 8).	Effective Annual Measurable Objective Target
1e.	NYC only	Progress Report Grade for Student Growth.	B

#	Indicator	Measure	Meets Level
<b>2. Student Achievement (Attainment)</b>			
2a.	Aggregate Proficiency	% of students proficient on 3-8 state assessments for all students	State Average
2b.	Subgroup Proficiency	% of students proficient on 3-8 state assessments for all accountable subgroups	State Average
2c.	Similar Schools Comparison	Effect Size in Comparative Regression Analysis controlling for prior academic performance (when possible) and student characteristics	Statistically significant positive effect size
2d.	District Comparison	% of students proficient on 3-8 state assessments	Exceeds the district average
2e.	Subgroup Comparison	% of students proficient on 3-8 state assessments	Exceeds the state average
2f.	NYC only	Progress Report Grade for Student Attainment	B
<b>3. State and Federal Accountability System</b>			
3.	State Accountability Designation	Reward, Good Standing, Local Assistance Plan, Focus or Priority School Status	Good Standing
<b>4. College and Career Readiness – Growth and Attainment (for High Schools)</b>			
4a.	Aggregate 4- and 5-year graduation rate	4-year and 5-year graduation rate for all students	State Average
4b.	Subgroup 4- and 5-year graduation rate	4-year and 5-year graduation rate for all accountable subgroups	State Average
4c.	Performance Index	Performance Index (which will account for the number of students who have reached the college/career ready standard on Regents exams within 4 years of their first entry into ninth grade)	Effective Annual Measurable Objective Target
4d.	Other indicators/measures of growth and attainment related to college and career readiness based on Regents exams and graduation rates under development <sup>6</sup>		Statistically significant positive effect size
4e.	NYC only	Progress Report Grades for Student Growth and Attainment	B
<b>5. Charter-Specific Student Performance Goals</b>			
a.	TBD by Charter School	Examples may include specific language proficiency levels or achievement on portfolio assessment instruments aligned with the school's charter and mission.	TBD
b.	TBD by Charter School		TBD

<sup>6</sup> These following measures are still currently under development but may include: Growth in Regents Exams Passed (# of Regents tests students pass compared to similar students in other schools), On-track to Pass Regents Exams (% of students on track to complete the five Regents Exams required for graduation compared to other schools with similar students), Regents Score Value-Added (Performance on exams taken compared to similar students—English and Algebra—controlled for 8th grade achievement), and Weighted Graduation Rate (Graduation rate weighted for diploma type compared to similar students: 4-year rate and also 5- and/or 6-year rate).

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

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

1. School leaders use (or facilitate the use of) data to examine and improve teachers' instructional practice.
2. School leaders make strategic decisions regarding human, programmatic, and fiscal resources.
3. School leaders provide consistent and systematic support to all teachers across grades and subjects aligned to rigorous and coherent CCLS curricula.
4. The school uses cohesive and comprehensive curricula that include clear, descriptive units of study aligned to standards and consider what students need to know across all grades.
5. Teachers have and use unit and lesson plans that introduce complex materials, stimulate higher order thinking and build deep conceptual understanding and knowledge around specific content.
6. The school has mechanisms that provide for teacher collaboration around lesson planning, discussing students' needs, and improving instructional strategies.
7. Teachers use data (e.g., formative and summative assessments) to identify patterns of student learning that leads to the adaptation of instruction.
8. Teachers use instructional practices and strategies to meet established student goals and promote high levels of student engagement and inquiry.
9. Teachers provide students with a wide variety of ways to engage in learning that enable students to achieve individual goals.
10. The school creates a safe environment that is tailored to the strengths and needs of all students and leads to high levels of student engagement and inquiry.
11. The school uses a variety of data sources including screening, interim measures and progress monitoring, to inform lesson planning, develop explicit teacher plans, and foster student participation.

### **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.

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

1. The school has a clear approach to behavioral management, including a written discipline policy.
2. School leaders can clearly articulate the social-emotional needs and challenges of the students that attend the school.
3. School leaders collect and use data to track the socio-emotional needs of students and the progress that the school is making in addressing students' needs.
4. The school has specific programs in place for students, and professional development for adults, that directly support students' social and emotional health.
5. All school constituents are able to articulate how the school community is safe, conducive to learning, and fosters a sense of ownership that leads to greater student outcomes.
6. School leaders have coordinated with, and linked the school, families and students with, community organizations and health providers.
7. Parents and community members feel welcome at the school and engage with teachers and school leaders on a regular basis.
8. Teachers communicate with parents to discuss students' strengths and needs.
9. The school communicates with parents regarding community resources and opportunities.
10. The school shares school-level data with the broader school community to promote transparency and accountability between parents, students and school constituents centered on student learning and success.
11. The school has, and is using, strategies (e.g., surveys, feedback sessions, community forums, participation logs) to assess family and student satisfaction with the schools' academics, leadership and management, responsiveness to parent and student concerns, and school culture.
12. The school uses a variety of approaches to solicit input from families and students on how to continue to improve the school.
13. The school has a systematic process for responding to parent or community concerns.

**Benchmark 4: Fiscal Condition**

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

Important Notes:

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

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

**Benchmark 5: Financial Management**

The school operates in a fiscally sound manner with realistic budgets pursuant to a long-range financial plan, appropriate internal controls and procedures, and in accordance with state law and generally accepted accounting practices

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

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

**Benchmark 6: Board Oversight and Governance**

The board of trustees provides competent stewardship and oversight of the school while maintaining policies, establishing performance goals, and implementing systems to ensure academic success, organizational viability, board effectiveness and faithfulness to the terms of its charter.

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

1. The board recruits and selects board members with skills and expertise that meet the needs of the school.
2. The board engages in strategic and continuous improvement planning by setting priorities and goals that are aligned with the school's mission, vision, and educational philosophy.
3. The board demonstrates active oversight of the charter school management, fiscal operations and progress towards meeting academic and other school goals.
4. The board regularly updates school policies to ensure compliance with applicable laws, and monitors the school's alignment to its mission, and other terms of the charter.
5. The board utilizes a performance-based evaluation process for evaluating school leadership, itself and providers.
6. The board has a process for, and engages in, regular communication with the school community.
7. The board demonstrates full awareness of its legal obligations to the school and stakeholders.

**Benchmark 7: Organizational Capacity**

The school has established a well-functioning organizational structure, clearly delineated roles for staff, management, and board members. The school has systems and protocols that allow for the successful implementation, evaluation, and improvement of its academic program and operations.

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

1. The school has clearly defined roles and responsibilities for leaders, staff, management and board members. Members of the school community adhere to defined roles and responsibilities, reflecting a culture of shared accountability.
2. The school has communication processes among all members of the school community that (a) ensures the sharing of important information and (b) encourages the sharing of information that can contribute to the improvement of the school.
3. The school is fully staffed with high quality personnel to meet all educational and operational needs, including the finance, human resources, and communication needs of the school.
4. The school ensures that mechanisms are in place to monitor and maintain organizational and instructional quality, and that staff have the requisite skills, expertise and professional development needed to meet school needs.



**Benchmark 8: Mission and Key Design Elements**

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

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

1. School stakeholders share a common and consistent understanding of the school’s mission and key design elements outlined in the charter.
2. The school has fully implemented the key design elements in the approved charter.
3. The school’s approach to instruction, classroom management, leadership, and parent involvement is consistent with the school’s mission and key design elements.

**Benchmark 9: Enrollment, Recruitment, and Retention**

The school is meeting or making annual progress toward meeting the enrollment plan outlined in its charter and its enrollment and retention targets for students with disabilities, English language learners, and students who are eligible applicants for the free and reduced priced lunch program; or has demonstrated that it has made extensive good faith efforts to attract, recruit, and retain such students.

Important Notes:

- The methodology for setting the enrollment and retention targets required by the 2010 amendments to the Charter Schools Act (Education Law §2851(4)(e) and §2852(9-b)) was approved the Board of Regents at their July 2012 meeting (see <http://www.regents.nysed.gov/meetings/2012Meetings/July2012/712brca11.pdf>). The Department will use this methodology to set targets in each category for each charter school to which the targets apply.
- The Department will revise this Performance Framework to include additional policy considerations in determining whether or not a charter school has met these enrollment and retention targets as they are developed.

<b>1. Enrollment Targets</b>	
1a.	Free and Reduced Price Lunch (FRPL) Enrollment Target
1b.	English Language Learner (ELL) Enrollment Target
1c.	Students with Disabilities (SWD) Enrollment Target
<b>2. Retention Targets</b>	
2a.	Free and Reduced Price Lunch (FRPL) Retention Target
2b.	English Language Learner (ELL) Retention Target
2c.	Students with Disabilities (SWD) Retention Target

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

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

*If the enrollment and retention targets are not met:*

1. The school has implemented recruitment strategies to attract, and program services to retain students with disabilities, English language learners, and students who are eligible applicants for the free and reduced priced lunch, including outreach to parents and families in the surrounding communities, widely publicizing the lottery for such school, and efforts to academically support these students.
2. The school has implemented a systematic process for evaluating recruitment and outreach strategies and program services for each of the three categories of students, and makes strategic improvements as needed.

**Benchmark 10: Legal Compliance**

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

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

1. The school has compiled a record of substantial compliance with applicable state and federal laws and the provisions of its charter including, but not limited to those related to student admissions and enrollment, FOIL and Open Meetings Law, protecting the rights of students and employees, financial management and oversight, governance and reporting, and health and safety requirements.
2. The school has undertaken appropriate corrective action where needed and implemented necessary safeguards to maintain compliance with all legal requirements.

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