U.S. Department of Education
Washington, D.C. 20202-5335

APPLICATION FOR GRANTS UNDER THE

84.282A CSP Grants to State Entities

CFDA # 84.282A

PR/Award # U282A180009

Gramts.gov Tracking#: GRANT12615754

OMB No. , Expiration Date:

Closing Date: Apr 20, 2018

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This application was generated using the PDF functionality. The PDF functionality automatically numbers the pages in this application. Some pages/sections of this application may contain 2 sets of page numbers, one set created by the applicant and the other set created by e-Application's PDF functionality. Page numbers created by the e-Application PDF functionality will be preceded by the letter e (for example, e1, e2, e3, etc.).

There were problems converting one or more of the attachments. These are: 1241-NYS CSP Appendix F.pdf, 1237-NYS CSP Appendix B.pdf, 1243-NYS CSP GEPA427.pdf, 1242-CSP 18-23 Budget Narrative.pdf, 1240-NYS CSP Appendix E.pdf, 1239-NYS CSP Appendix D.pdf, 1234-NYS CSP Grant Abstract.pdf, 1238-NYS CSP Appendix C.pdf

Application for Federal Assistance SF-424

* 1. Type of Submission:
- [ ] Preapplication
- [x] Application
- [ ] Changed/Corrected Application

* 2. Type of Application:
- [x] New
- [ ] Continuation
- [ ] Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received: 04/19/2018

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name: New York State Education Department

* b. Employer/Taxpayer Identification Number (EIN/TIN): 146013200

* c. Organizational DUNS: 8067821730000

d. Address:

* Street1: 89 Washington Avenue
Street2:
* City: Albany
County/Parish:
* State: NY: New York
Province:
* Country: USA: UNITED STATES
* Zip / Postal Code: 122341000

e. Organizational Unit:

Department Name:

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Mr.
* First Name: David
Middle Name:
* Last Name: Frank
Suffix:

Title: Executive Director

Organizational Affiliation:

* Telephone Number: (518)474-1762
Fax Number:

* Email: david.frank@nysed.gov

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Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Department of Education

11. Catalog of Federal Domestic Assistance Number:

84.282

CFDA Title:

Charter Schools

*** 12. Funding Opportunity Number:**

ED-GRANTS-030918-001

* Title:

Office of Innovation and Improvement (OII): Charter Schools Program (CSP): Grants to State Entities CFDA Number 84.282A

13. Competition Identification Number:

84282A2018-1

Title:

Charter Schools Program Grants to State Entities

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment | Delete Attachment | View Attachment

*** 15. Descriptive Title of Applicant's Project:**

New York State Application for CSP Grants to State Entities 2018-2023

Attach supporting documents as specified in agency instructions.

Add Attachments | Delete Attachments | View Attachments

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Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant NY-All

* b. Program/Project NY-All

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment | Delete Attachment | View Attachment

17. Proposed Project:

* a. Start Date: 10/01/2018

* b. End Date: 09/30/2023

18. Estimated Funding ($):

* a. Federal	19,106,905.00
* b. Applicant	0.00
* c. State	0.00
* d. Local	0.00
* e. Other	0.00
* f. Program Income	0.00
* g. TOTAL	19,106,905.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .

☒ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☐ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment | Delete Attachment | View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix:

* First Name: Elizabeth

Middle Name: R.

* Last Name: Berlin

Suffix:

* Title: Executive Deputy Commissioner

* Telephone Number: (518) 473-8381

Fax Number:

* Email: beth.berlin@nysed.gov

* Signature of Authorized Representative: Mary Drzonsc

* Date Signed: 04/19/2018

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U.S. DEPARTMENT OF EDUCATION
BUDGET INFORMATION
NON-CONSTRUCTION PROGRAMS

OMB Number: 1894-0008
Expiration Date: 08/31/2020

Name of Institution/Organization

New York State Education Department

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel	119,068.00	268,596.00	279,340.00	290,514.00	302,135.00	1,259,653.00
2. Fringe Benefits	71,405.00	161,077.00	167,520.00	174,221.00	181,190.00	755,413.00
3. Travel	10,000.00	20,000.00	20,000.00	20,000.00	20,000.00	90,000.00
4. Equipment	0.00	0.00	0.00	0.00	0.00	0.00
5. Supplies	20,000.00	10,000.00	10,000.00	10,000.00	10,000.00	60,000.00
6. Contractual	115,000.00	1,860,000.00	1,865,000.00	1,875,000.00	1,887,000.00	7,602,000.00
7. Construction	0.00	0.00	0.00	0.00	0.00	0.00
8. Other	18,750,000.00	18,750,000.00	20,650,000.00	20,650,000.00	11,200,000.00	90,000,000.00
9. Total Direct Costs (lines 1-8)	19,085,473.00	21,069,673.00	22,991,860.00	23,019,735.00	13,600,325.00	99,767,066.00
10. Indirect Costs*	21,432.00	48,347.00	50,281.00	52,293.00	54,384.00	226,737.00
11. Training Stipends						
12. Total Costs (lines 9-11)	19,106,905.00	21,118,020.00	23,042,141.00	23,072,028.00	13,654,709.00	99,993,803.00

Indirect Cost Information *(To Be Completed by Your Business Office):

If you are requesting reimbursement for indirect costs on line 10, please answer the following questions:

(1) Do you have an Indirect Cost Rate Agreement approved by the Federal government? ☒ Yes ☐ No

(2) If yes, please provide the following information:

Period Covered by the Indirect Cost Rate Agreement: From: 04/01/2017 To: 03/31/2018 (mm/dd/yyyy)

Approving Federal agency: ☒ ED ☐ Other (please specify):

The Indirect Cost Rate is 24.00 %.

(3) If this is your first Federal grant, and you do not have an approved indirect cost rate agreement, are not a State, Local government or Indian Tribe, and are not funded under a training rate program or a restricted rate program, do you want to use the de minimis rate of 10% of MTDC? ☐ Yes ☐ No If yes, you must comply with the requirements of 2 CFR § 200.414(f).

(4) If you do not have an approved indirect cost rate agreement, do you want to use the temporary rate of 10% of budgeted salaries and wages?

☐ Yes ☐ No If yes, you must submit a proposed indirect cost rate agreement within 90 days after the date your grant is awarded, as required by 34 CFR § 75.560.

(5) For Restricted Rate Programs (check one) -- Are you using a restricted indirect cost rate that:

☒ Is included in your approved Indirect Cost Rate Agreement? Or, ☐ Complies with 34 CFR 76.564(c)(2)? The Restricted Indirect Cost Rate is 18.00 %.

PR/Award # U282A180009

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.	
New York State Education Department		

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - BUDGET NARRATIVE (see instructions)

ED 524

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ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C.§§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U. S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
Mary Drzonsc	Executive Deputy Commissioner
APPLICANT ORGANIZATION	DATE SUBMITTED
New York State Education Department	04/19/2018

Standard Form 424B (Rev. 7-97) Back

Tracking Number:GRANT12615754 Funding Opportunity Number:ED-GRANTS-030918-001 Received Date:Apr 19, 2018 03:47:20 PM EDT

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C.1352

Approved by OMB
4040-0013

1. * Type of Federal Action:
- [ ] a. contract
- [x] b. grant
- [ ] c. cooperative agreement
- [ ] d. loan
- [ ] e. loan guarantee
- [ ] f. loan insurance

2. * Status of Federal Action:
- [ ] a. bid/offer/application
- [x] b. initial award
- [ ] c. post-award

3. * Report Type:
- [x] a. initial filing
- [ ] b. material change

4. Name and Address of Reporting Entity:

[x] Prime [ ] SubAwardee

** Name* New York State Education Department

** Street 1* 89 Washington Avenue *Street 2*

** City* Albany *State* NY: New York *Zip* 12234

Congressional District, if known:

5. If Reporting Entity in No.4 is Subawardee, Enter Name and Address of Prime:

6. * Federal Department/Agency:
United States Department of Education

7. * Federal Program Name/Description:
Charter Schools

CFDA Number, *if applicable:* 84.282

8. Federal Action Number, *if known:*

9. Award Amount, *if known:*
$

10. a. Name and Address of Lobbying Registrant:

Prefix ** First Name* N/A *Middle Name*

** Last Name* N/A *Suffix*

** Street 1* *Street 2*

** City* *State* *Zip*

b. Individual Performing Services (including address if different from No. 10a)

Prefix ** First Name* N/A *Middle Name*

** Last Name* N/A *Suffix*

** Street 1* *Street 2*

** City* *State* *Zip*

11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when the transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

*** Signature:** Mary Drzonsc

***Name:** *Prefix* Ms. ** First Name* Elizabeth *Middle Name* R.

** Last Name* Berlin *Suffix*

Title: Executive Deputy Commissioner **Telephone No.:** **Date:** 04/19/2018

Federal Use Only:

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Standard Form - LLL (Rev. 7-97)

Tracking Number:GRANT12615754 Funding Opportunity Number:ED-GRANTS-030918-001 Received Date:Apr 19, 2018 03:47:20 PM EDT

NOTICE TO ALL APPLICANTS

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Public Law (P.L.) 103-382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

(4) An applicant that proposes a project to increase school safety might describe the special efforts it will take to address concern of lesbian, gay, bisexual, and transgender students, and efforts to reach out to and involve the families of LGBT students.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement for GEPA Requirements

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain benefit (Public Law 103-382). Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20210-4537 or email ICDocketMgr@ed.gov and reference the OMB Control Number 1894-0005.

Optional - You may attach 1 file to this page.

1243-NYS CSP GEPA427.pdf | Add Attachment | Delete Attachment | View Attachment

Tracking Number:GRANT12615754 Funding Opportunity Number:ED-GRANTS-030918-001 Received Date:Apr 19, 2018 03:47:20 PM EDT

GEPA Section 427

NYSED's web accessibility policy establishes accessibility requirements for web-based information and applications developed, procured, maintained or used for all NYSED web-based content. Implementation of this policy reaffirms NYSED's commitment to ensuring all people with disabilities have an equal opportunity to participate in our benefits, programs, and services through web content. The policy applies to all internal or external web content and functionality whether developed by, maintained by, or offered either by NYSED or through a third-party vendor or open source.

Upon receipt of the CSP grant, the Charter School Office will ensure that all subrecipients of grant funds are informed of the policy and certify that they will adhere to it for all grant-supported web content and functionality developed, maintained or offered.

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

* APPLICANT'S ORGANIZATION

New York State Education Department

* PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

Prefix: | * First Name: Elizabeth | Middle Name: R.

* Last Name: Berlin | Suffix:

* Title: Executive Deputy Commissioner

* SIGNATURE: Mary Drzonsc | * DATE: 04/19/2018

Tracking Number:GRANT12615754 Funding Opportunity Number:ED-GRANTS-030918-001 Received Date:Apr 19, 2018 03:47:20 PM EDT

U.S. DEPARTMENT OF EDUCATION
SUPPLEMENTAL INFORMATION
FOR THE SF-424

1. Project Director:

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2. Novice Applicant:

Are you a novice applicant as defined in the regulations in 34 CFR 75.225 (and included in the definitions page in the attached instructions)?

☐ Yes ☐ No ☒ Not applicable to this program

3. Human Subjects Research:

a. Are any research activities involving human subjects planned at any time during the proposed Project Period?

☐ Yes ☒ No

b. Are ALL the research activities proposed designated to be exempt from the regulations?

☐ Yes Provide Exemption(s) #: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6

☐ No Provide Assurance #, if available:

c. If applicable, please attach your "Exempt Research" or "Nonexempt Research" narrative to this form as indicated in the definitions page in the attached instructions.

Add Attachment | Delete Attachment | View Attachment

Abstract

The abstract narrative must not exceed one page and should use language that will be understood by a range of audiences. For all projects, include the project title (if applicable), goals, expected outcomes and contributions for research, policy, practice, etc. Include population to be served, as appropriate. For research applications, also include the following:

- Theoretical and conceptual background of the study (i.e., prior research that this investigation builds upon and that provides a compelling rationale for this study)
- Research issues, hypotheses and questions being addressed
- Study design including a brief description of the sample including sample size, methods, principals dependent, independent, and control variables, and the approach to data analysis.

[Note: For a non-electronic submission, include the name and address of your organization and the name, phone number and e-mail address of the contact person for this project.]

You may now Close the Form

You have attached 1 file to this page, no more files may be added. To add a different file, you must first delete the existing file.

* Attachment: 1234-NYS CSP Grant Abstract.pdf | Add Attachment | Delete Attachment | View Attachment

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New York State Education Department

"The mission of the New York State Board of Regents is to ensure that every child has equitable access to the highest quality educational opportunities, services and supports in schools that provide effective instruction aligned to the state's standards, as well as positive learning environments so that each child is prepared for success in college, career, and citizenship."
New York State Board of Regents, March 2017

The objectives for the New York State Education Department (NYSED) through the Charter Schools Program (CSP) Grants to State Entities are:

- Project Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting State academic standards.
- Project Objective 2: Improve student achievement outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting State academic standards through high quality charter authorizing and technical assistance.
- Project Objective 3: Promote the dissemination of New York charter school effective practices to other public schools.
- Project Objective 4: Strengthen the overall quality of the New York State charter authorizing and CSP grant administrative infrastructure.

New York State's objectives are aligned with its Every Student Succeeds Act (ESSA) plan and with its My Brothers' Keeper Initiatives, which include ensuring that all students enter school ready to learn, read at grade level by third grade, graduate from high school ready for college and careers, complete post-secondary education or training, successfully enter the workforce, grow up in safe communities, and be given a second chance if a mistake is made.

NYSED is requesting approximately $100 million over a five year period to strengthen and support additional high-quality education options for children in New York State:

- Start-up funding for newly-authorized or replicated charter schools;
- Funding for existing high-quality charter schools that are expanding to serve new grade spans (elementary to middle, middle to high school);
- Funding for high-quality charter schools to collaborate with both district schools and other charter schools, particularly newly-authorized or replicating charter schools in their planning year and first years of operation;
- Creation of technical assistance partnerships across New York State to foster the development of high quality school leaders and board members, new or replicating charter school applicant groups, newly-authorized or replicated charter schools, and charter schools serving students who are at greatest risk of not meeting State academic standards, particularly students with disabilities and English language learners;
- Funding to bring effective academic and school leader development practices to New York through case studies of effective national models; and
- Expanded autonomy regarding the creation of weighted lottery procedures, particularly those that support diversity to the extent permitted under New York State law.

NYSED is committed to its ESSA plan and the My Brother's Keeper Initiative to mutually support the development and the adoption of policies and programs that promote the values of socioeconomic, racial, cultural, and other kinds of diversity.

David M. Frank, Executive Director, Charter School Office
New York State Education Department, 89 Washington Avenue, Albany, NY 12234.

[redacted]

Project Narrative File(s)

*** Mandatory Project Narrative File Filename:** 1235-NYS CSP Project Narrative.pdf

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To add more Project Narrative File attachments, please use the attachment buttons below.

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NYSED Competitive Priorities

Priority 1: Authorized Public Chartering Agency Other than an LEA *(0 or 2 points)*

New York Education Law §§2851(3)(a), (b) and (c), the New York State Charter Schools Act (the Act), provides for three charter authorizing entities: the New York State Board of Regents (Regents), as administered by the New York State Education Department (NYSED); the State University of New York (SUNY) Board of Trustees, as administered by the Charter Schools Institute (the Institute); and the boards of education of school districts, local education agencies, (LEA), so long as any charter schools authorized are located within the district. The Act also outlined the Regents' responsibility for the dual oversight of all public charter schools in the State in partnership with any other authorizer. NYSED and the Institute are statewide authorizers.

Prior to 2010, the Buffalo City School District and the New York City Department of Education (NYC DOE), both LEAs, were active charter school authorizers. The Act was revised in 2010 to curtail LEAs from authorizing new charter schools. However, LEAs maintain the ability to approve conversions of district schools into charter schools upon the majority vote of parents with students enrolled in the district school. Schools that were previously chartered by LEAs remain under their authorization unless those schools apply to be overseen by statewide authorizers. Charters, including those granted by LEAs, have the ability to apply, and upon approval, move to NYSED or the Institute.

Having multiple authorizers, while concentrating quality in two statewide authorizing entities, is a unique statutory feature that contributes to a high capacity

authorizing environment in New York. The Board of Regents have limited review authority over all charter school actions that lead to robust conversations among the two statewide authorizers over strategies to best effect change for at-risk students. This allows both the Board of Regents and the SUNY Charter Schools Institute to draw on the educational expertise of each other to foster innovation, quality authorizing practices, and to provide choice to charter school operators.

For 2017-18, there are 282 operating charter schools in New York; 77 are authorized by NYSED, 162 by the Institute, 41 remain with the New York City Department of Education and 2 with the Buffalo City School District.

Priority 2: Equitable Financing *(up to 6 points)*

Each charter school in New York State is eligible for all funding available under ESEA, ESSA and IDEA. NYSED staff from offices that oversee the distribution of federal funding use three main mechanisms to inform charter schools about specific federal funds they are eligible to receive. These mechanisms include the NYSED website, email blasts to charter schools through NYSED email distribution lists, and the inclusion of charter schools in regional meetings for all special education and entitlement grant programs. The NYSED website (http://www.p12.nysed.gov/funding/currentapps.html) provides extensive resources related to all federal funding programs, including information about each program, eligibility requirements for each program, application submission instructions, and technical assistance webinars.

NYSED's Charter School Office (CSO) is the primary contact for charter schools and helps ensure that charter schools are informed of all federal funds available to them.

The CSO coordinates with other NYSED offices, including its Grants Finance office, to provide all LEAs, including charter schools, with information about allocations of funds, fiscal guidelines, budgeting procedures and forms, and resources associated with accessing the federal grant programs at http://www.oms.nysed.gov/cafe/.

The CSO conducts training for new charter schools and personnel new to operating charter schools to ensure that they are aware of the full array of the federal funds and programs available to them. Staff from various NYSED offices present information and provide technical assistance to new charter schools at these training sessions.

In New York State, funds available under IDEA are provided from each student's resident district based on the student's full-time equivalent (FTE) attendance calculation and the amount of services actually being provided to the student by the charter school. Charter schools are informed through the application and charter approval process of the availability of IDEA funds through their students' resident districts and their obligation to report child count data to the resident district.

Upon issuance of a new charter, CSO staff send an email to NYSED offices involved with child nutrition, Title funding, and special education notifying them of the addition of the school. Charter schools apply for Title funds using a single consolidated application. NYSED publishes both preliminary and final Title I allocation amounts for all LEAs, including charter schools, on the Grants Finance website. The Title I allocation process, which is described below, was specifically created to ensure that charter school allocations reflect current year enrollment figures, including charter schools that experienced dramatic increases or opened for the first time during a particular year, and

assures that a first-year allocation is made available well before five months of the day of opening of new charter schools.

Charter schools have applied for Title funds since 2001-02. To ensure that all new and significantly expanding charter schools receive their commensurate share of federal funds, NYSED collects enrollment data and other information twice a year. In April of each year, NYSED collects an estimate of the number of students to be enrolled in a new charter school or in an expanding charter school and uses these estimates to calculate preliminary Title I allocations and Title II and Title III allocations. After each school year begins, NYSED collects actual enrollment and the number of students eligible for free and reduced price lunch (FRPL) from charter schools to calculate final Title I allocations for LEAs. NYSED notifies LEAs of their final Title I allocations via announcements on the NYSED webpage.

The Act requires school districts to pass a proportional share of per-pupil spending to charter schools enrolling students who reside in their geographic area. The per-pupil amount is based on each school district's expenditures on school operations based on a per pupil funding formula linked to district operational expenditures as well as other federal and state aid. In addition, the Act requires school districts to provide student transportation, health services and certain amount of textbooks.

To ensure equitable access to high quality educational services, additional funding is available from school districts to charter schools enrolling students with disabilities (SWD) who reside in the school districts. Charter schools receive supplemental funding for students with "individualized education programs" (plans for special education services) that mandate supports above certain thresholds of service in/out of a

classroom setting. In 2017-18, charter schools in New York City receive $10,390 for each student mandated to receive between 20- 60 percent of services outside of the classroom. For high-need students receiving over 60 percent of services outside of the classroom, charter schools receive $19,049 on top of the standard per pupil amount.

Since the Act passed in 1998, charter schools were funded primarily for operational expenses which did not include facilities expenses. To address inequitable funding of charter school students enrolled in schools in private space, in 2014 the Facilities Access Law (Education Law Section 2853(3)(e)) changed this by making facility funding accessible to new and expanding charter schools in New York City, where the majority of charter schools are located (in 2018, 227 out of 282 operating charter schools are in New York City) and where facilities costs are the highest. Funding was originally based on the lesser of 20 percent of the per pupil amount *or* actual rental costs, up to a maximum of approximately $2,800 per pupil. By the 2017-18 school year, the maximum amount of rental assistance has increased to 30 percent of the per pupil amount, approximately $4,350.

The statutory formula for calculating charter school per pupil funding has been frozen at the 2010-11 funding level for the last seven years. In 2014, legislation was enacted that provided small supplemental increases to the per pupil (while providing a reimbursement to school districts for those increases). These increases were 3.7% over three years, or a total of $500. There have been one-time appropriations to charter schools in 2016 ($215), 2017 ($430) and 2018 ($300).

In 2018-19, charter schools in New York City will receive approximately $15,308 in per-pupil funding (this year, they receive $14,527). This funding level is determined

based on a formula to ensure that students in charter schools receive a comparable amount of funding compared to their peers enrolled in traditional district schools. Per-pupil allocations reflect the high cost of living and high operating expenses in New York State, most acutely felt in New York City, such as high rent, high base rates of pay for teachers, and high transportation costs.

Charter schools are currently also provided one-time appropriations totaling $62.6 million in additional funding. The funds are distributed to charter schools on a per-pupil basis after April 1 of each year. Given current enrollment projections, schools should receive approximately $451 per student, bringing the total per-pupil funding in New York City for the 2018-19 school year to $15,759. This is in addition to the approximately $4,000 per pupil charter schools in New York City receive if they are in private space.

Priority 3: Charter School Facilities *(up to 6 points)*

In the most robust area of charter growth in the state, New York City, where facilities costs are by far the highest in the State, facilities access and supports are provided. In 2018, out of the 227 charter schools in New York City, 117 are co-located (sharing public space with two or more public schools) in NYC DOE facilities, 90 are in private space, and 20 are “split-sited” in both NYC DOE and private space.

To encourage charter school growth and expansion, in 2003 the NYC DOE offered available space in district facilities to charter schools at minimal cost ($1) to charter schools. The 2014 Facilities Access Law further supported charter school access to space and rental assistance by allowing new or expanding charter schools to request space in NYC DOE facilities. To request space, a charter school must first indicate which community school district (CSD) it will be operating in (though New York City is

considered one LEA, it is composed of 32 CSDs). The NYC DOE will determine if any existing space is available within that CSD. If the city determines that space is not available, it is required to provide rental assistance for the charter school to be housed in a private facility.

The law gives charter schools the option of appealing the NYC DOE's offer or failure to offer a co-location site through binding arbitration, appeal to the state court, or appeal to the state commissioner of education. If the appeal results in a determination in favor of the NYC DOE, NYC DOE offer is final and the charter school may either accept the offer or locate in another site at the charter school's expense.

For a new charter school or an existing charter school whose expansion of grade level is approved by their authorizer, if the appeal results in a determination in favor of the charter school, the NYC DOE may pay the charter school an amount attributable to the grade level expansion or the formation of the new charter school that is equal to the lesser of:

- the actual rental cost of an alternative privately owned site selected by the charter school or
- 30 percent of the product of the charter school's basic tuition for the current school year and (i) for a new charter school that first commences instruction on or after July 1, 2014, the charter school's current year enrollment; or (ii) for a charter school which expands its grade level, the positive difference of the charter school's enrollment in the current school year minus the charter school's enrollment in the school year prior to the first year of the expansion.

Charter schools located out of New York City have access to the New York State Stimulus Fund (SSF) which provides discretionary financial support to charter schools for start-up costs and costs associated with the acquisition, renovation, and construction of school facilities. Though disbursed by the Institute, the funds are available to qualified charter schools regardless of their authorizer. The Institute determines on an annual basis the total amount of dollars available. For 2017-18, the Institute had $1.6 million in SSF funding to award to eligible charter schools with the maximum grant award per eligible applicant set at $200,000. Eligible schools submit a proposal to the Institute and are scored based on a rubric.

Lastly, New York law defines charter schools as public agents that are eligible to obtain tax-exempt financing, including bond financing, through various local industrial development agencies. Charters that are located in private space have used this flexibility to issue bonds and seek loans to develop their facilities.

Priority 4: Best Practices to Improve Struggling Schools and LEAs *(up to 3 points)*

NYSED continually looks to charter schools and public schools districts to work together to share best and promising practices. There is a statewide effort to increase collaboration between charter and district schools and to increase academic achievement within all schools. The goal is to ensure that every student in New York graduates from high school with the skills necessary to succeed in college and careers. Two major initiatives that have taken place in New York which have promoted collaboration and NYSED's Dissemination Program Grants and New York City's District-Charter Partnership.

The Dissemination Program Grants are subgrants funded through the Charter Schools Program that have facilitated collection of effective practices from charter schools starting in 2011. The first CSP-funded dissemination grant competition was released in 2012 to fund charter schools in sharing their practices with district schools. Through a competitive process, eleven applications were approved to receive nearly $500,000 apiece for the July 1, 2013 to July 31, 2016 project period. The charter schools awarded represent areas across the state, including New York City, Yonkers, Rochester City, and Albany City school districts. These funds were used to support the dissemination of effective practices and programs that have been developed and proven successful at high-performing New York charter schools, allowing for collaboration between charter and district schools.

The awarded grants were targeted to emphasize providing support to underperforming district schools. The dissemination grant allowed for the sharing of best practices over a two-year time period, with a third year reserved to evaluate the effectiveness of the program(s). Dissemination activities included replicating and/or adapting the following types of practices, systems, and structures:

- School leadership structures, particularly those that free instructional leaders to focus exclusively on instruction;
- Co-teaching or team-teaching structures;
- Staff professional development programs, including strategic use of summer institute training and ongoing trainings throughout the year;
- Tutoring or academic intervention systems designed to “ramp-up” students who are significantly behind grade level;

- New teacher development support system;
- Strategies, structures, and methodologies to coach teachers on using formative and summative data to inform instruction;
- Strategies to develop and utilize specific curricular and assessment systems;
- Particular school culture or disciplinary procedures;
- Programs that allow schools to effectively recruit and retain strong teachers and principals (i.e. providing high-quality pathways for teachers and school leaders); and
- A school calendar and/or schedule design that includes additional learning time.

NYSED hosted a conference on May 12, 2015 centered on best practice sharing between charter and district schools throughout New York State. Schools participating in the Dissemination Program Grants were able to showcase their work, best practices, and lessons learned. This conference highlighted the emerging outcomes of the 11 charter schools and over 40 district schools involved in the dissemination grant. Over 120 administrators, teachers, program directors, evaluators, and elected officials attended.

The NYSED Dissemination Grant Conference also led to a second CSP Dissemination Program Grants opportunity in early 2016. This second subgrant competition is funding 8 high quality district-charter dissemination grants at approximately $500,000 apiece for the September 2016 to July 2019 project period. (Refer to *Appendix F, Additional Information*) The charter schools awarded represent areas across the state, including the New York City and Rochester City school districts. Structured similarly to the first round of dissemination subgrants, the eight subgrants

allow for further collaboration between charter and district schools to share effective practices from high performing charter schools, focusing on:

- Improving mathematics pedagogy;
- Sharing Positive Behavioral Intervention models to decrease student suspension rates;
- Implementing strong reading foundations curriculum;
- Putting into place early literacy interventions for low-performing primary grade students;
- Turnkeying a unique peer teacher observation system;
- Implementing a trauma-sensitive supportive school system that focuses on enhancing key social emotional skills including: self-regulation, empathy, and problem solving;
- Training district school administrators; and
- Bringing a successful College and Career Program to district schools to improve college and career readiness outcomes.

In addition to the CSP Dissemination Conference, NYSED facilitated joint school visits, team calls to discuss problems of practice and better facilitate relationship building between dissemination grant partners, development of press releases with the charter and district schools to highlight the work being done to foster high quality outcomes for students, and writing and posting of dissemination grant vignettes on the NYSED website.

The New York City District-Charter Partnerships (DCP) was created in 2015 under New York City's Equity and Excellence initiative, with its first full year of implementation

occurring in 2016-17. The goal of the DCP is to foster meaningful relationships between district and charter schools by creating opportunities for them to share resources and best practices, and work collaboratively to strengthen their communities. Results from the 2016-17 evaluation indicate that school-to-school partnerships have created collaboration between district and charter schools where it had not previously existed.

By 2018, school-to-school, district-wide, and system-wide programming has been created with 130 schools across New York City collaborating through the development of cross-sector relationships and understanding, mutual observation, and the exchange of feedback and materials. In addition, a District-Charter Special Education Partnership has been created to strategically target special education challenges affecting both district and charter schools.

In 2018, over 100 district and charter schools have partnered to share best practices, including:

- 24 co-located schools building campus community and sharing practices;
- 47 schools participating in collaborative learning partnerships;
- 3 schools sending students to the KIPP through College Summer Bridge Program; and
- 28 district and charter schools in District 16 in Brooklyn participating in district-wide partnership activities.

Up to ten New York City CSDs and high school superintendents will also implement district-wide partnership activities, potentially making an impact on all district and charter schools within their portfolios. Additionally, district teachers and school leaders

from 72 schools in three CSDs in Brooklyn will engaged in the NYC DOE Uncommon Schools-Impact Partnership where Uncommon Schools, a charter school network, will provide professional learning opportunities for district teachers and leaders that focused on foundational techniques to support classroom engagement. Uncommon facilitators modeled strategies, shared videos of teachers using strategies, and provided opportunities for participants to practice strategies. Uncommon also provided leadership development to 14 district principals and principal supervisors in 3 CSDs through the Relay Graduate School of Education's National Principals and Principal Supervisors Academy.

Priority 5: Serving At-Risk Students *(up to 3 points)*

New York active supports education reforms that would ensure every child enters school ready to learn, reads by grade level by third grade; graduates from high school ready for college and careers; completes post-secondary education or training; successfully enters the workforce; grows up in safe communities; and is given a second chance if a mistake is made. As such, the Act requires authorizers to give preference to charter school applications that demonstrate the capability to provide comprehensive learning experiences to students identified by the applicants as at risk of academic failure. Applicants have flexibility to define "at-risk of academic failure" which can include English Language Learners (ELL), Students with Disabilities (SWD), and Economically Disadvantaged students (ED) in addition to other markers, such as over-aged and under credited students, homeless students, and students in foster care. In New York City, supplemental funding is made available for SWD that is above and beyond the formula per pupil amounts. Based on a student's Individual Education

Programs additional supports above certain thresholds of service in/out of a classroom setting (<20%, 20- 60% and >60%) are provided.

Authorizers in New York have granted charters to schools that make use of this flexibility of defining who are at-risk students, especially in New York City where in 2016 out of the 1.1 million students served, 75% are considered in poverty[1] Out of the 32 community school districts that comprise New York City, 31 were identified as Focus Districts in 2017-18[2]. Such schools give enrollment preferences based on their definition of at-risk and have created weighted lotteries to give at-risk students greater access to charter school seats. Through the flexibility and at-risk preference designation via the Act, charter schools have been established that focus on serving certain at-risk populations. Examples include:

- ELLs in New York City are particularly recruited at Central Queens Academy (5th-8th grades) and American Dream Charter School (6th-9th) in the Bronx, both schools specialize in work ingwith immigrant youth. At Inwood Academy (6th-12th grades), 80 percent of its students speak Spanish in the home.
- SWDs in New York City are served at New York Center for Autism I & II, which heavily recruit for students with autism. The Neighborhood Charter Schools (K-7) recruit children who have autism spectrum disorder.
- Over-aged, under credited students are being served by several charter high schools in and out of New York City. These schools offer certification programs and real-world internships, notably John V. Lindsay Wildcat, Urban Dove, New

[1] "Poverty" counts are based on the number of students with families who have qualified for free or reduced price lunch or are eligible for Human Resources Administration benefits.
[2] Districts can be identified as a Focus District based on academic performance of subgroup populations (such as SWD, Limited English Proficient and Hispanic) for under performance in comparison to statewide average in assessments and their 4-Year Graduation Rate did not exceed the statewide average.

Dawn, and New Visions AIM I and II. OnTech Charter High School in Syracuse serves over-aged and under credited students with a focus on refugee students. Vertus Charter School in Rochester was specifically established to serve over-aged and under credited students.

- Foster care/children in the child welfare system and homeless students are recruited at Mott Haven Academy (preK-8), Broome Street Academy High School (9-12), and Cardinal McCloskey Community Charter School (K-5).

Authorizers in New York have also developed alternative evaluations for some schools that serve certain at-risk populations. Schools like the New York Center for Autism and John V. Lindsay Wildcat are reviewed based on criteria beyond performance on state assessments (i.e. students meeting their IEP goals; students earning technical certifications). Specifically, New York State authorizers have been at the forefront of examining "Active Ingredients" to evaluate alternative methodology to measure outcomes for at-risk students. SUNY has hosted, and NYSED has fully participated in, convenings of experts to meet and expand upon what it means to evaluate students, inclusive of students' abilities to read, write, do mathematics, science, draw on lessons from history and civics. Active Ingredients are components of a school program which (irrespective of their relative quantity) help directly in achieving a school's student performance objectives. They are as a result co-academic in nature and include work with opportunity youth, high intensity special education services, social and emotional learning, fine and gross motor developmental links to content proficiency, health services, and social services.

Priority 6: Best Practices for Charter School Authorizing *(up to 5 points)*

Through their applications to New York State authorizers, charter schools are established to:

- Improve student learning and achievement;
- Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are at-risk of academic failure;
- Encourage the use of different and innovative teaching methods;
- Create new professional opportunities for teachers, school administrators and other school personnel;
- Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system; and
- 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.

By adhering to best practices, NYSED and the Institute ensure high-quality applications are approved and high-quality charter schools are renewed, strongly believing and adhering to this responsibility. NYSED, the Institute and NYC DOE have worked closely with the National Association of Charter School Authorizers (NACSA) and its *Principles & Standards for Quality School Authorizing Guidance* to ensure authorizer practices are continually refined *(Refer to Appendix F, Additional Information: NACSA Principles & Standards 2015)*. NACSA holds New York as an example of a state where authorizers successfully work around many deficiencies in state policy and employ strong practices that largely mirror NACSA's recommended policies. NYSED

has worked with all authorizers in New York State through meetings, conversation, and oversight of authorizing actions through the Board of Regents to ensure that there is a milieu of high-quality authorizing for all charter schools.

- NYSED received a 2010 NACSA grant to work with NACSA to evaluate and improve its methods of authorization and oversight monitoring of schools.
- The Institute partnered with NACSA's 2010-2013 Federal National Charter School Leadership Activities Grant "Performance Management, Replication & Closure." In this grant, the Institute joined with NACSA and the Counsel of Chief of State School Officers in defining and implementing leading policies and practices related to the areas of charter school authorizing. The Institute was identified by NACSA as one of five exemplary authorizers at the heart of NACSA's 2018 Quality Practice Project, which explores the authorizer practices associated with high-quality charter school portfolios.
- The NYC DOE brought NACSA in to evaluate its authorizing practices in 2012. Using NACSA's report analysis, the NYC DOE revamped its school visits and monitoring report protocols, leading to greater transparency and clearer rubrics.

In addition, the New York State Quality Charter Authorizer Partnership (NYSQCAP) was established. The NYSQCAP was a key component of NYSED's strategy to maintain accountability of public chartering agencies and was formed to support the implementation of the 2011–2016 federal Charter Schools Program (CSP) and the creation of high-quality public charter schools under the Act. This agreement was a commitment on the part of all the major authorizers in New York to ensure the highest standards of quality charter authorizing. The collaboration represented a commitment by

these authorizers to ensure that all charter schools in New York State are of the highest quality. Each authorizer committed to upholding the highest-quality authorizing standards for making performance-based renewal decisions in alignment with NACSA Principles and Standards.

Building upon the strong professional relations developed through NYSQCAP and the strong joint professional development activities undertaken through the collaborative, under the new CSP grant, all New York State authorizers will continue to work together to build upon the strong authorizing practices developed through NYSQCAP. These will include in-person professional development sessions to explore new trends in authorizing, participation in NACSA conferences and webinars, and a shared discussion on state-wide charter school outcome data. Three key activities conducted as part of this partnership are systematically revising and aligning NYSED oversight protocols and guidelines, actively participating in and contributing to state and national charter school authorization and policy dialogue, and providing technical assistance and professional development to New York State charter authorizer staff to support high-quality authorizing practices.

An example of work engaged under the NYSQCAP is the 2012 Audit Guide to provide assistance to charter schools and their auditors. As part of the key NYSQCAP activities, training sessions and webinars were conducted. This work of NYSQCAP was evaluated by the Center for Education and Evaluation Policy (*Refer to Appendix F, Additional Information: Center for Education and Evaluation Policy Report).* Out of those that responded, 72 percent reported that they were either very satisfied or satisfied with NYSED collaboration and the professional development provided.

The CSP Monitoring Report prepared by WestEd in April 2015 on behalf of the U.S. Department of Education (ED) noted that "the SEA demonstrates high-quality authorizing practices and supports the development of high-quality authorizing practices of other authorizers in the State." WestEd also notes that a number of authorizing practices in New York may be worthy of examination and/or replication by other SEA grantees, including development of authorizing oversight tools, the NYSED Audit Guide that provides strong fiscal oversight of authorizers and subgrantees, the NYSED Fiscal Oversight Guidebook, and CSP Grant management guidance and procedures.

The 2015 report is similar to the CSP Monitoring Report prepared by WestEd in June 2009. The 2009 report noted that New York State's "consistent, focused attention on its grant and charter school objectives guides its program implementation and helps drive the creation of high-quality charter schools in the State." It also reported that "monitoring and performance is another strong point in New York State's CSP. Oversight of charter schools for both program compliance and performance is exceptionally comprehensive, rigorous, and persistent." (*Refer to Appendix F, Additional Information: 2009 and 2015 CSP Monitoring Reports).*

NYSED also contracts with the nationally-recognized Washington, D.C. law firm of Brustein and Manasevit to provide NYSED guidance on compliance with federal laws and regulations pertaining to ESEA and CSP and to conduct professional development and support for requirements pertaining to recipients of federal monies.

Selection Criteria

a) Quality of the Project Design *(up to 15 points)*

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers:

(1) The extent to which the proposed project demonstrates a rationale (up to 10 points); and

(2) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable (up to 5 points).

Project Rationale

The purpose of the CSP grant project in New York State is consonant with the purpose of the NYS Charter Schools Act to increase "learning opportunities for all students, with special emphasis on expanded learning experiences for students who are at-risk of academic failure" (Education Law §2850(2)(b)). NYSED's CSP grant project objectives and activities, as described below, demonstrate how New York State will leverage high quality charter authorizing and CSP grant funds to continue to assist educationally disadvantaged and other students to achieve New York State academic content and achievement standards.

Originally, the Act included 100 charters plus unlimited conversion charters to be awarded by the Board of Regents via the State's authorizers. Under the Act, charter schools receive an initial five-year term that is renewable for up to an additional five years. Between 1999 and 2007, authorizers awarded charters to 100 schools. In 2007, the cap was raised to 200 charter schools, largely due to the demand for quality charter schools and the ready supply of community-based start-up schools and network providers.

The passage of Chapter 101 of the NYS Laws of 2010, which amended the NYS Charter Schools Act, allows for the creation of an additional 260 charter schools (for 460 total plus unlimited conversions) and enacts several accountability and oversight enhancements to ensure quality and integrity.

The Act was further amended in 2015 to allow for the reissuance of up to 22 charters that have been surrendered, revoked, terminated or not renewed. It also limited to no

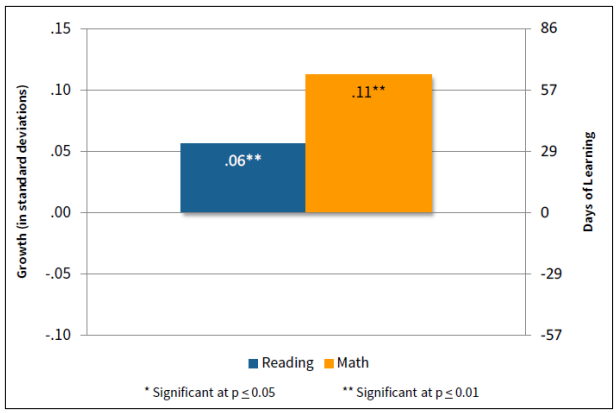
more than 50 the number of charters that can be issued to charter schools in New York City on or after July 1, 2015. After the 2015 amendments to the Education Law, there are 118 remaining charters that may be issued.

As of the 2017-18 school year, New York State has 282 operating charter schools serving approximately 125,000 students, representing almost 5 percent of the 2.6 million students in public schools across New York State. Within New York City, where the largest concentration of charter schools is located, with 228 schools currently in operation, charters serve 114,000 students, 77 percent of whom are economically disadvantaged, which is higher than the 75 percent served in New York City as a whole.

Charter Authorizer	Open with Students in SY17-18	Scheduled to Open in SY18-19 or Later	Closed to Date	Total Issued to Date
Board of Regents	77	10	8	95
SUNY	162	23	17	202***
NYCDOE	41	0	11	52
Buffalo BOE	2	0	0	2
Total	**282**	**33**	**36****	**351***

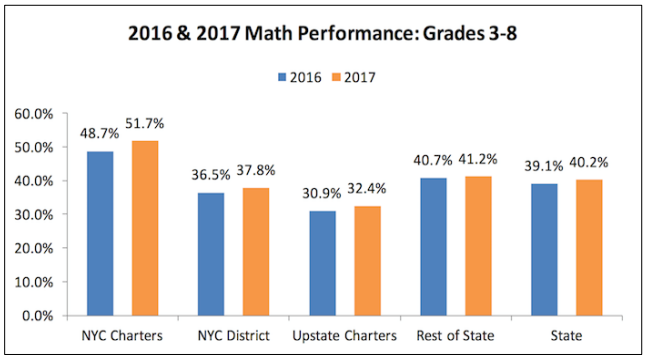
* Nine of the 351 issued to date were conversion charter schools.
** Four of the 36 charter schools closed were conversion charter schools.
*** SUNY-authorized charter schools that have been approved by SUNY but have not gone into effect via operation of law are not included in this figure.

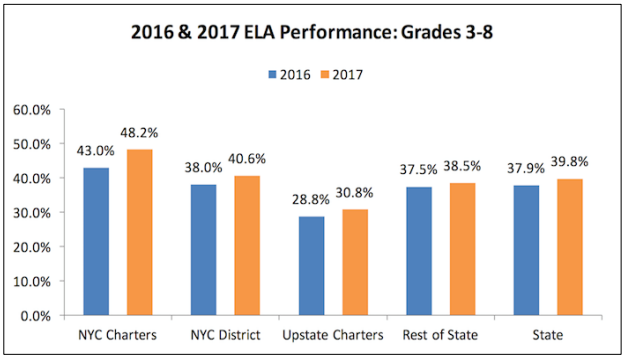
The CSP grant project will continue to support the creation of new charter schools and the expansion of existing high-quality charter schools. As detailed by the 2017 Center for Research on Education Outcomes at Stanford University (CREDO) *Charter School Performance in New York* study, charter school students receive significant learning gains when compared to their peers in traditional district schools. (*Refer to Appendix F, Additional Information: Charter School Performance in New York CREDO Report).*



The report analyzed performance data between 2011-2012 and 2015-2016 and provides an in-depth examination of the results for charter schools in New York. The analysis shows that in a year's time, the typical charter school student in New York shows stronger growth in both reading and math compared to the educational gains that the students would have had in a traditional public school. The findings are statistically significant for both reading and math.

Focusing on New York City, the benefits of those gains can be seen in their academic performance in comparison to the New York City school district and New York State. As tracked by the New York City Charter Schools Center and consistent with the past few years, 2016-17 data shows that charter schools outperformed traditional district schools in state assessment of both English Language Arts (ELA) and math. Charter school ELA proficiency rates increased from 43.0% to 48.2%, compared to district growth from 38.0% to 40.6%. Charter school math proficiency rates increased from 48.7% to 51.7% compared to district growth from 36.5% to 37.8%.





In 2016-17, New York City charter schools enrolled more black and hispanic students (91.3% vs. 64.0%) and those from economically disadvantaged families (76.3% vs. 68.6%) in comparison to the district. However, charters enroll slightly fewer

students with disabilities (16.9% vs. 18.2%), and fewer English language learners (6.8% vs. 13.8%). The CREDO analysis “Overall, the positive trends found in this study indicate that charter schools in New York City are providing superior long-term prospects for their students.”

The data for New York City charter school students is compelling; it also indicates that while charter schools located outside of New York City are showing academic gains in ELA and Math, their students are underperforming their New York City peers. Through the CSP grant project, NYSED will fund much-needed technical assistance partnerships to serve upstate and Western New York, supporting the development of high quality school leaders and board members; new or replicating charter school applicant groups; newly authorized or replicated charter schools; and charter schools serving students who are at greatest risk of not meeting State academic standards, particularly students with disabilities and English language learners.

It should be noted NYSED received approximately $113 million for the New York State CSP Project in 2011. These funds were designed to increase the number of charter schools, strengthen the overall quality of New York State authorizing, promote the dissemination of New York State charter school best practices, and increase the general academic performance for all students across New York State.

New York State has issued 144 new high-quality charter schools out of the 150 anticipated in the 2011 grant application. Opening high-quality charter schools, as defined by the Board of Regents-approved new schools request for proposals, is always limited by the number of high-quality applicants seeking to open a new school. The Board of Regents, NYSED and the Institute continue to maintain high standards through

a rigorous application review and capacity interview process intended to increase the likelihood that new charter schools will provide meaningful and effective education options for families. NYSED's goal remains to reach 150 new high-quality charter schools. The grant period has been extended and runs through July 31, 2019.

It is important to highlight that approximately 60 New York State charter schools have received direct CSP funding through the U.S. Department of Education under the charter school replication and expansion grant program that was started after New York State received its 2011 grant. Those schools are not included in the 144 count. Had they received their funding through NYSED, the numbered supported by the 2011 CSP grant would be well above the 150 anticipated in that grant application.

Objectives and Outcomes

New York State successfully received previous CSP grant funding, most recently in 2011. Since then, the state has awarded planning and implementation subgrants to provide financial assistance for the planning, program design, and initial implementation of over one hundred new charter schools, many of which otherwise would not have been able to open or stay open in the initial critical years of operation. CSP grant funds were also used to foster partnerships between district and charter schools and to formalize authorizing practices between NYSED, the Institute, and NYC DOE.

With the 2018 CSP project funds, NYSED will increase the number of high-quality charter school seats by creating and/or expanding 69 charter schools over the course of the 5-year grant period; improve student outcomes, especially for those considered at risk, by expanding access to these high-quality seats and by making technical assistance available to schools through a competitive RFP process to build capacity in

key training areas; disseminate effective practices by continuing district-charter partnerships and developing charter-charter partnerships; and strengthen the quality of charter authorizing through aligning best practices and infrastructure development.

Please refer to the project objectives in **Selection Criteria b) Objectives**.

Please refer to the project outcomes in **Selection Criteria e) Quality of the Management Plan**, which contains our Theory of Action and Logic Model.

b) Objectives (up to 20 points)

The ambitiousness of the State entity's objectives for the quality charter school program carried out under the CSP State Entities program.

The objectives for New York through the CSP State Entities program are:

- *Project Objective 1*: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting State academic standards.
- *Project Objective 2*: Improve student achievement outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting State academic standards through high quality charter authorizing and technical assistance.
- *Project Objective 3*: Promote the dissemination of New York charter school effective practices to other public schools.
- *Project Objective 4*: Strengthen the overall quality of New York State charter authorizing and the CSP grant administration infrastructure.

Overall, New York's CSP State Entities program goals are aligned with New York State's Every Student Succeeds Act (ESSA) plan and with its My Brothers' Keeper Initiative, which include ensuring that all students: enter school ready to learn, read by

grade level by third grade; graduate from high school ready for college and careers; complete post-secondary education or training or successfully enter the workforce; grow up in safe communities; and be given a second chance if a mistake is made.

New York will achieve this objective through the following activities:

Project Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting State academic standards.

- **Activity 1: Award timely post-charter planning and implementation grants to all newly authorized and expanding charter schools in New York State based on their charter approval.**

Through an integrated charter authorization and CSP grant review process, new and expanding charter schools would receive a base-level grant of up to $1,000,000 for up to 36 months by virtue of having been approved through the rigorous new school approval process of NYSED or the Institute. In the case of conversion charters that may be authorized by local school districts, NYSED will use its role as the CSP grant administrator to ensure that federal CSP grant quality requirements (such as a rigorous peer review process) are integrated into LEAs charter authorization processes.

The integrated review process includes extensive peer and external review (refer to **Selection Criteria c) Quality of Eligible Subgrant Applicants**) aligned with NACSA's *Principles & Standards for Quality Authorizing* and meeting the criteria of the Act, which places special emphasis on serving high-need, at-risk students.

The integrated authorization/grant review process has several key advantages:

- NYSED will make the post-charter planning and implementation grants quickly available to all applicant groups that are issued charters to operate a public charter school in New York State, regardless of authorizer. The statutory timeline outlined for the charter school application process for both NYSED and the Institute specifies a RFP announcement annually and decisions made no later than December 31 of that year. This timeframe allows for a thorough peer review process and provides successful applicants with the ability to access up to a full 36 months of start-up funds (up to 12 months of planning and 24 months of implementation funding).
- Charter school founding groups who receive a charter will receive start-up funding, with clear fund flow timing, which will allow them to focus on key start-up activities and purchases, rather than fundraising.
- The determination of which applicants merit a CSP grant award is rigorous and holistic since it is integrated with the charter authorizer's review and decision process to award a charter. This process is focused on the overall capacity of the applicant to open a high-quality charter school.

Under the 2011 CSP project, start-up and implementation subgrants were awarded for a maximum of 36 months, receiving a base-level grant up to $500,000. The larger amount of funding available will give new, expanding and replicating charter schools a stronger foundation to create high-quality schools.

- **Activity 2: Encourage replication of high-quality charter schools through a streamlined replication approval process.**

Under the regulatory guidance and high standards set by NYSED and the Board of Regents, NYSED and SUNY developed streamlined approval processes for replications of existing high-quality schools as measured by quantitative student achievement and outcome data. Each authorizer tailored their replication applications for charter schools directly under their purview (*Refer to Appendix F, Additional Information, NYSED's 2018 Application Kit and the Institute's 2018 RFP for New and Replicating Schools*). These replications of proven school designs are peer reviewed on a school-by-school basis in order to ensure that each school would be able to open and once opened would be renewed at the end of the five-year charter term. The reviews include the following factors:

- a minimum threshold of quantitative data, which would include at a minimum, two years of State or nationally-normed testing data to allow for analysis of cohort growth over time;
- a minimum threshold of student achievement data analyzed under two or more factors to include performance of charter school students compared to all students statewide based on free lunch eligibility;
- performance of charter school students compared to the school district of location;
- performance of charter school cohorts over time;
- performance of charter school students compared to an absolute State or nationally normed measure; high school graduation, drop out or college acceptance rates;

- a review of attrition rates, taking account of differences in demographics when making comparisons;
- credible measures of performance of schools serving students in special circumstances making academic growth difficult to measure (e.g., autistic, over-age/under-credited); and
- the governance, financial plan, leadership and operational capacities of replication.

- **Activity 3: Provide increased post-charter planning and implementation grant awards for applicant groups that meet specific incentive priorities.**

New York State will incentivize the development of high-quality charter schools that meet specific needs - especially those of educationally disadvantaged students - by awarding significantly increased start-up funding amounts. NYSED will provide up to an additional 25 percent of CSP grant funds to charter schools that meet one of four types of incentive priorities. To support high-quality instruction for all students, charter schools receiving priority funds must comply with applicable State teacher certification laws and New York State Commissioner's regulations pertaining to teacher certification.

1. *Underserved student populations*. Schools that serve underserved students as evidenced by their first-year enrollment of students with disabilities, English language learners, or economically disadvantaged students that meet or exceed the grade level specific enrollment of the school's district of location.
2. *Over-aged/under-credited students or have a state approved career and technical education program*. Schools would ensure that they were not designed

to result only in students receiving GEDs but with Regents Diplomas and technical certifications.

3. *Promoting diversity***.** Schools that provide demographic information in their charter applications showing that the proposed location of the school would tend to serve a racially and socioeconomic diverse student population and can demonstrate a program design that is likely to appeal to a wide range of families, including particularly specialized program designs (e.g., arts-infused, duel language education).
4. *Authorizer program design priority.* Charter schools that the authorizer determines has met one or more program design priorities. As part of the integrated charter authorization and grant review process, each charter authorizer will determine and invite particular program designs (such as charter schools serving rural communities) as part of their process for inviting new charter applicants. Funding at the enhanced incentive level will be dependent on the authorizer's assessment of a charter school's success with implementing the program design priority. NYSED, the Institute, and LEAs that choose to authorize conversion charter schools will be granted flexibility about how to tailor these priorities over the CSP five-year grant period to respond to emerging needs.

- **Activity 4: Clearly communicate information about charter schools and CSP grant funding**

NYSED will work collaboratively with the other authorizers, as well as with charter school support organizations such as the New York City Charter School Center and the

Northeast Charter Schools Association, to provide a variety of forums (e.g., conference calls, webinars, flyers, e-mail blasts) to inform teachers, parents, and communities about charter schools and the availability of CSP grant funds for start-up, expansion and replication. These forums may include regional information sessions (featuring existing charter school leaders, board members, and founding group members) in various communities around the State, with a particular focus on communities where there is an identified need for high-quality educational alternatives.

NYSED will regularly update our Charter School Office website with timely notices and links to information posted by other active charter authorizers in the State, allowing for easier navigation of information for specific audiences, including all charter schools in the State, charter schools directly authorized by the Regents, parents, and the general public.

- **Activity 5: Ensure the ongoing high quality of all existing New York State charter schools.**

NYSED expects all charter schools to demonstrate increased student achievement under State and federal laws, particularly for subgroups who have historically been underserved. To that end, in addition to supporting the high-quality of all newly-authorized, expanding and replicating charter schools in the State as described in *Activity 1* above, NYSED will increase the number of high-quality charter schools in New York State by working in partnership with the Institute and the other authorizers in the State to ensure the high-quality of the *existing* charter school portfolio through the rigorous renewal process outlined in Education Law §2851(4) and application of NACSA standards for renewal.

NYSED will also conduct compliance monitoring activities for all charter schools as required by state (e.g., health and safety) and federal (e.g., Title I and IDEA) law, in addition to specific CSP grant monitoring to ensure appropriate use of CSP grant funds. By the end of the five-year grant project period, charter schools in New York State will have been renewed with the quality and support oversight proposed as part of this grant project.

Project Objective 4 below and **Selection Criteria c) Quality of Eligible Subgrant Applicants** provides specific information about NYSED's strategy to maintain and strengthen charter oversight, authorization, and overall charter school quality in New York State.

Project Objective 2

Improve student achievement outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting State academic standards through high quality charter authorizing and technical assistance.

Since the inception of the Act, student achievement outcomes, particularly for students considered at-risk, have shown gains in comparison to students in traditional district schools as described in **Selection Criteria a) Quality of the Project Design.** Priority Objective 2 is the overall goal of the NYSED CSP grant project, and the activities for *Project Objective 1* and *Project Objective 4* specifically support this objective. In combination with the dissemination and collaboration activities of *Project Objective 3*, this CSP project is designed to support the overall goals of New York's approved ESSA plan, the CSP, and the Act to continue to improve student achievement for all students and to close achievement gaps.

Charter schools in New York State have successfully served students who are at greatest risk of not meeting State academic standards. As described previously in **Priority 4: Serving At-Risk Students** and in above under *Project Objective 1, Activity 3,* charter schools have the flexibility to define specific at-risk populations that can include and go beyond students with a diverse range of disabilities, first languages, and those from low-income families. The flexibility allows authorizers to grant charters to schools that can broaden the reach and approach of serving at-risk students.

Recent research has suggested that socioeconomic and racial integration provide educational benefits for all students, especially at-risk students [3] This is particularly notable given New York's status as one of the most segregated states in the nation[4]. To increase student diversity to promote academic gains for all students as delineated in our ESSA plan, within the parameters of the state Education Law, New York is committed to supporting the development and adoption of policies and programs that promote the values of socioeconomic, racial, cultural, and other kinds of diversity. (*Refer to Appendix F, Additional Information: New York State ESSA Plan).* Diversity efforts have begun to take shape statewide with the Regent's School Diversity Workgroup and in NYC DOE's School Diversity Advisory Group. New York will provide grants to districts to promote diversity and reduce socioeconomic and racial/ethnic isolation and will incentivize the creation of more diverse by design charter schools.

NYSED will use CSP funds for the creation and support of technical assistance partnerships across New York State to foster the development of high quality school leaders and board members, new or replicating charter school applicant groups, newly

[3] https://tcf.org/content/report/diverse-charter-schools/
[4] https://www.civilrightsproject.ucla.edu/news/press-releases/2014-press-releases/new-york-schools-most-segregated-in-the-nation

authorized or replicating charter schools, and charter schools serving students who are at greatest risk of not meeting State academic standards, particularly those that would be served by the incentivized charter schools as described in ***Project Objective 1, Activity 3***.

For example, trainings to be offered would contain information on admissions policies that take advantage of Education Law §2854(2)(a) that permits charter schools that have at-risk program design factors to admit larger percentages of students who are considered at-risk, such as English Language learners; those who qualify for free and reduced price lunches; and/or those who attend or are zoned to attend failing schools.

Charter schools will also receive technical assistance from NYSED in interpreting federal guidance on implementing legally permissible school-based policies that further racial diversity in the student body through presentations and sessions by NYSED staff, external experts and organizations such as the Diverse Charter Schools Coalition, a national coalition of intentionally diverse charter schools. Trainings will discuss combining the at-risk factors—which tend toward certain demographics in a given area—with the existing statutory admissions residency preference for school district of location that is also part of Education Law §2854(2), would help schools create a more diverse student population; especially when linked with targeted recruiting as set forth in the admissions policy of the proposed school. The United States Supreme Court has offered specific guidance to schools regarding legally permitted ways to further racial diversity (Parents Involve in Community Schools v. Seattle School District No. 1, 551 U.S. 701 (2007) (Justice Kennedy Concurrence)).

NYSED will track and analyze charter school student proficiency, retention and graduation rates based on data collected via the New York State Student Information Repository System. Additionally, NYSED intends to work with researchers who specialize in rigorous experimental and quasi-experimental studies in order to evaluate New York State charter school student achievement and graduation rate outcomes, similar to the CREDO analysis cited above, to conduct a detailed, comparative study over the five-year grant period.

Project Objective 3

Promote the dissemination of New York charter school effective practices to other public schools.

NYSED will use the CSP grant to promote dissemination of effective charter school practices in several ways via the funds allotted to technical assistance and support. NYSED will issue requests for proposals for partnerships to carry out the technical assistance and support activities proposed under this grant project. Potential partners may include educational support organizations, boards of cooperative educational service agencies, institutes of higher education, mission-aligned not-for-profit organizations, and others. In addition, NYSED may also enter into cooperative agreements to direct and/or execute a scope of work. Based on the total grant amount requested, NYSED will direct $7,000,000 over the course of the 5-year grant period to the following activities.

- **Activity 1: Create and support technical assistance partnerships and trainings.**

NYSED, through a competitive process, will create and support technical assistance partnerships across New York State to foster the development of high quality school leaders and board members, new or replicating charter school applicant groups, newly authorized or replicated charter schools, and charter schools serving students who are at greatest risk of not meeting State academic standards, particularly that would be served by the incentivized charter schools as described in *Project Objective 1, Activity 3*. The technical assistance partnerships may be established by cooperative agreements with the Institute and other stakeholders (like regional or national non-profits) to direct and execute specific work of the technical assistance partnerships.

Responses to the request for proposals must provide a scope of work, a proposed budget, and a plan for an evaluative process through a third party. Rather than combining various technical assistance programs and resources under one large contract, multiple smaller and separately contracted programs and resources will exist. This design is intended to increase collaboration between various entities as well as incorporate entities that would otherwise be unable to meet the requirements of an all-encompassing contract. Areas of focus will include pre-application development; post-application support; board governance training; and support for special populations.

The partnerships will provide for the design, operation, and implementation of the training programs which will disseminate best practices through trainings, conferences, and publications to charter schools and will incorporate non-charter schools.

Through the technical assistance partnerships, NYSED will also engage external experts and organizations to provide specific training support to charter schools and charter school developers. Such training will also work to inform charter school

practices in such areas as improving student retention (by such means as reducing the overuse of discipline practices that remove students from the classroom), reducing suspension (by such means as incorporating a social emotional learning approach), and increasing parent outreach. NYSED intends to provide training in such areas as: serving students with disabilities, replicating high-quality charter schools; supporting leadership development; and creating diverse by design schools. *See Appendix C Letters of Support*.

- **Activity 2: Encourage and support district-charter and charter-charter collaboration efforts.**

Education Law §2857(5) states "[T]he board of regents shall on an annual basis review and make available to school districts best educational practices employed by charter schools." NYSED will coordinate efforts with other charter authorizers, the Northeast Charter School Network and the New York City Charter School Center to collaboratively identify and disseminate the best or promising practices of charter schools to traditional district schools and to other charter schools.

The CSP project funds would also be used to encourage charter schools to not just disseminate best practices, but to work in partnership with traditional public schools and other charter schools, thus fulfilling the letter and spirit of the Act.

Through a competitive process, NYSED will award collaboration subgrants to high-quality charter schools that partner with district and/or other charter schools. The charter-charter collaboration would be between charter schools that are unaffiliated. Key features of this collaboration subgrant competition will likely include:

- Extensive outreach to high-performing charter schools and refinement of the subgrant priorities during the two years or the five-year CSP grant project, with the subgrant competition conducted and completed no later than June 30, 2020.
- Subgrant project periods of 3 years (from July 1, 2020 to June 30, 2023) and award amounts of up to $500,000.
- A competitive preference priority for charter schools that propose to disseminate best practices to persistently low-performing schools (district and charter); seek to work with multiple schools through one proposal, district or charter; seek to address the learning needs of at-risk students, including students with disabilities, English language learners, and/or economically disadvantaged students; and charter schools that propose in-depth engagement partnerships, which may include “embedding” key school start-up staff members at the applicant charter school to disseminate effective educational, operational, and/or fiscal practices.
- A formal evaluation of the implementation of collaboration projects (both from disseminating and partner schools) and student achievement impacts will be conducted during the final year of the subgrant project period. This evaluation will be funded by the applicant school out of the subgrant award.
- NYSED will work collaboratively with our partners to further refine these priorities during the development years.

The collaboration subgrant activities must be aligned with the New York State performance standards, supported by research, and show documented results. Steps to include training and technical assistance must be identified. Applicants seeking to

develop assessments or materials must include validation study results to show evidence of “successful practices.” Applicants seeking to assist individuals with developing partnerships must have practices that have led to documented results and represent a product or service that can be shared with the partner school or schools.

Charter school applicants must meet all of the eligibility criteria found in §52043(f)(6)(A) of the ESEA, as amended by the Every Student Succeeds Act (ESSA), in order to be eligible to receive a collaboration subgrant. Applicants must have been open for instruction for at least three consecutive years, demonstrate overall success by showing substantial progress in improving student academic achievement, a high level of parent satisfaction, and the necessary management and leadership ability. NYSED’s criteria for collaboration subgrant eligibility will be similar to those outlined for the replication priority in **Selection Criteria (b), Project Objective 1, Activity 2,** in addition to consideration of parent surveys or other measures of parent satisfaction. No points will be awarded for meeting minimum eligibility requirements.

Applicants will be required to demonstrate how their collaboration activities would result in increased student achievement, whether the increase would be directly or indirectly related to grant activities, and how the effects of their activities might be recognized and measured. NYSED will attempt to increase the likelihood that the collaboration activities will improve student achievement by asking the applicant to address the following in the narrative: qualitative and quantitative information to support the need for the project, the validation study or documented results to show necessary evidence of success, the alignment with the New York State learning standards and the modification for learners of all abilities (including students with disabilities and English

language learners). It is anticipated that eight charter schools will be awarded collaboration grants beginning in the third year of the five-year CSP grant period.

Once collaboration projects are underway, NYSED will coordinate monitoring of the projects through regular reporting (both programmatic and fiscal) and on-site visits. Subgrant recipients will be required to meet annual performance benchmarks to receive continuation funding. NYSED will also coordinate regular presentations and sharing sessions (in a variety of formats, including online and in-person) about the ongoing work. Collaboration grant projects will culminate in a written document authorized by the subgrant recipient explaining best practices shared and the outcome of the collaboration, with a focus on how these practices can be scaled further to encourage best practice sharing with a wider audience. Barriers to implementation in district schools will also be presented. These documents will be posted on the NYSED website for the benefit of all schools in the state, even those who did not participate directly in the dissemination project.

Project Objective 4

Strengthen the overall quality of the New York State charter authorizing and CSP grant administrative infrastructure.

NYSED proposes to strengthen the overall quality of the New York State charter authorization and CSP grant administrative infrastructure by eliminating redundant review and reporting processes (as described in **Project Objective 1, Activity 1**) and strengthening the collaborative working relationships between active authorizers in the State, described in **Priority 6: Best Practices for Charter School Authorizing**.

Refer to **Selection Criteria d) State Plan** on technical assistance for authorizers and to the project outcomes in **Selection Criteria e) Quality of the Management Plan**, which contains our Theory of Action and Logic Model.

c) Quality of Eligible Subgrant Applicants *(up to 15 points)*

The likelihood that the eligible applicants receiving subgrants under the program will meet those objectives and improve educational results for students.

New York State's authorizing structure is intended to foster innovation and support the establishment of charter schools with varied philosophical bases. NYSED and the Institute work in partnership to ensure that only governing boards with the will, skill, and capacity to sustain quality schools are awarded charters, and the authorizers rigorously monitor the academic and operational programs of the charter schools in the State. Quality support organizations, like the Northeast Charter School Network and the New York City Charter School Center, provide high-quality technical assistance to the State's charter schools, as well as advocacy and links to national policy and research resources for schools.

Both authorizers are committed to conducting rigorous, integrated charter authorization and CSP grant peer review processes, aligned with the NACSA' *Principles and Standards for Quality Authorizing*. The Institute's charter school application and authorizing practices has been recognized several times nationally, including in October 2010, when it received the Award for Excellence in Improving Authorizer Practice from NACSA. The Institute has been recognized for some of the best-developed charter oversight architecture of any authorizer in the country, and many of its systems have been used by other authorizers. The Institute's charter application approval process, 2018 SUNY Request for Proposals (*Refer to Appendix F, Additional Information:*

Institute's 2018 RFP for New and Replicating Schools) is a rigorous review process for new charter schools that includes in-depth interviews with applicants and proposed board members; an extensive academic, fiscal and legal review by staff as well a panel of external experts in the fields of education and school finance; and interviews of the founding team and proposed board by Institute staff and members of the SUNY Trustees' Education Committee. The review process also includes a thorough due-diligence review and interview of any proposed management partner.

The NYSED charter school application is also extremely rigorous and thorough. In a June 7, 2010 memo to the Board of Regents, NYSED described a renewed commitment to quality in the Regent's charter school authorizing practice, focused on the three core responsibilities of charter school authorizers as distilled by NACSA: (1) maintain high standards for schools; (2) uphold school autonomy; and (3) protect student and public interests. The Regents' charter application approval process is outlined in the *NYSED 2018 Charter School Application Kit* (*See Appendix F, Additional Information: NYSED 2018 Charter School Application Kit*), which contains charter school application guidance, materials and review protocols, integrated with CSP grant requirements as described in **Selection Criteria (b), Project Objective 1.**

This process is focused on the will, skill and capacity of the founding school governing board to launch and sustain a successful public charter school. NYSED's rigorous charter application process includes submission of a letter of intent; a two-stage comprehensive written application reviewed by expert peer reviewers (including charter and district school faculty, administrators, and board of trustees members, along with other educational professionals) and NYSED staff; a panel discussion among peer

reviewers; a face-to-face interview of the proposed school's founding group regarding capacity; and careful consideration of public opinion and comment, including direct solicitation of comment from the host district's superintendent.

Peer reviewers participate in training prior to reviewing proposals and participating in panel discussions of the relative merits and weaknesses of each application. As per the NYSED 2018 Charter School Application Kit, the Regents will award a charter and CSP grant *only if* the applicant has demonstrated appropriate knowledge, capacity, and abilities to effectively create, maintain, and oversee a high-quality charter school.

In the case of conversion charter schools authorized by local boards of education or the Chancellor of New York City, NYSED will work with these LEA authorizers to ensure that a peer review process of comparable rigor is utilized to award charters and CSP funds.

In order for a charter school to earn a renewal of any term (up to five years), the charter authorizing entity must make a positive recommendation to the Board of Regents to renew the school's charter that includes the following findings per Ed Law §2852(2) and 2851(4): "(a) the charter school described in the [renewal] application meets the requirements set out in this [Article 56 of the Ed Law], and all other applicable laws, rules and regulations; (b) [the school] can demonstrate the ability to operate in an educationally and fiscally sound manner; [and] (c) granting the application is likely to improve student learning and achievement and materially further the purposes set out in [Ed Law §2850(2)]." By making the findings, it is acknowledged that the charter school is meeting the terms of the school's charter and is meeting or exceeding the student

academic achievement requirements and goals for charter schools as set forth under State education law or the school's charter.

Authorizer decisions to recommend the renewal, non-renewal, or revocation of a school's charter must be voted on during a meeting held in compliance with New York State's Open Meetings Law (NY Public Officers Law Article 7), and Ed Law §2857(1) includes provisions for notification and public hearings, for communities impacted by proposed charter school renewal.

These recommendations must then be acted upon by the Board of Regents in a public meeting to formally issue a renewal charter. A failure of the authorizer to affirmatively renew or extend a school's charter during the periodic review that takes place at least once every five years would result in the charter school being closed. In the case of local school district authorizers, the Board of Regents may also vote to not approve a charter renewal approved by the district, in which case the school would be closed and the dissolution process would begin.

Per the Act, each charter school must provide a dissolution plan as part of its application process. Applicant groups must recognize the possibility of school closure and have a detailed plan for dissolution of the school. The plan must describes the procedures to be followed in the event of closure or dissolution of the school and should provide a detailed and reasonable procedures to be followed in the case of the closure or dissolution including provisions for the transfer of students and student records to the school district in which the charter school is located and for the disposition of the school's assets to the school district in which the charter school is located or another charter school located within the school district. In addition, NYSED and the Institute

provide closure guidance procedures to their schools under their purview. (Refer to *Appendix F, Additional Information: NYSED and Institute Closure Guidance*)

d) State Plan (up to 20 points)

The State entity's plan to—
(1) Adequately monitor the eligible applicants receiving subgrants under the State entity's program;
(2) Work with the authorized public chartering agencies involved to avoid duplication of work for the charter schools and authorized public chartering agencies; and
(3) Provide technical assistance and support for—
i. The eligible applicants receiving subgrants under the State entity's program; and
ii. Quality authorizing efforts in the State.

NYSED will carry out a robust quality charter school program, including a rigorous application and review process, differentiated monitoring, and high-quality technical assistance. NYSED will retain direct management of 100 percent of the grant funds, including the 90 percent reserved for direct subgrants to eligible applicants. NYSED will utilize the three percent administrative set-aside to support the Charter School Office. Through the administrative set-aside, the CSO will be responsible for administering the subgrant funding process and coordinating other partners to provide technical assistance to authorizers and support organizations. The remaining seven percent of the funds will support technical assistance to the State's charter schools and authorizers.

<u>Monitor</u>

NYSED will ensure that each eligible applicant that receives a subgrant under the integrated application review process, **as described in Project Objective 1, Activity 1**, will implement with fidelity the activities described in the subgrantee's application. See **Selection Criteria b) Quality of Eligible Subgrant Applicants** for a detailed description of the application and peer review process, along with the application and rubric in *Appendix F, Additional Information*. See also *Activity 1* and *Activity 2* below.

Based on a risk assessment, subgrantees may receive an on-site technical assistance and monitoring visit by their authorizer within the first 12 months of school operation, as set forth in the written and publicly posted monitoring plans of each authorizer, to ensure activities occur as approved within the grant and for authorizer staff to gather information regarding future technical assistance. *(Refer to Appendix F, Additional Information: Oversight Plan):* Additionally, prior to each subsequent fiscal year, and in addition to the annual reporting requirements and annual independent fiscal audits mandated by State Education Law, the subgrantee will submit an annual progress report to NYSED and, if authorized by the Institute, delineating its progress against stated outcomes and, if necessary, will explain adjustments to its plan to ensure all outcomes and goals are met.

NYSED or, if authorized by the Institute, will choose subgrant recipients for further monitoring based in part on their annual reports and annual independent fiscal audits submitted to NYSED and, if authorized by it, the Institute. Factors that will contribute to the need for further monitoring include:

- Information in the report that raise concerns (e.g., over $100 in interest earned, funds in the bank account for an unreasonable period of time),
- Subgrantees who do not submit the report,
- Subgrantees recommended by CSO staff upon CSP Grant Manager inquiry,
- Subgrantees with an increased media presence (if applicable),
- Subgrantees whose annual independent fiscal audit findings raise concerns.

Subgrantees selected for further monitoring maybe required to provide additional documentation to the CSO for review. CSO staff will review that documentation to check

for compliance with federal regulations, the CSP non-regulatory guidance, and State education law. Additionally, NYSED will share best fiscal practices with subgrantees, CSO staff, and other authorizers via the CSO Audit Guide. (*Refer to Appendix F, Additional Information: CSO Audit Guide)*

Chartering Agencies

New York State is uniquely situated when addressing the level of charter authorizing expertise required to build, implement, and sustain high-quality authorizing as measured against national authorizing standards. The Institute is led by a former NACSA staff member and NYSED's CSO executive director has authorizing experience on the district and state levels. While at NACSA the head of SUNY's Charter Schools Institute led the refinement of the NACSA *Principles & Standards for Quality Authorizing* and participated in the design, pilot and redesign of NACSA's Authorizer Evaluation Protocol.

New York State authorizers have collaborated with NACSA since its inception and have been singled out for their exemplar authorizing practices. This level of experience and accomplishment located in both statewide authorizing agencies allows New York State to maximize resources and leverage NYSED and the Institute's expertise.

Activity 1: Systematically review and align NYSED oversight protocols and guidelines.

NYSED will work systematically during the first part of the five-year grant period to review and refine our full set of guiding protocol documents to ensure a clear integration of CSP grant program goals and requirements with general charter oversight activities. In particular, NYSED will work to clearly distinguish the oversight activities that we

conduct for all charter schools in the State as the regulatory authority identified in the Act, from the oversight activities that we conduct as a charter authorizer for a subset of charter schools in the State. For all charter schools, NYSED plans to work collaboratively with the Institute and other authorizers to refine guidelines for annual reports, enrollment and retention targets, charter revisions, and federal funding availability. For Regents' authorized charter schools, NYSED will also refine its processes and protocols related to charter/grant application, opening procedures, site visits, financial audits, performance frameworks, renewal applications, and closing procedures to align with national best practice, such as NACSA's *Principles and Standards*. As the Institute and NYSED have done in the past, these revised processes and protocols will be shared for adoption and/or adaption with the other authorizers in the State, particularly the NYC DOE and other LEAs that choose to authorize conversion charters. These revisions will further enhance the quality, clarity, and transparency of NYSED's monitoring and oversight of all charter schools in New York State.

- ***Activity 2: Actively participate in and contribute to state and national charter school authorization and policy dialogue.***

New York's charter authorizers are committed to continual improvement of authorizing and monitoring (inclusive of CSP grant monitoring) practices. Over the five-year grant period, NYSED is committed to supporting the active involvement of New York State charter authorizers in the national dialogue about charter school authorizing, oversight, and policy. This will involve conversations between authorizers, to (1) align authorizing practices to industry best practice standards; (2) develop state-level policy

around implementation aspects of the amended charter school statute, such as replication and lottery provisions; (3) coordinate authorizing and review processes and protocols, especially as they relate to the timely flow of CSP grant funds; and (4) provide a forum discussing the professional development needs of charter authorizing staff in each organization.

NYSED will reach out to LEAs that are interested in charter authorization to participate in these activities. The Northeast Charter Schools Network and the New York City Charter School Center may also be asked to participate in these activities as appropriate.

Technical Assistance: Subgrant Recipients

Technical assistance will begin prior to eligible applicants receiving planning and implementation subgrants. All subgrantees, other than dissemination subgrantees, will be required to apportion part of their CSP funds for the purpose of engaging in ongoing board of trustee professional development throughout the subgrant period by an external service provider with experience providing charter schools with board training and who is approved by NYSED or the Institute. The integrated application kit, informational webinars and slideshow decks are available on the CSO website for all potential applicants to review. In addition, NYSED provides direct CSP technical assistance to all newly authorized or replicated charter schools, regarding reporting requirements, fiscal oversight activities, and subgrant fiscal procedures. As part of the extensive NYSED pre-opening procedures for newly authorized charter schools, the CSP Project Director/Grants Manager conduct webinars and work closely with the NYSED new school team to support CSP subgrantees. The CSP Project

Director/Grants Manager also work closely with charter schools awarded CSP dissemination subgrants. As evidenced by the independent evaluation of NYSED's CSP grant activities, nearly all CSP subgrantees were satisfied or very satisfied with the high level of support, training, and assistance provided by NYSED to oversee, train, and monitor CSP subgrantee onboarding and ongoing operation. Applicants are encouraged to contact NYSED and the Institute for assistance. In addition, NYSED will work with external organizations that have staff capacity and expertise in providing effective, direct technical assistance to schools such as the Northeast Charter Schools Network and the New York City Charter School Center, which have provided trainings and supports for applicants during the 2011 CSP grant period. (*Refer to Appendix F, Additional Information: NYSED Pre-Opening Checklist)*

The technical assistance partners, as described **Project Objectives 3, Activity 3,** will have a role in NYSED's comprehensive statewide system of support and sharing best practices and supporting consistent best practices among New York State authorizers.

Technical Assistance: Authorizers

In order to improve the capacity of all charter authorizing entities in New York State to authorize, monitor, and hold their respective charter schools accountable, NYSED will work collaboratively with the Institute, the NYC DOE, and the Buffalo City School District to identify common areas of professional development for charter authorizing staff members through a needs assessment conducted during the first year of the grant project. NYSED will then work collaboratively with our partners to determine mutually agreeable forums for training and assistance. These training forums may include

statewide authorizer forums for aligning best practices, sending staff to national conferences or workshops conducted by higher education institutions, as well as specifically tailored trainings delivered by charter authorizing experts, including in-house experts at NYSED, the Institute, NYC DOE, and Buffalo. (Refer to **Activity 2** above.)

e) Quality of the Management Plan *(up to 15 points)*

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers:
(1) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks (up to 10 points); and
(2) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project (up to 5 points).

NYSED Charter School Office (CSO)

In May of 2015, the Board of Regents appointed a new Commissioner of Education, MaryEllen Elia, to lead NYSED. Ms. Elia is an educator with 45 years of experience, previously serving as superintendent of schools in Hillsborough County, Florida. Throughout her distinguished career, Ms. Elia successfully implemented higher learning standards, partnered with teachers to develop a comprehensive evaluation system, and earned national recognition for gains in student achievement. Ms. Elia has extensive experience in and knowledge of the charter school sector.

The CSO is managed by Executive Director David M. Frank. Mr. Frank previously served as the NYC DOE's Director of Charter School Policy. He has managed numerous federal, state, and private grants to support charter school growth, replication, and the dissemination of effective educational practices at the New York City Charter School Center. Previously, and continuing in his current role, Mr. Frank has worked closely with at-risk students to provide early interventions and high quality educational opportunities. Mr. Frank reports directly to the Associate Commissioner for

School Operations and Management Services, Renee Rider, providing the CSO with a direct link to NYSED's senior leadership.

In addition to the Executive Director, the CSO currently has 10.0 FTE professional personnel and 3.0 FTE support staff who carry out the Regents' legal and regulatory oversight function for all charter schools in the State, administer the State's federal CSP grant, and conduct the specific charter authorization activities of schools directly authorized by the Regents. In particular, the current CSP Project Director, Valerie Kowalski, will continue in her role, bringing years of experience with charter authorization, fiscal oversight, and grants management. Led by Barbara Moscinski, the CSO has a 5.0 FTE Performance Oversight Team. The Performance Oversight team works towards ensuring high academic outcomes for all students through the formative and summative programmatic evaluation of all Board of Regents-authorized charter schools pursuant to the transparent NYSED Performance Framework and Monitoring Plan *(Refer to Appendix F, Additional Information: NYSED Performance Framework* and *Monitoring Plan)*. In addition, there is currently a team of 3.0 FTE that work on NYSED's new charter school authorization process led by Vickie Smith. In order to appropriately manage and oversee this much larger CSP grant project, which will result in the significant expansion in the number of high-quality charter schools in New York State, NYSED proposes to assign 4.0 FTE professional positions to work on CSP activities as follows:

- A dedicated full-time CSP Project Director (0.5 FTE will be supported by the grant and 0.5 FTE will be supported by NYSED) who will be charged with ensuring proper stewardship of CSP funds and compliance with all State and

federal laws and regulations. S/he will work closely with a new CSP grants manager (see a new 1.0 FTE position below), new schools development staff, and other professional staff charged with monitoring and compliance to ensure seamless coordination of the integrated charter authorization and grant review process, timely processing and payment of all subgrant awards, and appropriate oversight and monitoring. S/he will coordinate with the other active authorizers in the State to ensure that their processes adhere to CSP grant requirements.

- A CSP Grants Manager and Fiscal Specialist (1.0 FTE) will assist in the fiscal and programmatic oversight of the of charter schools, with a particular emphasis on the rapidly-expanding charter school community in New York City. S/he will work closely with the CSP Project Director, current CSO professional staff members, the state's other authorizers, and contracted school review vendors to ensure the smooth onboarding of new subgrantees and will carry out ongoing performance and fiscal monitoring of subgrantees, including Regents' authorized charter schools S/he will provide fiscal and grant-related technical assistance when needed.
- A Fiscal Oversight Specialist (1.0 FTE) will assist in fiscal oversight of all subgrantees, including Regents-authorized charter schools across the state. S/he will work closely with the NYSED Office of Audit Services and the Institute in Albany to coordinate ongoing fiscal risk management of subgrantees and will provide fiscal and grant-related technical assistance when needed.
- A Dissemination and Professional Development Coordinator (1.0 FTE) will be charged with promoting dissemination of charter school best practices to public

schools, district and charter, throughout the State, and will administer the dissemination grant competition described in **Selection Criteria b).** S/he will be responsible for coordinating all aspects of ongoing professional development activities for subgrantees, other authorizers, CSO staff, and other stakeholders as needed. This position will work alongside CSO new schools development staff to inform educators, teachers, parents, and communities about charter schools in New York State.

The CSO Executive Director provides oversight of all of these activities and ensures that resources are deployed in alignment with strategic priorities. He will serve as a primary liaison between NYSED and the state's other authorizers and work with stakeholders to craft state- level policy to support project objectives.

Logic Plan – Theory of Action

To achieve the goals of this CSP grant, New York will utilize the logic model found below. As explained in the State Plan, and throughout the Project Narrative, New York will leverage a variety of resources and partners to execute activities that are aligned to outputs and outcomes (short-, mid- and long-term outcomes) to demonstrate achievement of the four objectives described above in **Selection Criteria (b)**. Using CSP funding across subgrants and technical assistance, New York will increase the number of quality charter schools and thus improve educational outcomes for students by supporting the schools' planning years and by providing technical assistance across program design and initial launch.

Inputs and Resources	Activities	Outputs	Short-Term Goals	Mid-Term Goals	Long-Term Goals
Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting State academic standards.					
NYSED	Award grants to all newly authorized and expanding charter schools in New York State based on their charter approval.	Subgrants awarded to highest quality applicants to incubate, expand, & replicate charter schools	By the end of 2019, 12 newly-authorized charter schools will be awarded subgrants. By the end of 2019, 3 high-quality expansions will take place statewide.	By the end of 2021, 36 newly-authorized charter schools will be awarded subgrants. By the end of 2021, 9 high-quality expansions will take place statewide.	Increase the number of high quality charter school seats available to students by successfully implementing 69 subgrants statewide.
	Encourage replication of high-quality charter schools through a streamlined replication approval process.				
	Provide increased post-charter planning and implementation grant awards for applicant groups that meet specific incentive priorities.				
NYSED Institute Partner Organizations	Clearly communicate information about charter schools and CSP grant funding	Successful charter operators both in and out of New York State are aware of the support the CSP grant provides and seek to create additional high-quality seats for students in the state.			
NYSED Institute	Ensure ongoing high quality of all existing New York State charter schools.	New York State charter schools, in the aggregate will outperform district schools for all students as well as for students with disabilities, English language learners, and economically disadvantaged students, on state exams and graduation rates.	Sign a MOU with CREDO at Stanford University to start data collection and analysis by 2019.	By 2021 initial CREDO data analysis will show that	In a statewide report, CREDO will show that New York State charter schools, in the aggregate outperform district schools and are closing the achievement gap for all students as well as for students with disabilities, English language learners, and

					economically disadvantaged students, on state exams and graduation rates.
Objective 2: Improve student achievement outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting State academic standards through high quality charter authorizing and technical assistance.					
NYSED Institute External Technical Assistance Experts	Identify technical assistance partnerships through a competitive RFP process across New York to foster the development of high quality school leaders and board members, new or replicated charter school applicant groups, newly authorized or replicated charter schools, and charter schools serving students who are at risk	Authorizers and external experts hosts workshops and trainings on high-quality school models and student supports Research & evaluation identifies best practices & opportunities for growth	The percentage of charter school students in Subgrantees schools achieve at or above the proficient level on State assessments in ELA and Math will increase by 2% from the prior year (GPRA).	Subgrantees decrease the achievement gap between historically underserved students and state averages.	Increased academic outcomes for students attending charter schools by the percent of charter school students scoring in the at proficiency or above on state assessments.
Objective 3: Promote the dissemination of New York charter school effective practices to other public schools.					
NYSED Institute External Experts High-quality schools	Create and support technical assistance partnerships through a competitive RFP process and trainings	Specific PD for charter schools growth & expansion Schools share evidence based best practices across charters & traditional public schools	By 2019, release of an RFP for TA partners with the establishment of at least 1 TA partnership in Western New York	By 2021, through the competitive RFP, the establishment of at least 2 TA partnership across New York	Increase the number of high quality charter school seats available to students statewide.
	Create and support district-charter and charter-charter collaboration efforts	Subgrants awarded to highest quality applicants for district-charter and/or charter-charter collaboration	Refinement of the subgrant priorities during the first year of the overall five-year CSP grant project	By 2019, 8 subgrant collaborations are established	Increased academic performance of collaboration district and charters schools
Objective 4: Strengthen the overall quality of the New York State charter authorizing and CSP grant administrative infrastructure.					
NYSED Institute NYC DOE	Review and align NYSED oversight protocols and guidelines	Specific PD for authorizers in and out of New York State	Reaffirm the New York State Quality Charter Authorizer Partnership	Each authorizers' percentage of schools in their portfolios identified high quality will increase from year 1 of the project	Increased percentage of charter schools in authorizers portfolios identified as high quality charter schools
	Actively participate in and contribute to state and national charter school authorization and policy dialogue				
External Experts	Provide technical assistance and				

	professional development to New York State charter authorizer staff to support high-quality authorizing practices				

The 2018 New York CSP Project-Specific Performance Measures supporting the logic model are as follows:

Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting State academic standards.		
Performance Measure (1A): By September 31, 2023, New York State charter authorizers will issue 69 additional subaward grants for new high-quality charter school seats. The baseline is 246.		
Data Collection	**Methods/Instruments**	**Analysis/Reporting**
Track the number of applications submitted and the final number of charters issued at the end of each year.	Use established application tracking system and CSO internal database system to track total charters issued.	Aggregate and report numeric summaries annually in the NYS Charter School Annual Report.
Performance Measure (1B): By September 31, 2023, of the 69 subgrants awarded, the New York State charter authorizers will issue 20 charters for new high-quality charter schools to open that meet grant incentivized priorities. The baseline is 70.		
Data Collection	**Methods/Instruments**	**Analysis/Reporting**
Track the number of incentivized charter applications submitted and charters issued at the end of each year.	Use established application tracking system and charter to track total charters issued that meet the school incentivized priorities.	Aggregate and report numeric summaries annually in the NYS Charter School Annual Report.
Performance Measure (1C): Each year, 100% of the portfolio of existing charter schools who earn charter renewal from their authorizer will meet New York State's high-quality charter school performance standards; those that do not will be closed. The baseline is 36.		
Data Collection	**Methods/Instruments**	**Analysis/Reporting**
Collect the full range of charter authorizing evidence gathering, including on-site monitoring visits, annual reports, and student achievement data.	Evaluate charter school performance against each authorizer's renewal performance benchmarks.	Report renewal decisions publicly on authorizer and NYSED websites and as part of the Annual Report on the Status of Charter Schools to Governor and Legislature.
Performance Measure (1D): Each year, the number of charter schools in New York State that are identified as targeted or comprehensive support and improvement schools will decrease by one. The baseline is 14.		
Data Collection	Methods/Instruments	Analysis/Reporting
NYSED collects student assessment, graduation and other data	NYSED conducts analyses using established methodologies	NYSED prepares and releases lists of targeted and comprehensive support and improvement schools. CSO consults lists.
Objective 2: Improve student achievement outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting State academic standards through high quality charter authorizing and technical assistance.		
Performance Measure (2A): Each year the percentage of charter school students in New York State, in the following categories, that achieve at or above the proficient level on State examinations, in the following subjects, will increase by 2% from the prior year (GPRA). *• (4A1): fourth grade, reading/language arts; baseline is 52%* *• (4A2): fourth grade, mathematics; baseline is 55%* *• (4A3): eighth grade, reading/language arts; baseline is 49%* *• (4A4): eighth grade, mathematics; baseline is 34%*		

Performance Measure (2B): Each year, high school graduation rates for charter school students in New York State in the following categories will either meet the state standard of 80% or will reduce the gap between the state standard and the prior year's rate by at least 20%, as measured by either the four year graduation cohort rate or the five year extended cohort graduation rate. *• (4B1): all students; baseline is 78% (4-yr), 80% (5-yr)* *• (4B2): students with disabilities; baseline is 60% (4-yr), 61% (5-yr)* *• (4B3): English language learners baseline is 48% (4-yr), 46% (5-yr)* *• (4B4): students that qualify for free-reduced lunch; baseline is 78% (4-yr), 81% (5-yr)*		
Data Collection	**Methods/Instruments**	**Analysis/Reporting**
NYSED collects all student assessment data, conducts analysis and prepares Report Cards.	Basic Education Data System (BEDS)	School Report Cards identifying proficiency levels and accountability status.
Track the status of charter schools' academic progress in meeting its overall academic goals defined in its charter.	Charter school annual reports and program monitoring reports	Aggregate results will be shared via NYS Charter School Annual Report.
Performance Measure (2C): By the end of the grant period, results from a rigorous outcomes research study will show that New York State charter schools will outperform, at a statistically significant level, comparable students in traditional New York State public schools in categories determined by the research design. No baseline required.		
Data Collection	**Methods/Instruments**	**Analysis/Reporting**
Use extant student enrollment, achievement, graduation, and other outcomes collected via the State assessment system or contracted researcher will collect additional data as necessary.	Quasi-experimental methodology developed by contracted researcher.	Published analyses prepared by contracted researcher.
Objective 3: Promote the dissemination of New York charter school effective practices to other public schools.		
Performance Measure (3A): By the end of the grant period, NYSED will establish two technical assistance partnerships in regions outside of New York City. Baseline is zero.		
Data Collection	**Methods/Instruments**	**Analysis/Reporting**
Track the creation of the TA centers over the course of the grant period	NYS CSO program monitoring	NYS Charter School Annual Report
Performance Measure (3C): By June 30, 2019, NYSED will award 8 collaboration subgrants that meet the rigorous subgrant competition standard. Baseline is 21.		
Data Collection	**Methods/Instruments**	**Analysis/Reporting**
Track the number of applications received versus those approved. Collect quantitative and qualitative data provided by each subgrantee, and feedback regarding the impact of the projects on the educational practices of awarded charter schools.	Develop tracking database. Require subgrantee evaluation data be submitted at the conclusion of the project. Utilize a survey instrument to key stakeholders involved in dissemination projects to evaluate project impacts.	Aggregate and report numeric summaries annually in the NYS Charter School Annual Report.
Objective (4): Strengthen the overall quality of the New York State charter authorizing and CSP grant administrative infrastructure.		
Performance Measure (4A): By December 31, 2019, NYSED will successfully complete a systematic review and alignment of oversight protocols and guidelines. Baseline is three.		
Data Collection	**Methods/Instruments**	**Analysis/Reporting**

Research the best oversight authorization processes in New York state.	Use best-practice rubrics such as NACSA's authorizer self evaluation guides.	Post and share all revised protocols with all authorizers.
Performance Measure (4B): Each year, a representative of a New York State charter authorizing entity will be invited to present on best practices related to charter authorizing and/or CSP grant oversight at a national or regional conference.		
Data Collection	**Methods/Instruments**	**Analysis/Reporting**
Track the number of proposals submitted and invitations received.	Evaluate the quality of presentations using conference evaluation forms from participants.	Analyze strengths and weaknesses of presentations based on evaluation responses to inform future presentations.

f) Parent and Community Involvement (up to 10 points)

The State entity's plan to solicit and consider input from parents and other members of the community on the implementation and operation of charter schools in the State.

New York State believes that effectively engaging parents and families is critical to establishing safe, healthy, and supportive environments for students in all schools across the State. To ensure that all students are supported by strong home-school-community partnerships, NYSED will promote State-, district-, and school-level strategies for effectively engaging parents and other family members in their children's education, based on inclusive, equitable school cultures that recognize and foster student diversity. As stated in New York's ESSA plan, "The Board of Regents recognizes that (1) improved student achievement is linked to engaging parents and families in the education process, (2) parents and families are the first educators of children, and (3) education is the shared responsibility of schools, parents and families, and the community." [5]

Charter schools are schools of choice, designed to provide families with opportunities to send their children to innovative and high performing public schools. Charter schools are also embedded in local communities and expected to respond to

[5] http://www.p12.nysed.gov/accountability/essa/documents/nys-essa-plan-final-1-16-2018.pdf

community needs. At their foundation, charter schools are expected to have clear plans for involving families and the community in the life of the school.

Pursuant to Education Law Section 2852(9-a)(b)(ii) authorizers may not consider any proposal that does not reflect a meaningful public review process designed "to solicit community input regarding the proposed charter school and to address comments received from the impacted community concerning the educational and programmatic needs of students." Applicants are also required to demonstrate how parent and the community will be engaged and actively involved in their schools. There must be an explanation and plan of how parents and school staff, including teachers, will provide input and participate in the governance of the education corporation.

It is through genuine opportunities for collaboration that we ensure parental and community buy-in and ongoing support for their children's high quality educational options. Just as charter school leaders and their authorizers involve parents in planning and implementation decision-making, NYSED commits to monitoring the effectiveness of such opportunities.

Through the authorizing process, authorizers are able to evaluate the degree to which parents and community members believe they have had genuine opportunities to influence the implementation and operation of charter schools. Authorizers are required by law to conduct a public hearing as a part of every charter school application to allow the public to comment on the proposed school. These comments are transcribed and become part of the applicant's file. The public hearings are held in the proposed district of location to solicit public comments, thus providing authorizers with another means of evaluating the community and family support of the proposed charter schools. In

conjunction with the submitted application, the public hearings are used to inform the decision of the authorizers in awarding a charter.

During a charter school's renewal process another public hearing is held to solicit public comments. In addition, authorizers must take into consideration indications of parent and student satisfaction. Charter schools often conduct annual surveys of parent and families to gauge school satisfaction levels. In New York City, where the majority of the state's charter schools are located, the NYC DOE conducts annual surveys of parents, staff, and students of all public schools in the LEA, including charter schools. The results of the surveys inform each school's annual NYC DOE's School Quality Report which are avail on the NYC DOE's website.[6]

Most importantly, authorizers are in frequent contact, both with each other, and with school districts with charter schools to ensure that charter school authorization is strategic, taking into account existing and planned schools, as well as actual community need.

As part of the CSP project evaluation and research efforts, NYSED will intentionally solicit and review stakeholder comments specific to their experiences with subgrant recipients about the services provided to them by nonprofit organizations, professional organizations, and authorizers specific to the purpose of CSP grant dollars. Key stakeholder input (including parental feedback) will be important in evaluating the effectiveness of CPS-funded training and technical assistance services intended to extend understanding and build capacity for planning and operating high quality charter schools.

[6] http://schools.nyc.gov/Accountability/tools/report/default.htm

g) Flexibility (up to 5 points)

The degree of flexibility afforded by the State's charter school law and how the State entity will work to maximize the flexibility provided to charter schools under such law.

Education Law §2853(1)(c) states: "A charter school shall be deemed an independent and autonomous public school, except as otherwise provided in this article. The charter entity and the board of regents shall be deemed to be the public agents authorized to supervise and oversee the charter school." The 2018 National Alliance for Public Charter Schools report ranking state charter school laws against a "model" state law noted that New York State charter law "includes all of the model law's provisions for fiscally and legally autonomous schools with independent public charter school boards."

Public charter schools in New York State are subject to all laws, rules and regulations affecting health and safety, civil rights, and student assessment applicable to other public schools except as specifically provided in Education Law §2854(1)(b). Education Law §2854(1)(e) provides that charter schools are subject to New York State's Open Meetings Law (NY Public Officers Law §§100- 111) and Freedom of Information Law (Public Officers Law §§84-90), as well as certain requirements of the compulsory education of minors law in Article 65 of the Education Law. However, Education Law §2854(1)(b) goes on further to state that "charter schools are otherwise exempt from all other state and local laws, rules, regulations or policies governing public or private schools, boards of education and school districts, including those related to school personnel and students, except as specifically provided in the school's charter or this article." In addition, the NY Charter Schools Act states, "The regulatory power of the board of regents [the SEA] and the commissioner shall not extend to charter schools except as otherwise specifically provided in this article." (Education Law §2855(5)). The

administrative relationship of the charter school and the charter entity is defined in statute: “The board of regents and charter entity shall oversee each school approved by such entity, and may visit, examine into and inspect any charter school, including the records of such school, under its oversight. Oversight by a charter entity and the board of regents shall be sufficient to ensure that the charter school is in compliance with all applicable laws, regulations and charter provisions” (Education Law §2853(2)).

Charter schools are required to employ teachers “certified in accordance with the requirements applicable to other public schools” with the flexibility to also employ uncertified teachers that, if they meet certain certification exemption criteria, can be as many as five teachers or thirty percent of the teachers in the school, whichever is less; plus an additional five STEM teachers; plus an additional five teachers (Education Law §2854(3)(a-1)). This allows charter schools to hire some individuals who are not certified but meet the needs of their students. The Act specifies no requirements for school administrators. The charter school can hire the individual appropriate for the position. Although charter schools must meet the State’s minimum instructional time in their calendars (Education Law §2851(2)(n)), they decide on the length of the school day and year including offering some Saturday and summer days of attendance.

Charter schools have flexibility in the educational program they provide by virtue of having autonomy from “all other state and local laws, rules, regulations or policies governing public or private schools, boards of education and school districts” (Education Law §2854(1)(b)). Most charter schools have flexibility with teacher contracts. Except for the small number of conversion charters schools (Education Law §2853(3)(b)), all new schools that enroll less than 250 students during the first two years may be started

without a unionized work force, though personnel have the right to organize (Education Law §2853(3)(b-1)). While all conversion charter schools have to be unionized, they also have a significant amount of autonomy because under the Act, they are governed by their board of trustees and the contract can be negotiated to fit the charter context.

Once a New York State charter school has been awarded a charter, the new charter school accepts increased freedom from the traditional rules that public schools must follow in exchange for increased performance-based accountability. A charter school is accountable for meeting its measurable student achievement goals or risk non-renewal of its charter. This increased autonomy coupled with increased accountability infuses all aspects of the oversight of charter schools, beginning with a rigorous application process that applicants must go through to receive a charter as well as to maintain its charter.

Charter schools in New York State are fiscally autonomous, according to statute. “A charter school shall be deemed an independent and autonomous public school.” (Education Law §2853(1)(c)). Further, “the board of trustees of the charter school shall have final authority for policy and operational decisions of the school.” (Education Law §2853(1)(f)). In keeping with this authority, it is the trustees of each charter school’s board that are responsible for approving the school’s annual budget and for monitoring its finances.

An application for a charter school shall include “a proposed budget and fiscal plan for the school including evidence that the fiscal plan is sound and that sufficient startup funds will be available to the charter school” (Education Law §2851(2)(e)). Resources are allocated in the budget at the direction and discretion of the applicant and, upon

approval, will be adopted by the charter school board of trustees. While each charter school has a high degree of autonomy over the charter school's budgets and expenditures, accountability is also maintained, as charter schools are subject to annual independent fiscal audits and procedures (which must be consistent with generally accepted government accounting and auditing standards) as set forth in the charter agreement with their authorizers. (Education Law §2854(1)(c)).

As articulated in Education Law §2856, charter schools receive per-student funding directly from the school districts of residence of its enrolled students. The amount of per student funding is calculated (total district operating spending divided by a weighted enrollment figure) by NYSED for each school district. In the event a school district fails to fulfill its financial obligation, there is a procedure in effect (called "state intercepts") for the State to deduct unpaid obligations from state aid due to the district and remit those funds directly to the applicable charter school.

I. Application Requirements

(A) (1) Please refer to **Selection Criteria b) Objectives, Project Objective 1 and Project Objective 2.**

(A) (2) Please refer to **Selection Criteria b) Objectives, Project Objective 1, Activity 4: Clearly communicate information about charter schools and CSP grant funding.**

(A) (3) a. Please refer to **Priority 2: Equitable Funding**

(A) (3) b. Please refer to **Priority 2: Equitable Funding**

(A) (3) c. Please refer to **Priority 5: Serving At-risk Students.**

(4) Please refer to **Selection Criteria c) Quality of Eligible Subgrant Applicants**

(5) a. NYSED is the state education agency in New York; this is not applicable.

(5) b. NYSED is the state education agency in New York; this is not applicable.

(6) a. Please refer to **Selection Criteria d) State Plan**

(6) b. Please refer to **Priority 2: Equitable Funding**

(7) a. Please refer to **Priority 4: Best Practices to Improve Struggling Schools and LEAs, Priority 5: Serving At-risk Students, Selection Criteria a) Quality of the Project Design**.

(7) b. Please refer to **Priority 4: Best Practices to Improve Struggling Schools and LEAs, Selection Criteria b) Objectives, Project Objective 3**.

(8) a. Please refer to **Priority 5: Serving At-risk Students, Selection Criteria b) Objectives, Project Objective 1 and Project Objective 2.**

(8) b. Please refer to **Selection Criteria b) Objectives, Project Objective 3.**

(9) Please refer to **Priority 4: Best Practices to Improve Struggling Schools and LEAs,** and **Selection Criteria b) Objectives, Project Objective 3.**

(10) Please refer to **Priority 5: Serving At-risk Students, Selection Criteria b) Objectives, Project Objective 1, Activity 5.**

(11) Please refer to **Priority 5: Serving At-risk Students, Selection Criteria b) Objectives, Project Objective 1, Activity 5. Project Objective 4,** and **Selection Criteria c) Quality of Eligible Subgrant Applicants.**

(12) a. Please refer to **Selection Criteria d) State Plan** and **e) Quality of the Management Plan**

(12) b. NYSED is the state education agency in New York; this is not applicable.

(13) Please refer to **Priority 5: Serving At-risk Students, Selection Criteria b) Objectives, Project Objective 1**

(B) (1) Please refer to **Selection Criteria d) State Plan** and **e) Quality of the Management Plan**

(B) (2) Please refer to **Selection Criteria b) Objectives, Project Objective 1** and **Project Objective 3**:

(B) (3) Please refer to **Priority 4: Best Practices to Improve Struggling Schools and LEAs, Selection Criteria b) Objectives, Project Objective 1** and **Project Objective 3**.

(13) (C) (1) Please refer to **Selection Criteria b) Objectives, Project Objective 1, Selection Criteria c) Quality of Eligible Subgrant Applicants** and **Selection Criteria d) State Plan.**

13) (C) (2) Please refer to **Selection Criteria b) Objectives, Project Objective 1, Selection Criteria c) Quality of Eligible Subgrant Applicants** and **Selection Criteria d) State Plan.**

(D) Please refer to **Priority 6: Best Practices for Charter School Authorizing Selection Criteria b) Objectives, Project Objective 1, Activity 2, Selection Criteria c) Quality of Eligible Subgrant Applicants** and **Selection Criteria d) State Plan.**

(E) Please refer to **Priority 2: Equitable Financing.**

(F) Please refer to **Selection Criteria g) Flexibility.**

(G) Please refer to **Selection Criteria b) Objectives, Project Objective 1, Activity**

II. Assurances --

Refer to *Appendix A*: ***Charter Schools Program Assurances****: Include a signed copy of the Charter School Program Assurances*

III. Waiver Request --

Awarding Dissemination Grants to Previous Subgrant Recipients

NYSED requests a waiver that would allow high-performing charter schools to receive another dissemination subgrant. Some of our most effective schools—those that have already received dissemination grants—have continued to develop new, successful strategies for serving students but would be ineligible to receive another round of funding under federal regulations. We believe this limits our options for awarding monies to the highest-quality charter schools, particularly given the priorities and structure of the collaboration subgrant competition described in **Selection Criteria b).** Experience has shown that our most successful schools are those that continuously produce high levels of student performance over many years, and these schools have developed new, innovative strategies for doing so over time.

Other Attachment File(s)

*** Mandatory Other Attachment Filename:** 1236-NYS CSP Appendix A.pdf

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Expanding Opportunity Through Quality Charter Schools Program (CSP)

Grants to State Entities

Assurances

Pursuant to section 4303(f)(2) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA), and sections 200.302(a) and 200.331(d) of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), recipients of Grants to State Entities must provide the assurances described below.

As the duly authorized representative of the grantee, I certify to the following:

(A) Each charter school receiving funds through the State entity's program will have a high degree of autonomy over budget and operations, including autonomy over personnel decisions;

(B) The State entity will support charter schools in meeting the educational needs of their students, including children with disabilities and English learners;

(C) The State entity will ensure that the authorized public chartering agency of any charter school that receives funds under the State entity's program adequately monitors each charter school under the authority of such agency in recruiting, enrolling, retaining, and meeting the needs of all students, including children with disabilities and English learners;

(D) The State entity will provide adequate technical assistance to eligible applicants to meet the objectives described in section 4303(f)(1)(A)(viii) and (f)(2)(B) of the ESEA;

(E) The State entity will promote quality authorizing, consistent with State law, such as through providing technical assistance to support each authorized public chartering agency in the State to improve such agency's ability to monitor the charter schools authorized by the agency, including by--

1) Assessing annual performance data of the schools, including, as appropriate, graduation rates, student academic growth, and rates of student attrition;

2) Reviewing the schools' independent, annual audits of financial statements prepared in accordance with generally accepted accounting principles, and ensuring that any such audits are publically reported; and

3) Holding charter schools accountable to the academic, financial, and operational quality controls agreed to between the charter school and the authorized public chartering agency involved, such as through renewal, non-renewal, or revocation of the school's charter;

(F) The State entity will work to ensure that charter schools are included with the traditional public schools in decisionmaking about the public school system in the State; and

(G) The State entity will ensure that each charter school receiving funds under the State entity's program makes publicly available, consistent with the dissemination requirements of the annual

State report card under section 1111(h) of the ESEA, including on the website of the school, information to help parents make informed decisions about the education options available to their children, including--

1) Information on the educational program;
2) Student support services;
3) Parent contract requirements (as applicable), including any financial obligations or fees;
4) Enrollment criteria (as applicable); and
5) Annual performance and enrollment data for each of the subgroups of students, as defined in section 1111(c)(2) of the ESEA, except that such disaggregation of performance and enrollment data shall not be required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

(H) For a State entity that is a State educational agency, State charter school board or Governor of a State, the State entity will expend and account for the Federal award in accordance with State laws and procedures for expending and accounting for the State's own funds. In addition, for all State entities, the State entity's and other non-Federal entity's financial management systems, including records documenting compliance with Federal statutes, regulations, and the terms and conditions of the Federal award, are sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award.

(I) The State entity will monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved.

[redacted]

Executive Deputy Commissioner
TITLE

April 19, 2018
DATE

April 19, 2018
DATE SUBMITTED

David M. Frank

[redacted]

Professional Summary:

Highly dedicated and resourceful Executive Director with significant experience in all aspects of charter schools, authorizing, non-profit governance, policy creation, and education. Proven record of fostering organizational growth and collaboration. Adept at effective management of a large staff.

Combining my expertise on public policy, regulatory issues, education, and program evaluation has been instrumental in helping to foster an environment that supports high-quality public schools for all students. This has been accomplished through developing relationships with politicians, national and local philanthropies, charter leaders, supporting and replicating existing high-quality schools, and closing those not meeting standards. The foundation, and constant theme, of this work has been researching and implementing best operational, financial, and pedagogical practices from across the country.

Professional Experience:

Executive Director, Charter School Office — New York State Education Department

May 2016 – Present

- Authorizes 87 charter schools on behalf of the 17 member NYS Board of Regents and created 17 new charter schools across NYS that added over 10,000 new high quality seats for at-risk students
- Oversees the implementation of an $113 million CSP Grant though the USDOE that provides $800,000 for every new school in NYS and $500,000 for 20 district-charter collaboration projects
- Develops, revises, and implements the policy and regulatory framework for the operation, governance, and oversight of all 315 charter schools in NYS
- Collaborates with other authorizers, advocacy organizations, and schools to provide over $2 billion in public funding per year that supports a high-performing public education sector through the state budget process, legislative agenda creation, and special supplementary fund requests and allocations
- Participated in the NYS regulatory, communications, and teacher certification working groups to draft and roll out the state's ESSA plan
- Partners with content experts across the country to bring technical assistance on areas like special education and board governance to charter schools
- Attracted philanthropic interest in strategic initiatives of the Charter School Office, including the creation of a school facilities development fund and the funding and creation of a special education collaborative

Director of Charter Policy and Analytics — New York City Department of Education

December 2014 – April 2016

- Authorized a large portfolio of charter schools
- Developed charter specific DOE policies, identified their impact on the DOE portfolio and charter sector, and made recommendations to senior organizational leadership regarding charter issues
- Collaborated with governmental agencies to deliver and interpret regulatory guidance to schools
- Managed internal cross-functional policy issue teams and working groups related to district and charter initiatives regarding special education, enrollment, facilities, accountability and evaluation, and others as the need arose
- Responsible for evaluation of more than 20 new school applications through collaboration with other NYS authorizers to align the new school pipeline to district needs
- Directed a large interdisciplinary team to achieve departmental priorities such as the disbursement of over $5 million dollars per year in charter school rental assistance
- Featured speaker for a variety of operational, financial, regulatory, and advocacy events
- Supervised 10 members of the charter authorizing and operations teams on a variety of projects

Director of School Supports New York City Charter School Center

October 2011 – December 2014

- Supported the academic, operational, and financial development of 197 charter schools
- Utilized sector-wide data to develop multi-year strategic plans and programs giving schools the information needed to succeed
- Collected national and local best-practice exemplars to improve school best practices

- Ensured that pre-authorized and new schools had the tools necessary for success through programs, resource development, and 1:1 consultations
- Managed a program assisting over 5,000 teachers in 120 participating schools to meet state and federal teacher certification requirements
- Supervised a city-wide test scoring consortium of 150+ schools scoring over 50,000 exams
- Organized an annual job fair with 60+ schools, 800+ job seekers, and 25 volunteers
- Assisted schools in using data-driven decision making and promoting data transparency to improve educational and operational outcomes

Department of Epidemiology Research Foundation for Mental Hygiene

Project Director - Consultant May 2011 – October 2011

- Assisted in field trials to determine the impact of new DSM-V classification on students with disabilities
- Developed resources to educate team members on project priorities
- Created project specific instruments for querying mental health issues

Learning Science and Policy, Child Development, and Psychology University of Pittsburgh/UPMC

Project Coordinator/Data Coordinator and Analyst April 2003 – April 2011

- Oversaw and evaluated academic programs and the implementation of whole school reform initiatives in Texas, Pennsylvania, and Michigan
- Developed inquiry based science curriculum for at-risk youth
- Facilitated the creation of electronic resources to improve teacher and student performance
- Observed classroom processes and provided formative pedagogical feedback
- Engaged in quantitative and qualitative data analysis and publication of peer-review reports
- Created public relations materials and campaigns to promote the interests of our work group

Data Analysis Consultant Governor Edward G. Rendell Re-election Campaign (PA)

May 2006 – November 2006

- Analyzed polling and voter data to facilitate the creation of re-election field plans
- Supported a fast-paced organization achieve its goals with data-driven decision making

Education:

Master of Science, Applied Developmental Psychology University of Pittsburgh

Graduated April 2006

- Thesis title: The Effects of School Quality on Positive Social Skills Among Low-income Boys
- Specialization: Policy, Learning Science, and Quantitative Methods and Evaluation

Bachelor of Science in Psychology, Minors in Sociology and Political Science University of Pittsburgh

Graduated April, 2003

Completed Study Abroad Program in Sydney, Australia.

Leadership

- Selected as a “40 Under 40 Albany Rising Stars”
- Invited Participant in the National Association of Charter School Authorizers Leadership Program
- Invited speaker at the National Association of Charter Authorizers Conference
- Invited speaker at the National Charter Schools Conference
- Invited speaker at the Diverse Charter School’s Collation Symposium on Diversity in Charter Schools
- Invited speaker at the NYS Data Analysis Technical Assistance Group Conference
- Former Junior Board Member, Advocates for Children of New York
- Volunteer, YAI Network for Children and Adults with Developmental Disabilities

Valerie Kowalski

[redacted]

General Qualifications:	Thirty-two secondary and postsecondary credits in accounting/financial management Versed in State Education Department functions and programs Quick learner and high-level performer Excellent research and writing skills Proven abilities to meet deadlines and handle multiple responsibilities

Work Experience:

March 2013 – Present	New York State Education Department Charter School Office

- Direct New York State's Charter School Program (CSP) grant.
  - Award multiple rounds of Planning and Implementation grants to newly-authorized charter schools, reviewing grant applications and providing guidance to new school leaders regarding complex Department and State grant and contracting processes.
  - Award CSP Dissemination grants to charter schools through development of a competitive request for proposals and providing leadership during application reviews and the award process.
  - Monitor grantees' performance in the grant programs, ensuring compliance with federal and State law, regulations and guidance.
  - Retain an external evaluator for CSP by developing a request for proposals and participating in scoring bids from vendors. Oversee the evaluator's activities to ensure agreed-upon work is completed.
  - Prepare federal performance reports and participate in federal monitoring of CSP.
- Lead the State aid intercept process, where a portion of a school district's State aid payment is diverted to a charter school as reimbursement for tuition of students residing in the school district.
  - Work with Office of Counsel, State Aid Office and other Department staff to resolve complex issues related to basic tuition payments to charter schools for regular and special education instruction.
  - Produce guidance and provide technical assistance to school district and charter school staff.
  - Mediate disputes between charter schools and school districts, working to resolve them before resorting to the State aid intercept process.
- Participate in the Charter School Office's charter renewal process.
  - Analyze charter schools' annual financial statements and calculate key metrics of financial health.
  - Provide ratings for two of the ten performance benchmarks that guide charter renewal process.
- Support the Charter School Office by retaining and managing consultant services and performing multiple administrative duties.
- Maintain the Charter School Office's website.
- Manage fiscal aspects of New York State's $500 million Title I School Improvement 1003(g) (SIG) grants to school districts.
  - Track State awards, subgrants and expenditures of SIG funds to determine levels of annual subgrants to low-performing schools.
  - Work with Grants Finance office to ensure the Department maintains access to unspent SIG funds; request obligation/liquidation extensions from the U.S. Department of Education as needed.
  - Prepare federal performance reports and participate in federal monitoring of SIG.

January 2007 – February 2013 | New York State Education Department
Grants Finance

- Oversee fiscal processes and performance of No Child Left Behind and ARRA grant programs - including the CSP, Title I School Improvement 1003(a) and 1003(g), and selected State programs. Monitor spending levels, ensure that contracts and other financial instruments are appropriately completed and processed, and ensure compliance with applicable laws, regulations, and policies.
- Provide technical assistance to staff in program offices and local educational agencies.
- Retrieve and analyze data from Department data systems. Prepare reports that monitor workflow and performance in Grants Finance and in program offices, identify risks, evaluate the effectiveness of business practices, and respond to special requests.
- Develop and maintain Grants Finance website with an increased capacity to provide reports, news and guidance to internal and external users that enhance understanding of government finance.

February 2001 - January 2007 | New York State Education Department
Office of P-12 Education

- Determine allocations for NCLB formula grant programs, working with staff in Education Finance and Grants Finance.
- Determine eligibility for NCLB competitive and formula programs using State, federal and local data.
- Provide technical assistance to school districts, charter schools and nonpublic schools regarding NCLB eligibility and funding.
- Research federal and State statute, regulations and policy. Provide technical assistance to P-12 offices so that grant programs are in compliance.
- Collect and analyze data from school districts for use in federal reports and to respond to internal and external requests for information.
- Webmaster for P-12 websites, including formatting and posting all grant applications, requests for proposals, and NCLB allocations, guidance and news.
- Prepare responses to correspondence referred to P-12 from the Commissioner's and Governor's offices, using writing and research skills.

September 1996 - January 2001 | New York State Education Department
Child Nutrition Program

- Administered National School Lunch, School Breakfast, and Special Milk programs, with responsibility for all participating school districts, charter schools and nonpublic schools on Long Island.
- Performed Coordinated Review Effort (CRE) and School Meals Initiatives (SMI) audits.
- Trained program participants at workshops and individual meetings.
- Collaborated with Department offices and a contractor to build a web-based reimbursement system.

March 1996 - September 1996 | New York State Department of Health
Bureau of Environmental Radiation Protection

September 1994 - March 1996 | New York State Department of Health
Bureau of Budget Management

Education: Bachelor's in Business, Boston University May 1989

BARBARA JEAN MOSCINSKI

[redacted]

EXPERIENCES:

- **NYS EDUCATION DEPARTMENT, Albany, NY (6/06-Current)**

  - **Performance Oversight Coordinator,** Charter School Office (10/17- Current)
    - ✓ Organize monitoring and oversight of all NYS Board of Regents-authorized charter schools
    - ✓ Coordinate and participate in oversight activities with CSO staff and consultants to ensure practices are implemented with fidelity
    - ✓ Prepare extensive writing, editing, and quality control for evaluative reports disseminated to schools, the public, the Board of Regents, and the NYS Education Department
    - ✓ Oversee the evaluation of all NYS Board of Regents-authorized charter schools in accordance with the NYS Charter School Performance Framework
    - ✓ Supervise the work of professional and support staff

  - **Associate in Education Improvement Services,** School Turnaround Office, Office of Innovative School Models (08/12 – 10/17)
    - ✓ Served as office liaison to six focus districts for the SIG, SIF, and SSDST grants
    - ✓ Served as the School Innovation Fund Grant manager
    - ✓ Participated in the design and development of protocols, reporting documents, RFPs, online toolkits, and other grant administration tools
    - ✓ Served as the Community School Grant manager

  - **Associate in Education Improvement Services,** Charter School Office, Office of Innovative School Models (03/10 – 8/12)
    - ✓ Served as Functional Lead for Governance and Charter Revisions
    - ✓ Served as Functional Lead for Governance and Complaints
    - ✓ Participated in Legal and Compliance Focus group
    - ✓ Participated in the SIG application review process
    - ✓ Served as Project Director of federal CSP federal grant
    - ✓ Served as liaison to Syracuse-area SED-authorized charter schools
    - ✓ Provided general supervision for a Grade 14, Grade 22, and 3 Albany Law student interns
    - ✓ Represented the Charter School Office on the Commissioner's Advisory Panel on Special Education

  - **Team Leader,** Public School Choice Programs (08/09 – 03/10)
    - ✓ Managed all day-to-day aspects of the Public Schools Choice Program

office
- ✓ Supervised professional and support staff
- ✓ Developed office policy
- ✓ Developed guidelines for technical assistance relating to charter schools
- ✓ Reviewed charter school initial and renewal applications
- ✓ Managed the issues around all established charter schools
- ✓ Project Director of the federal Charter School Program grant
- ✓ Prepared correspondence and reports for the Governor, the Board of Regents, the Commissioner of Education, the New York State Legislature, and others
- ✓ Coordinated efforts within NYSED relative to charter schools
- ✓ Coordinated efforts with other charter entities in NYS
- ✓ Charter School representative to the Commissioner's Advisory Panel on Special Education

- **Associate in Education Improvement Services**, Public School Choice Programs (11/07- 08/09)
  - ✓ Liaison to Charter Schools in the Rochester and Syracuse areas
  - ✓ Provided technical assistance to charter schools
  - ✓ Reviewed and approved funding applications for charter schools
  - ✓ Interpreted Article 56, in consultation with Office of Counsel
  - ✓ Participated in comprehensive monitoring and site visits for charter schools
  - ✓ Managed state and federal grant activities

- **Assistant in Education Improvement Services**, Public School Choice Programs (6/06-11/07)
  - ✓ Liaison to Charter Schools in the Rochester and Syracuse areas
  - ✓ Provided technical assistance to charter schools
  - ✓ Reviewed and approved funding applications for charter schools
  - ✓ Interpreted Article 56, in consultation with Office of Counsel
  - ✓ Participated in comprehensive monitoring and site visits for charter schools
  - ✓ Reviewed Magnet School grants

■ KELLY SERVICES INC., Albany, NY (4/05-6/06: Part-time)

- **Senior Reader,** Measured Progress Regional Assessment Office at Rensselaer Technology Park
  - ✓ Read and evaluated responses to non-multiple choice questions in Reading, Mathematics, Writing and Science (Grades 3 –11)
  - ✓ Assigned scores to responses according to rubrics
  - ✓ Set read behinds and reviewed embedded questions set for the readers
  - ✓ Coached readers on adjacent and discrepant responses
  - ✓ Completed reports on reader rates and other required information
  - ✓ Provided input to improve the scoring process

■ OCM BOCES, Syracuse, NY (9/97-10/04)

- **Educational Consultant**, Student Support Services Center (1/04-10/04)
  - ✓ Wrote and Managed the development of the drafts of Creating Tobacco-Free Healthy Schools: Tips for Success

- **Educational Consultant,** Mid-State Coordinated School Health Network (3/00-6/03)
  - ✓ Designed, Created, and Managed the CSHN Resource Room, including a Microsoft ACCESS database of over 1600 entries
  - ✓ Co-Developed and Wrote the Health Careers resource guide
  - ✓ Developed and Wrote A Middle-School Resource Guide for an Alcohol and Drug-Free Life
  - ✓ Developed and Wrote An Elementary Resource Guide for a Tobacco-Free Life

- **Educational Consultant**, Regional School Support Center (10/02-2/03)
  - ✓ Wrote an 84-page booklet highlighting quality picture books correlating to specific skills and topics in ELA K-12, for use by Syracuse CSD teachers
  - ✓ Wrote a 50-page booklet highlighting quality picture books correlating to the seven key ideas in Mathematics K-12, for use by Syracuse CSD teachers

- **Educational Consultant**, Special Programs (Spring/Summer 2000)
  - ✓ Co-Wrote the *Drug-Free Communities Support Program Grant* awarded to OCM BOCES for the period during 10/1/00-9/30/03, and funded by the Office of National Drug Control Policy and the Office of Juvenile Justice and Delinquency Prevention

- **Coordinator**, Goals 2000: Shared Decision Making (9/97-6/99)
  - ✓ Coordinated the development and delivery of statewide workshops, including meetings with regional shared decision making liaisons to offer the workshops on curriculum, assessment, and the standards, especially in ELA and MST
  - ✓ Developed and Wrote an interactive CD-ROM for SDM teams to become adept at using a variety of research-based quality problem-solving strategies; and to reinforce the teams' involvement in issues related to raising standards
  - ✓ Developed the agenda and Co-Wrote the script for a teleconference focusing on the biennial review of CR100.11, and improving student achievement.
  - ✓ Chaired and Coordinated the statewide advisory committee's activities
  - ✓ Reviewed the NYSED website for SDM and Recommended updates
  - ✓ Coordinated the development, production, and distribution of SDM resource materials, including revising the SDM Resource Manual

- ✓ Developed the concept for 3 newsletters and Coordinated their production
- ✓ Developed the concept for the statewide conference and Organized the event
- ✓ Monitored the budget and Wrote necessary reports
- ✓ Liaison to NYSED representatives regarding grant activities
- ✓ Developed a Power Point presentation highlighting available SDM resources

■ CONTACT COMMUNITY SERVICES, INC., Syracuse, NY (9/01-1/02)

- **Educational Consultant**
  - ✓ Reviewed existing PPYD (Partners for Positive Youth Development) resource room procedures, Recommended revisions, Created the new structure, and Organized the resources
  - ✓ Co-Wrote a Baldwinsville CSD grant to obtain safe and drug-free schools' monies

■ AMERICAN LUNG ASSOCIATION, Syracuse, NY (4/01-12/01)

- **Educational Consultant**
  - ✓ Developed and Wrote the draft A Tobacco Cessation Guide for Health and Human Service Professionals for clinicians in Onondaga County

■ CAPITAL REGION BOCES, Albany, NY (Summer 2001)

- **Educational Consultant**, Capital Region Coordinated School Health Network
  - ✓ Developed and Wrote a preliminary listing of drug prevention and school safety programs; and a preliminary listing of resources to be used as a reference for drug prevention and school safety activities, both in order to begin implementation of the Principles of Effectiveness consistent with the Safe and Drug-Free Schools Program

■ NYS EDUCATION DEPARTMENT, Albany, NY (1/87-4/95)

- **Assistant in Education Improvement Services**, Mid-State School Support Services Team (1/95-4/95)
  - ✓ Managed and Coordinated staff development, parent involvement, and technology integration projects and activities for the SED Mid-State team and the Syracuse CSD
  - ✓ Delivered presentations on technology integration in the classroom
  - ✓ Participated in regional planning activities

- **Assistant in Education Improvement Services**, Syracuse Field Services Team (11/92-1/95)
  - ✓ Chaired the team's staff development, and technology integration subcommittees
  - ✓ Co-Coordinated regional activities for three SED field services teams
  - ✓ Reviewed grants and proposals

- ✓ Managed technology integration, parent involvement, and staff development activities
- ✓ Participated in Syracuse CSD's site-based planning for technology use in schools
- ✓ Managed the team's procedural and clerical operations
- ✓ Member of the Elementary, Middle, Secondary & Continuing Education Technology Cabinet
- ✓ Liaison to the Syracuse CSD's Research, Evaluation & Technology Office, Staff Development Office, and Parent Involvement Office

- **Assistant in Educational Planning and Evaluation**, Bureau of Technology Applications (11/88-11/92)
  - ✓ Managed the Youth At-Risk Electronic Clearinghouse, including delivering regional training workshops on e-mail, computer-based conferencing, and database search and retrieval; developing a training package; conducting monthly meetings; delivering presentations; developing the database and conferencing content; and writing articles for the bureau's newsletter
  - ✓ Reviewed school proposals focusing on technology initiatives
  - ✓ Managed the Secondary School 1995 Partnership (a Data General, SED, BOCES, and selected secondary schools' multimedia and international communications pilot), including conducting meetings; coordinating classroom technology integration efforts with school personnel; developing the international component; developing evaluation components; and recommending classroom project ideas
  - ✓ Managed the *Compact for Learning* technology focus group activities
  - ✓ Co-Managed the development and distribution of SED's Computers in Schooling manual
  - ✓ Previewed and Recommended software for a software preview guide

- **Elementary, Secondary, Continuing Education Specialist**, Division for Program Development (1/87-11/88)
  - ✓ Coordinated the development of the original manuscript and field test editions of the Design and Drawing for Production syllabus, including conducting meetings for pilot teachers, SED staff, and the design team; and developing the evaluation instruments for the pilot
  - ✓ Managed the development, implementation, and evaluation of the statewide Staff and Curriculum Development Network, including designing a template for a training manual; organizing meetings for the executive committee and regional reps; developing procedures for curriculum and content bureaus to follow for training the regional reps; and participating in the executive committee meetings

■ HELPLINE DENTAL OFFICE SERVICES, Woodland Hills, CA (Fall 1986)

- **Systems Training Consultant**, East Coast
  - ✓ Delivered management software training sessions to dental and support staff

- ✓ Provided customer support

■ **COMPU*TECH EDUCATIONAL SERVICES, Pasadena, CA (9/84-5/86)**

- **Training Coordinator/Teacher: Grades 3-8, Adults**
  - ✓ Chaired the Curriculum Evaluation Committee, including writing a report on the teachers' concerns and recommendations
  - ✓ Coordinated the Apple Software Evaluation Project
  - ✓ Member of the Teacher Competency, Teacher Manual Revision, and Early Childhood Program Committees
  - ✓ Coordinated and Delivered monthly staff training sessions
  - ✓ Interviewed, Trained, Observed, Evaluated and Supervised teachers
  - ✓ Organized nationwide teacher development efforts
  - ✓ Taught BASIC programming, LOGO, and word processing

■ **WATERFORD-HALFMOON UFSD, Waterford, NY (9/83-6/84)**

- **Chapter I Assistant Reading Teacher: Grades 1-6**
  - ✓ Developed, Implemented, and Evaluated instructional programs
  - ✓ Incorporated Computer Assisted Instruction in individual reading lessons
  - ✓ Taught BASIC programming as an Adult Education course (Spring 1984)
  - ✓ Provided remedial reading lessons to individuals and groups
  - ✓ Assisted with the evaluation and testing of individuals
  - ✓ Tested kindergarten students incoming to the district

■ **EAGLE HILL SCHOOL, Hardwick, MA (Summer 1983)**

- **Teacher: Learning Disabled Students: Ages 8-16**
  - ✓ Administered and Interpreted standardized tests
  - ✓ Wrote IEPs and summary reports
  - ✓ Taught Writing Skills, Reading and Language Arts

■ **ST. JUDE'S SCHOOL, Wynantskill, NY (9/81-6/82)**

- **Teacher: Grade 4**

■ **ALL SAINTS' SCHOOL, Buffalo, NY (9/80-6/81)**

- **Teacher: Grade 3**

Continuing Education Units:

- 4/15/11–NYSED Office of Human Resources: Supervisory Skills Certificate Program for completion of 12 courses
- 1/27/99 - HTML, Level I - 6 hours
- 7/07/98 – Microsoft PowerPoint 97/Windows - 5 hours
- 5/22/98 - Windows 95, Level I - 5 hours
- 6/15/93 - The Americans with Disabilities Act: "It's the Law" - 3 hours

- 4/11/89 - Parenting & Parent Education, Changing Families, Critical Concerns and Building Strengths - 1 credit
- 2/03/84 - The Child with Learning Disabilities: Medical, Psychological, and Educational Aspects - 1 credit

CERTIFICATION:

- 9/01/83 - NYS Permanent Teaching Certificate: Grades N-6

EDUCATION:

■ HARVARD UNIVERSITY, Cambridge, MA (9/82-6/83)

- Ed.M.: Human Development
  - ✓ Coursework in Reading, Child Development, and Interactive Technology
  - ✓ Phi Delta Kappa - Harvard Chapter

■ DAEMEN COLLEGE, Amherst, NY (9/76-12/79)

- B.S.: Elementary Education N-6 (Elementary Education/Reading)
  - ✓ Summa Cum Laude, Kappa Delta Pi, Gamma Epsilon Sigma

VICKIE A.SMITH, MSW

[redacted]

EDUCATION

1982-1983 Syracuse University Syracuse, NY

- *Master of Social Work*—Whitney M. Young Scholar

1978-1982 Syracuse University Syracuse, NY

- *Bachelor of Social Work*

2007- present Concord Law School (Kaplan University) California

- *Completed First Year of 4 year JD Program*

PROFESSIONAL EXPERIENCE

2005-present NYS Education Department Albany, NY

Appointed as New Schools Coordinator, School Innovation-Offfice of Charter Schools in 2014. Regional liaison/team leader with primary responsibility for the oversight of Regents-authorized schools in accordance with Article 56, the New York State Charter Schools Act of 1998. Specific responsibilities include but are not limited to:

- Implementation of protocols for the oversight and management of all aspects of charter authorizing, including coordination the review and evaluation of new and renewal charter school applications;
- Coordination with charter schools and qualified site visitors to schedule and prepare for pre-opening site visits, routine site visits, and renewals visits to evaluate charter school performance including conducting a review of buildings/facilities; classroom observations; conducting focus group interviews with all stakeholder groups; inspecting documentation and records relating to teacher certification, fingerprint clearances, student discipline and suspension, and special education and English language learners, fiscal reports and audits, and any and all aspects of a charter school's operations.
- Collection, review, and analysis of data and reports to prepare written reports following application reviews and site visits. Prepared written reports as a means to provide schools with feedback, to inform SED Leadership determinations, and to make recommendations to the Board of Regents.

- Oversight, coordination and preparation of the federal Charter School Program Planning and Implementation grant application in 2008; Prepared the annual and final performance reports to USDOE related to the CSP grant from 2005-2009. Facilitated the process of securing internal leadership approval and signatures prior to submission.
- Secured, initiated, designed, and supervise the online system for the submission and evaluation of new charter school applications. Redesigned the system to allow for the submission of required annual reports from all 200 plus charter schools. Facilitated the collaboration of this data collection effort with NYC DOE and SUNY.
- Developed a presentation focused on encouraging local school districts to add conversion charter schools to their portfolio. Document also used as a training tool for staff newly appointed to the Charter Schools Office.

2003-2005 NYS Education Department Albany, NY

Associate in Bilingual Education

- Communicated State Laws, Commissioner's Regulations and Federal NCLB Title III guidelines regarding limited English Proficient students to school districts, public schools, charter schools, non-public schools, teachers and parents;
- Reviewed Comprehensive Part 154 State Plans and NCLB Title III Funding Applications and prepared related State and federal reports;
- Reviewed proposed charter school applications with specific focus on English Language Learners and participated in capacity interviews of charter school applicants with the Charter School Office;
- Co-designing the section of the charter school application advisory focused on the identification and education of English Language Learners;

2000-2002 College of St. Rose Albany, NY

Adjunct Faculty-School of Social Work

- Academic instructor of social work course on child abuse and maltreatment

1995-2003 NYS Education Department Albany, NY

Associate in Research and Evaluation

- Designed research and evaluation plans, and data collection instruments for long term study on the implementation of the State Standards;
- Trained and supported field staff to conduct on-site interviews and document reviews; and
- Analyzed data for report preparation and presented to Commissioner.

1990–1995 NYS Education Department Albany, NY

Associate in Intercultural Relations and Multicultural Education

- Investigated civil rights/discrimination complaints from school communities

- Prepared reports of findings and recommendations, and provided technical assistance to schools to address underlying issues
- Monitored small incentive school grants for the development of programs to facilitate improved relations in identified school communities

1988–1990 NYS Education Department Albany, NY

Assistant in Equity and Access Programs-Office of Higher Education

- Reviewed contracts/budgets of colleges/universities receiving grants to increase minority student participation in higher education and the professions
- Monitored written program plans and conducted annual visits to program sites for programs such as Teacher Opportunity Corps, Liberty Partnerships, STEP/CSTEP, and others).

1986-1988 Nutrition Consortium of NYS Albany, NY

Associate Director

- Implemented a Department of Health initiative designed to increase the participation in federal food programs (WIC, food stamps, school lunch);
- Established, supervised, and trained professional staff in 9 sites across the State;
- Developed community outreach materials;
- Collected data, evaluated and monitored programmatic goals and objectives; Prepared reports to the Consortium's Board of Directors and to the NYS Department of Health.

1984-1986 Food Research & Action Center Washington, D.C.

Maternal and Child Health Specialist

- Developed and supported a national maternal and child health network associated with the organization
- Collected maternal and child health (i.e., infant mortality and low birthweight) statistics from the states for yearly report
- Conducted legislative visits to Congress and federal program offices for attention on a number of health issues and for increased funding in local communities.

1983-1985 Syracuse University Syracuse, NY

Counselor/Tutor Coordinator in Office of Supportive Services & Research

- Academic Counselor to HEOP and other opportunity program students focused on range of needs (academic, financial, family, etc.) designed to support and retain students at the University;
- Coordinated and supervised residential summer program for 200 incoming freshman and 30 staff;
- Coordinated tutoring services for opportunity and implemented academic skills workshops for students.

COMMUNITY INVOLVEMENT

- Board Member, Board of Education, City of Albany School District, 2015 to present
- Board Member and Volunteer Clinic Coordinator, The Legal Project, 2000 to present
- Advisory Board Member, Community Foundation of the Capital Region, 1996-1998
- Board Member, Kitchen Table: Women of Color Press, 1995-1997
- Board Member, Employee Ownership Project. 1994-1996
- Secretary and Board Member, Our Brothers' Keepers Foundation, 1992-1994
- Board President and Board Member, Holding Our Own: A Fund for Women, 1987-1997
- Capital District Coalition Against Apartheid and Racism, 1988 to 1991
- Board Member, City of Albany Community Police Relations Board, 1988-1990

AWARDS

- In Our Own Voices, *Visionary Award*, July 20, 2008
- Holding Our Own: A Fund for Women, Tribute for 10 Years of Service, Board President, 1997
- Social Justice Center, Peace and Justice Award, 1997
- New York State Education Department Minority Fellow, 1995
- National Organization for Women (Albany, NY Chapter), Making Waves Award, 1995
- W.K. Kellogg National Fellowship Candidate, 1995 (800 applicants; 1 of 20 in final interview)
- J.C. Penney Gold Rule Recognition Award, 1993
- Founder's Day Speaker, National Association of Negro Business and Professional Women's Clubs, Inc., (Staunton, VA Chapter), 1985
- Outstanding Young Women of America Award, 1983

SKILLS

Database Applications (Microsoft Access)	Intermediate
Macintosh OS applications	Intermediate
Database Design and Implementation	Intermediate
Microsoft Office XP and Other MS Applications	Intermediate
ReviewRoom--Online Project Management Software	Expert
SPSS	Intermediate

REFERENCES

Available upon request

Letters of Support

- Achievement First
- The Children's Guild Foundation
- Diverse Charter Schools Coalition
- Grant Builders, Inc.
- National Association of Charter School Authorizers
- National Center for Special Education in Charter Schools
- New York City Charter School Center
- New York Coalition of Community Charter Schools
- Northeast Charter Schools Network

April 16, 2018

Margo Anderson
Acting Assistant Deputy Secretary
Office of Innovation and Improvement
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C., 20202

Dear Ms. Anderson:

This letter is offered in support of the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities. As a partner in supporting the creation of additional high-quality charter schools in the New York State, we have reviewed the grant and its project objectives:

> **Project Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting State academic standards.**
>
> **Project Objective 2: Improve student achievement outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting State academic standards through high quality charter authorizing and technical assistance.**
>
> **Project Objective 3: Promote the dissemination of New York State charter school effective practices to other public schools.**
>
> **Project Objective 4: Strengthen the overall quality of New York State charter authorizing and CSP grant administration.**

We are pleased to support this ambitious grant project. In particular, we are in full support of the plan to streamline and integrate the CSP start-up grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. In addition, we are excited about the creation of additional supports and technical assistance resources that will be brought to New York State through the CSP grant. Through Achievement First's work as a charter school operator in New York, we have learned many lessons over the years. We offer programming that supports other schools in New York, including the Charter Network Accelerator Program, a leadership development program for growing charter networks, and the Navigator Program, an elementary school math implementation support program that provides coaching supports for schools implementing Achievement First's curriculum. Public Prep Schools and Brooklyn Prospect Schools have both participated in the Accelerator Program while Brilla Veritas and Brooklyn Prospect have participated in the Navigator Program. We intend to expand our support to more New York schools in future years.

NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students. The projective objectives and activities proposed in NYSED's FY18 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.

Sincerely,

Paige MacLean
Vice President of Partnerships, Achievement First

THE CHILDREN'S GUILD FOUNDATION

Purpose and Passion for Children with Special Needs

March 26, 2018

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Margo Anderson
Acting Assistant Deputy Secretary
Office of Innovation and Improvement
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C., 20202

Dear Ms. Anderson:

This letter is offered in support of the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities. As a partner in supporting the creation of additional high-quality charter schools in the New York State, we have reviewed the grant and its project objectives:

Project Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting State academic standards.

Project Objective 2: Improve student achievement outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting State academic standards through high quality charter authorizing and technical assistance.

Project Objective 3: Promote the dissemination of New York State charter school effective practices to other public schools.

Project Objective 4: Strengthen the overall quality of New York State charter authorizing and CSP grant administration.

We are pleased to support this ambitious grant project. In particular, we are in full support of the plan to streamline and integrate the CSP start-up grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. In addition, we are excited about the creation of additional supports and technical assistance resources that will be brought to New York State through the CSP grant. We will actively participate/support this endeavor. NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students. The projective objectives and activities proposed in NYSED's FY18 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.

Sincerely,

[redacted]

726 Exchange Street, Suite 1016, Buffalo, New York 14210-1485 716.362.9650 *web:* cg.foundation info@cg.foundation

DIVERSE
CHARTER SCHOOLS
COALITION

Margo Anderson
Acting Assistant Deputy Secretary
Office of Innovation and Improvement
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C., 20202

April 6, 2018

Dear Ms. Anderson:
The Diverse Charter Schools Coalition's mission it to catalyze and support the creation and expansion of high-quality diverse public charter schools through strategic research, advocacy, membership activities, and outreach. We offers full support for the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities.

The Coalition recognizes the importance of fostering the creation of additional high-quality charter schools and expanding the number of charter seats in New York. The grant proposal under consideration brings these objectives together.

We support the grant and its project objectives:

- Project Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting state academic standards.
- Project Objective 2: Improve student achievement outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting state academic standards through high-quality charter authorizing and technical assistance.
- Project Objective 3: Promote the dissemination of New York State charter school effective practices to other public schools.
- Project Objective 4: Strengthen the overall quality of New York State charter authorizing and CSP grant administration.

NYSED is demonstrating a commitment to quality authorizing, which should serve the charter community well in New York. The state has benefitted from steady charter school growth, and the strategic use of the CSP grant will help maintain charter quality to best serve children.

The strength of New York State's charter law, The Charter Schools Act of 1998, allows the state to be competitive in the areas identified as grant priorities, especially regarding creating intentional diverse by design charter schools.

The Coalition believes that charter schools can and should be one of the vehicles for bringing together children of different socioeconomic, racial, and cultural backgrounds. Diverse charter

DIVERSE
CHARTER SCHOOLS
COALITION

schools promote equality by ensuring that students from different backgrounds have the same high-quality educational opportunities. As reflected in New York's Every Student Succeeds Act Plan, diversity is a key means to improving outcomes for thousands of New York children.

This proposal successfully melds a CSP grant program that supports both school and seat growth and the maintenance of high quality schools. The Coalition fully supports the efforts of NYSED to encourage the creation of additional opportunities for students via high quality charter schools.

Sincerely,

[redacted]

Sonia C. Park
Executive Director
Diverse Charter Schools Coalition

Grant Builders, Inc.

March 27, 2018

Margo Anderson
Acting Assistant Deputy Secretary
Office of Innovation and Improvement
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C., 20202

Re: Expanding Opportunities through Quality Charter Schools Program (CSP) Grants to State Entities

Dear Ms. Anderson:

It is my sincere pleasure to offer support of the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities through Quality Charter Schools Program (CSP) Grants to State Entities.

As a partner in supporting the creation of new high-quality charter schools in New York State, we have reviewed the grant and its project objectives, which are to: 1) Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting State academic standards; 2) Improve student achievement outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting State academic standards through high quality charter authorizing and technical assistance; 2) Promote the dissemination of New York State charter school effective practices to other public schools; and, 4) Strengthen the overall quality of New York State charter authorizing and CSP grant administration.

We applaud the high standards set and maintained by the NYSED Charter School Office, and understand the time, passion, and resources required to develop and implement a plan that meets such standards. Having been involved in the charter movement in New York State since 2007, Grant Builders is keenly aware of the need for technical assistance services for aspiring, approved, and operating charter schools. Starting and operating a new school is a monumental undertaking for even the most experienced educators and community advocates, and necessitates input from multiple fields of expertise that work in concert towards a holistic approach to ensure the academic and personal growth of young people.

We are especially pleased to support this ambitious grant project. In particular, we are in full support of the plan to streamline and integrate the CSP start-up grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. We are equally excited about the creation of additional supports and technical assistance resources that will be brought to New York State through the CSP grant.

In closing, please know that we believe it is imperative that NYSED's heightened focus on collaboration and quality authorizing remains at the forefront of maintaining charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students. The objectives and activities proposed in NYSED's FY18 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.

Respectfully,

[redacted]

Janice P. Barrett
Managing Partner

nacsa
NATIONAL ASSOCIATION OF CHARTER SCHOOL AUTHORIZERS

[redacted]

March 28, 2018

Margo Anderson
Acting Assistant Deputy Secretary
Office of Innovation and Improvement
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C., 20202

Dear Ms. Anderson,

On behalf of the National Association of Charter School Authorizers (NACSA), I am pleased to submit this letter of support for the New York State Education Department's (NYSED) application for funding through the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities. As an organization committed to creating more quality educational opportunities for children by strengthening charter school authorizing, we believe New York State is well positioned to use such funding to expand access to high-quality charter schools across the state—especially for students in need of life-changing schools.

We commend NYSED's ambitious plan, which will not only lead to the expansion of great schools in New York State, but will also help foster an environment focused on innovation and improvement in authorizing. With a heightened focus on collaboration and quality authorizing, NYSED will ensure school quality is maintained as it rapidly expands new and existing charter schools to serve underserved students.

If awarded, this grant will have an important impact on the state's ongoing work and commitment to strengthening the charter sector. The project's objectives and activities represent an important shift towards solving the challenges associated with a growing and mature sector of charter schools. We look forward to continued collaboration with the state's authorizers, and sharing their lessons with authorizers across the nation.

Sincerely,

[redacted]

M. Karega Rausch, Ph.D.
Interim CEO
Vice President, Research & Evaluation

Lauren Morando Rhim | Executive Director
[redacted]

April 6, 2018

Mr. Stefan Huh
Director
Charter Schools Program
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C., 20202

Dear Mr. Huh:

This letter is offered in support of the New York State Education Department's ("NYSED") application for funding under the Expanding Opportunities Through Quality Charter Schools Program ("CSP") Grants to State Entities.

I am writing on behalf of the National Center for Special Education in Charter Schools ("NCSECS"). The mission of NCSECS is to ensure that students with disabilities are able to fully access and thrive in charter schools. We are a national not-for-profit organization devoted to addressing the practical, policy, and regulatory challenges that can impede access and equity for students with disabilities in the charter sector. Within our narrow area of focus our work is broad; it ranges from establishing facts and disseminating research, to authoring papers on best practices for schools and charter school authorizers, to advising on state and federal legislation and regulations, to providing targeted technical assistance. With regard to the latter, over the past four years, NCSECS has assisted numerous stakeholders. This includes advising authorizers in Nevada, Tennessee, Colorado, and Louisiana on best practices for special education in authorizing and overseeing charter schools, as well as providing multiple layers of support for the charter schools in many other states. Our support extends to instruction, operations, compliance, finances, staffing, and professional development. Notably, we are assisting several states and districts in developing a centralized special education resource / collaborative that can serve all the charter schools in their area.

We have reviewed New York's grant proposal and its project objectives:

> Project Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting State academic standards.

Project Objective 2: Improve student achievement outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting State academic standards through high quality charter authorizing and technical assistance.

Project Objective 3: Promote the dissemination of New York State charter school effective practices to other public schools.

Project Objective 4: Strengthen the overall quality of New York State charter authorizing and CSP grant administration.

We are enthusiastic about this ambitious grant project and offer our support. In particular, our work and mission aligns closely with the objective to improve student achievement outcomes for students, such as those with disabilities, who are at greatest risk of academic failure. It is our understanding that one of the state's plans for this CSP funding is the creation, or support, of technical assistance centers across New York State. These centers would support the development of high quality school leaders and board members, new charter school applicant groups, newly authorized charter schools, and charter schools serving students who are at greatest risk of not meeting State academic standards, particularly students with disabilities and English language learners. We are in full support of this initiative and believe is it crucial for the success of all students in New York's charter sector. Given our expertise and experience in helping schools, authorizers, and other stakeholders, we are committed to assisting New York in creating and supporting these offerings.

In addition, we are excited about the creation of additional supports and technical assistance resources that New York State would receive through the CSP grant. We will actively participate in and support this endeavor. NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students. The project objectives and activities proposed in NYSED's FY18 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York in an inclusive way. We will continue to offer assistance to NYSED in order to meet these challenges.

Sincerely,

Lauren Morando Rhim
Executive Director & Co-founder

It's about great public schools.

March 29, 2018

Ms. Margo Anderson
Acting Assistant Deputy Secretary
Office of Innovation and Improvement
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C., 20202

Dear Ms. Anderson:

This letter is offered in support of the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities. As a partner in supporting the creation of additional high-quality charter schools in New York State, we have reviewed the grant and its project objectives:

> **Project Objective 1:** Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting State academic standards.
>
> **Project Objective 2:** Improve student achievement outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting State academic standards through high quality charter authorizing and technical assistance.
>
> **Project Objective 3:** Promote the dissemination of New York State charter school effective practices to other public schools.
>
> **Project Objective 4:** Strengthen the overall quality of New York State charter authorizing and CSP grant administration.

We are pleased to support this ambitious grant project. In particular, we are in full support of the plan to streamline and integrate the CSP start-up grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. In addition, we are excited about the creation of additional supports and technical assistance resources that will be brought to New York State through the CSP grant. We will actively participate/support this endeavor. NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students. The project objectives and activities proposed in NYSED's FY18 CSP grant reflect an important shift towards solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.

Sincerely,

[redacted]

Chief Executive Officer

111 Broadway, Suite 604, New York, NY 10006 T 212.437.8300 F 212.227.2763 W www.nycCharterSchools.org

NYC Coalition
of Community
Charter Schools

[redacted]

April 3, 2018

Margo Anderson
Acting Assistant Deputy Secretary
Office of Innovation and Improvement
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C., 20202

Dear Ms. Anderson:

This letter is offered in support of the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities. As a partner in supporting the creation of additional high-quality charter schools in the New York State, we have reviewed the grant and its project objectives:

> **Project Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting State academic standards.**
>
> **Project Objective 2: Improve student achievement outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting State academic standards through high quality charter authorizing and technical assistance.**
>
> **Project Objective 3: Promote the dissemination of New York State charter school effective practices to other public schools.**
>
> **Project Objective 4: Strengthen the overall quality of New York State charter authorizing and CSP grant administration.**

We are pleased to support this ambitious grant project. In particular, we are in full support of the plan to streamline and integrate the CSP start-up grant award review process with the rigorous and high-quality charter authorization process already conducted by the state's charter authorizers. In addition, we are excited about the creation of additional supports and technical assistance resources that will be brought to New York State through the CSP grant. We will actively participate/support this endeavor. NYSED's heightened focus on collaboration and quality authorizing will help maintain charter quality amidst rapid expansion, as new and existing charter schools serve increasing numbers of previously underserved students. The projective objectives and activities proposed in NYSED's FY18 CSP grant reflect an important shift towards

solving the challenges of a mature, high-quality chartering program in New York. We will continue to offer assistance to NYSED in order to meet these challenges.

Sincerely,

Co-director, The Coalition of Community Charter Schools

April 2, 2018

Margo Anderson
Acting Assistant Deputy Secretary
Office of Innovation and Improvement
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C., 20202

Dear Ms. Anderson:

The Northeast Charter Schools Network (NECSN), a regional charter school advocacy association in New York and Connecticut, offers full support for the New York State Education Department's (NYSED) application for funding under the Expanding Opportunities Through Quality Charter Schools Program (CSP) Grants to State Entities.

NECSN knows how important it is to foster the creation of additional high-quality charter schools – and charter school seats – in New York State. Further, we recognize the need to focus on quality academic outcomes for existing schools. The grant proposal under consideration brings these objectives together.

We are familiar with the grant and its project objectives:

> **Project Objective 1: Increase the number of high-quality charter school seats in New York State, especially for those charter schools serving students who are at greatest risk of not meeting state academic standards.**
>
> **Project Objective 2: Improve student achievement outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting state academic standards through high-quality charter authorizing and technical assistance.**
>
> **Project Objective 3: Promote the dissemination of New York State charter school effective practices to other public schools.**
>
> **Project Objective 4: Strengthen the overall quality of New York State charter authorizing and CSP grant administration.**

We support NYSED's intention to continue the unique and integrated approach currently used to meld the CSP start-up grant award process with the charter application process. Ensuring the

NORTHEAST
CHARTER SCHOOLS NETWORK

charter application serves as the CSP grant application is important because it eliminates burdensome tasks such as developing new and redundant applications.

In addition, many charter schools will benefit from the opportunity to pursue additional supports and technical assistance resources that the new grant program will create. It is our pleasure to actively support a program design that blends both charter school growth and a focus on academic achievement outcomes. The success of both students and schools is the ultimate goal.

NYSED is demonstrating a commitment to quality authorizing, which should serve the charter community well. New York State has benefitted from steady charter school growth, and the strategic use of the CSP grant will help maintain charter quality to best serve children.

The strength of New York State's charter law, *The Charter Schools Act of 1998,* allows the state to be competitive in the areas identified as grant priorities. Further, the charter schools in New York have a proven track record of success. The combination of these factors position the state well to again steward grant funds in a way that optimally drives results for students.

Many schools have come to rely on the financial support from the CSP grant to successfully launch, and it is not an exaggeration to say NECSN believes many schools may not have been able to open without the CSP grants. As our movement continues to grow, New York also has many charter schools facing the challenges of mature schools, and the grant objectives and activities aim to address these issues as well. This proposal successfully melds a CSP grant program that supports both school and seat growth and the maintenance of high quality schools. It is a wise approach and we offer full support.

Sincerely,

Andrea Rogers
New York State Director
Northeast Charter Schools Network

[redacted]

Appendix D

New York State's CSP application is submitted by the New York State Education Department, which is New York State's state educational agency.

[redacted]

Appendix E

New York State's CSP application includes no proprietary information.

Additional Information

- Principles & Standards for Quality School Authorizing Guidance 2015
- Center for Education and Evaluation Policy Report)
- NYSED CSP Monitoring Reports
- Charter School Performance in New York CREDO Report
- NYSED's 2018 Application Kit
- Institute's 2018 RFP for New and Replicating Schools
- New York State ESSA Plan
- NYSED and Institute Closure Guidances
- Oversight Plan
- Audit Guide
- NYSED and Institute Pre-Opening Checklist

2015 EDITION

PRINCIPLES & STANDARDS

FOR QUALITY CHARTER SCHOOL AUTHORIZING

NACSA BOARD OF DIRECTORS (2015)

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President & CEO	**Greg Richmond** [President and CEO, *National Association of Charter School Authorizers*]

ABOUT NACSA

The National Association of Charter School Authorizers (NACSA) is an independent voice for effective charter school policy and thoughtful charter authorizing practices that lead to more great public schools. Our research, policy, and consultation work advances excellence and accountability in the charter school sector. With authorizers and other partners, we have built the gold standard for charter school authorizing. Through smart charter school growth, these authorizers will give hundreds of thousands of children a better chance each year.

NACSA first ratified *Principles & Standards for Quality Charter School Authorizing* on May 14, 2004.

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LETTER FROM THE PRESIDENT & CEO

Dear Colleagues,

It has been nearly 25 years since the first charter school opened its doors. Today, more than two and a half million children depend on more than 6,440 charters to provide them with excellent educational opportunities. Many of these schools are innovative and outstanding, offering children a great and often significantly better alternative to the traditional district schools available to them. Yet too many charters do not provide the education promised—failing children, communities, and the public trust.

It is the responsibility of more than 1,000 charter school authorizers across the country to help ensure that charter schools fully deliver on the charter promise. To get there, we can and must demand more of ourselves. Good authorizing means approving only those schools with the best likelihood of succeeding and providing a sound education for children, closing bad schools, and strengthening the performance and accountability of all charter schools.

Authorizing has evolved over the course of these 25 years, led in part by the National Association of Charter School Authorizers' *Principles & Standards for Quality Charter School Authorizing*. This resource serves as a guide for authorizers in making the critical decisions necessary to ensure that every charter school is a great school. NACSA's *Principles & Standards* reflects best practices developed through years of experience working with entities of all types who are engaged in the daily work of charter school authorizing.

"WE CAN & MUST DEMAND MORE OF OURSELVES."

These guidelines have been written into numerous state laws, have informed federal legislation, and have served as the basis for the evaluation of authorizer practices. When embraced by authorizers and policymakers, they help to create an environment in which authorizers can better do their jobs to foster, and grow great charter schools.

A host of factors impact the quality of authorizing. NACSA's *Principles & Standards* is not the only tool in the toolbox or the only factor relevant to good authorizing, but it provides a solid foundation of best practices to guide authorizers in the critical and often complex job of improving educational options for children through charter schools. Every child deserves a great education; if we get authorizing right, we can go a long way toward making that goal a reality.

Sincerely,

Greg Richmond
President & CEO

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INTRODUCTION

Charter school authorizing is a powerful strategy for making excellent public schools and educational opportunities available to all students. Done well, charter authorizing increases student achievement by expanding the supply of quality public schools to satisfy unmet needs—particularly by providing life-changing opportunities for students ill-served by the existing school system.

Charter authorizing is complex work, requiring constant balancing of diverse and often competing interests. It is a public responsibility for authorizing institutions, as well as a highly developed profession for the individuals charged with this stewardship role. Quality authorizing requires specialized knowledge, skills, commitment, and adherence to essential professional standards in order to serve students and the public well, and achieve the purposes of state charter laws. Since 2004, the National Association of Charter School Authorizers (NACSA) has established and widely promoted such standards—the first *Principles & Standards for Quality Charter School Authorizing* and subsequent editions—to provide essential guidance to charter authorizing organizations and their leaders, as well as to policymakers who seek to support quality authorizing.

"CHARTER AUTHORIZING IS COMPLEX WORK, REQUIRING CONSTANT BALANCING OF DIVERSE AND OFTEN COMPETING INTERESTS."

Because charter authorizing is a continually developing profession, these professional standards must likewise continually evolve in conjunction with the growth and complexity of the ever-growing charter school sector. *Principles & Standards for Quality Charter School Authorizing* derives from NACSA's vast experience, research, and lessons learned from working with authorizers across the nation.[1] Accordingly, NACSA revisits and updates these Principles and Standards regularly to ensure that they address current authorizing challenges and reflect the latest lessons drawn from practice, research, and analysis.

WHO SHOULD USE THIS RESOURCE

These *Principles & Standards* are designed primarily for authorizing institutions, and as such, they provide practical guidance to help authorizer staff and authorizer board members carry out their work as a standards-based profession rather than simply a list of tasks. For policymakers, this publication should highlight the complexity and challenges of quality authorizing—and the need for state policy to contemplate and invest adequately in authorizing to achieve a quality charter school sector.

PURPOSES OF THESE PRINCIPLES AND STANDARDS

Principles & Standards for Quality Charter School Authorizing is intended to serve, above all, as a guide to formative development for charter authorizers at all stages and levels of experience. For new or less-experienced authorizers, these Principles and Standards offer an essential road map to guide planning and organizational development of strong practices, including the identification of areas where deeper guidance or additional assistance is needed. For experienced authorizers, this

publication is a resource for identifying areas for improvement or refinement to achieve ever-stronger outcomes, as demonstrated by the quality of the schools they oversee.

"THESE GOALS INCLUDE SAFEGUARDING THE RIGHTS OF ALL STUDENTS TO ENJOY EQUAL ACCESS TO THE SCHOOLS OF THEIR CHOICE, TO RECEIVE APPROPRIATE SERVICES, AND TO BE TREATED FAIRLY."

(NACSA has a wide range of practical resources that offer more guidance and support in fulfilling these Principles and Standards. Most of these resources are available at www.qualitycharters.org. In addition, NACSA stands ready to provide further assistance to authorizers upon request.)

NACSA uses these Principles and Standards to guide its professional development of authorizers, authorizer evaluations, and research and policy agendas. NACSA recommends that these professional standards anchor state policies concerning charter authorizing, including adequate investment in authorizing as well as evaluations of authorizer quality. To that end, NACSA recommends that states endorse and apply professional standards for charter authorizing that meet or exceed these Principles and Standards. In recent years, a rapidly growing number of states have done exactly this, and NACSA advocates the adoption of similar policies in all charter school states. We hope NACSA's *Principles & Standards for Quality Charter School Authorizing* will continue to advance and elevate the profession, giving authorizers clear guidance to develop, strengthen, and refine their practices in pursuit of educational excellence for all students.

In addition to promoting academic success, these Principles and Standards are designed to promote additional goals that are also the responsibility of authorizers. These goals include safeguarding:

1. The rights of all students to enjoy equal access to the schools of their choice, to receive appropriate services, and to be treated fairly;
2. The public interest in ensuring that publicly funded programs are accountable, transparent, well governed, efficient, and effectively administered; and
3. The autonomy of charter school operators, giving them the freedom to control core functions, which lies at the heart of the charter school concept.

The pursuit of these multiple, sometimes-competing goals will often require an authorizer's professional judgment and thoughtful balancing.

HOW THESE PRINCIPLES AND STANDARDS WERE DEVELOPED

NACSA's *Principles & Standards for Quality Charter School Authorizing* is based on an enormous body of work, research, and input over many years from authorizers and other experts in this unique field. In addition to NACSA's own considerable board, staff, and organizational experience in authorizing, these Principles and Standards are grounded in broad and deep experience collected over the years through:

- Multiple national advisory panels and focus groups bringing together experienced authorizers of all types, researchers, and other experts and leaders in the charter movement;
- Broad input from NACSA members and other education leaders; and
- NACSA's research practice, including in-depth authorizer evaluations, extensive interviews, document and policy analysis, and examination of reported practices and outcomes.

These inclusive processes have produced a rich base of knowledge built on deep experience, study, deliberation, and refinement that reflects collective insights on best practices among authorizers of all types and portfolio sizes across the country.

THE STRUCTURE AND CONTENT OF THIS PUBLICATION

These Principles and Standards begin with three clearly stated Core Principles, followed by more detailed Standards and accompanying practical guidance that authorizers often seek. Readers should note:

- The Core Principles are broad, bedrock values that authorizers should uphold consistently throughout their pursuit and implementation of the Standards.
- The Standards are presented in five sections, each of which is introduced by a brief statement that summarizes the scope of the Standards that follow.
- Most of the Standards are "essential standards," meaning that authorizers at every stage of development should place priority on following them. In addition, a small number of "advanced standards" are also fully recommended for all authorizers; but given the need to prioritize, these may be more practical for authorizers who are already implementing the essential standards.

Additional resources are available on NACSA's website: www.qualitycharters.org.

PRINCIPLES FOR QUALITY CHA

A quality authorizer engages in responsible oversight of charter schools by ensuring that schools have both the autonomy to which they are entitled and the public accountability for which they are responsible. The following three responsibilities lie at the heart of the authorizing endeavor, and authorizers should be guided by and fulfill these Core Principles in all aspects of their work:

THREE CORE PRINCIPLES OF CHARTER AUTHORIZING:

1. **MAINTAIN HIGH STANDARDS FOR SCHOOLS**
2. **UPHOLD SCHOOL AUTONOMY**
3. **PROTECT STUDENT AND PUBLIC INTERESTS**

In short, authorizers should ensure quality oversight that maintains high educational and operational standards, preserves school-level autonomy, and safeguards student and public interests.

1. MAINTAIN HIGH STANDARDS

A Quality Authorizer...

Sets high standards for approving charter applicants.

Maintains high standards for the schools it oversees.

Effectively cultivates quality charter schools that meet identified educational needs.

Oversees charter schools that, over time, meet the performance standards and targets on a range of measures and metrics set forth in their charter contracts. (See Box 4)

Closes schools that fail to meet standards and targets set forth in law and by contract.

2. UPHOLD SCHOOL AUTONOMY

A Quality Authorizer...

Honors and preserves core autonomies crucial to school success including:

- Governing board independence from the authorizer;
- Personnel;
- School vision and culture;
- Instructional programming, design, and use of time; and
- Budgeting.

Assumes responsibility not for the success or failure of individual schools, but for holding schools accountable for their performance.

Minimizes administrative and compliance burdens on schools.

Focuses on holding schools accountable for outcomes rather than processes.

3. PROTECT STUDENT & PUBLIC INTERESTS

A Quality Authorizer...

Makes the well-being and interests of students the fundamental value informing all the authorizer's actions and decisions.

Holds schools accountable for fulfilling fundamental public-education obligations to all students, which includes providing:

- Nonselective, nondiscriminatory access to all eligible students;
- Fair treatment in admissions and disciplinary actions for all students; and
- Appropriate services for all students, including those with disabilities and English learners, in accordance with applicable law.

Holds schools accountable for fulfilling fundamental obligations to the public, which includes providing:

- Sound governance, management, and stewardship of public funds; and
- Public information and operational transparency in accordance with law.

Ensures in its own work:

- Ethical conduct;
- Focus on the mission of chartering high-quality schools;
- Clarity, consistency, and public transparency in authorizing policies, practices, and decisions;
- Effective and efficient public stewardship; and
- Compliance with applicable laws and regulations

Supports parents and students in being well-informed about the quality of education provided by charter schools.

These Principles for Quality Charter School Authorizing constitute the foundation for the following Standards for Quality Charter School Authorizing that guide authorizers' practices day to day, from establishing a chartering office through all major stages of chartering responsibility. NACSA's Principles & Standards for Quality Charter School Authorizing provide essential guidance for the unique professional practice of authorizers and their daily balancing act of honoring the autonomy of charter schools while holding them accountable for high achievement, effective management, and serving all students well.

STANDARDS FOR QUALITY CHA

1. AGENCY COMMITMENT & CAPACITY

A quality authorizer engages in chartering as a means to foster excellent schools that meet identified needs, clearly prioritizes a commitment to excellence in education and in authorizing practices, and creates organizational structures and commits human and financial resources necessary to conduct its authorizing duties effectively and efficiently.

PLANNING AND COMMITMENT TO EXCELLENCE

PLANNING AND COMMITMENT TO EXCELLENCE

A Quality Authorizer...

Supports and advances the purposes of charter school law.

Ensures that the authorizer's governing board, leadership, and staff understand and are committed to the three Core Principles of authorizing.

Defines external relationships and lines of authority to protect its authorizing functions from conflicts of interest and political influence.

Implements policies, processes, and practices that streamline and systematize its work toward stated goals, and executes its duties efficiently while minimizing administrative burdens on schools.

Evaluates its work regularly against national standards for quality authorizing and recognized effective practices, and develops and implements timely plans for improvement when it falls short.

States a clear mission for quality authorizing.

ADVANCED STANDARDS

Articulates and implements an intentional strategic vision and plan for chartering, including clear priorities, goals, and time frames for achievement.

Evaluates its work regularly against its chartering mission and strategic plan goals, and implements plans for improvement when falling short of its mission and strategic plan.

Provides an annual public report on the authorizer's progress and performance in meeting its strategic plan goals.

HUMAN RESOURCES

A Quality Authorizer...

Enlists expertise and competent leadership for all areas essential to charter school oversight—including, but not limited to, education leadership; curriculum, instruction, and assessment; special education, English learners, and other diverse learning needs; performance management and accountability; law; finance; facilities; and nonprofit governance and management—through staff, contractual relationships, and/or intra- or inter-agency collaborations.

Employs competent personnel at a staffing level appropriate and sufficient to carry out all authorizing responsibilities in accordance with national standards, and commensurate with the scale of the charter school portfolio.

Provides for regular professional development for the agency's leadership and staff to achieve and maintain high standards of professional authorizing practice and to enable continual agency improvement.

FINANCIAL RESOURCES

A Quality Authorizer...

Determines the financial needs of the authorizing office and devotes sufficient financial resources to fulfill its authorizing responsibilities in accordance with national standards and commensurate with the scale of the charter school portfolio.

Structures its funding in a manner that avoids conflicts of interest, inducements, incentives, or disincentives that might compromise its judgment in charter approval and accountability decision making.[2]

Deploys funds effectively and efficiently with the public's interests in mind.

"A QUALITY AUTHORIZER ENGAGES IN CHARTERING AS A MEANS TO FOSTER EXCELLENT SCHOOLS THAT MEET IDENTIFIED NEEDS..."

2. APPLICATION PROCESS & DECISION MAKING

A quality authorizer implements a comprehensive application process that includes clear application questions and guidance; follows fair, transparent procedures and rigorous criteria; and grants charters only to applicants who demonstrate strong capacity to establish and operate a quality charter school.[3]

PROPOSAL INFORMATION, QUESTIONS, AND GUIDANCE

A Quality Authorizer...

Issues a charter application information packet or request for proposals (RFP) that:

- States any chartering priorities the authorizer may have established;
- Articulates comprehensive application questions to elicit the information needed for rigorous evaluation of applicants' plans and capacities; and
- Provides clear guidance and requirements regarding application content and format, while explaining evaluation criteria.

Welcomes proposals from first-time charter applicants as well as existing school operators/replicators, while appropriately distinguishing between the two kinds of developers in proposal requirements and evaluation criteria.

Encourages expansion and replication of charter schools that demonstrate success and capacity for growth.

Is open to considering diverse educational philosophies and approaches, and expresses a commitment to serve students with diverse needs.

ADVANCED STANDARDS

Broadly invites and solicits charter applications while publicizing the authorizer's strategic vision and chartering priorities, without restricting or refusing to review applications that propose to fulfill other goals.

FAIR, TRANSPARENT, QUALITY-FOCUSED PROCEDURES

A Quality Authorizer...

Implements a charter application process that is open, well publicized, and transparent, and is organized around clear, realistic timelines.

Allows sufficient time for each stage of the application and school pre-opening process to be carried out with quality and integrity.[4]

Explains how each stage of the application process is conducted and evaluated.

Communicates chartering opportunities, processes, approval criteria, and decisions clearly to the public.

Informs applicants of their rights and responsibilities and promptly notifies applicants of approval or denial, while explaining the factors that determined the decision.

RIGOROUS APPROVAL CRITERIA

A Quality Authorizer...

Requires all applicants to present a clear and compelling mission, a quality educational program, a solid business plan, effective governance and management structures and systems, founding team members demonstrating diverse and necessary capabilities, and clear evidence of the applicant's capacity to execute its plan successfully.

Establishes distinct requirements and criteria for applicants who are existing school operators or replicators. (See Box 1)

Establishes distinct requirements and criteria for applicants proposing to contract with education service or management providers. (See Box 2)

Establishes distinct requirements and criteria for applicants that propose to operate virtual or online charter schools.

RIGOROUS DECISION MAKING

A Quality Authorizer...

Grants charters only to applicants that have demonstrated competence and capacity to succeed in all aspects of the school, consistent with the stated approval criteria.

Rigorously evaluates each application through thorough review of the written proposal, a substantive in-person interview with each qualified applicant, and other due diligence to examine the applicant's experience and capacity, conducted by knowledgeable and competent evaluators.

Engages, for both written application reviews and applicant interviews, highly competent teams of internal and external evaluators with relevant educational, organizational (governance and management), financial, and legal expertise, as well as thorough understanding of the essential principles of charter school autonomy and accountability.

Provides orientation or training to application evaluators (including interviewers) to ensure consistent evaluation standards and practices, observance of essential protocols, and fair treatment of applicants.

Ensures that the application-review process and decision making are free of conflicts of interest, and requires full disclosure of any potential or perceived conflicts of interest between reviewers or decision makers and applicants.

3. PERFORMANCE CONTRACTING

A quality authorizer executes contracts with charter schools that articulate the rights and responsibilities of each party regarding school autonomy, funding, administration and oversight, outcomes, measures for evaluating success or failure, performance consequences, and other material terms. The contract is an essential document, separate from the charter application, that establishes the legally binding agreement and terms under which the school will operate and be held accountable.

CONTRACT TERM, NEGOTIATION, AND EXECUTION

CONTRACT TERM, NEGOTIATION, AND EXECUTION

A Quality Authorizer...

Executes a contract with a legally incorporated governing board independent of the authorizer.

Grants charter contracts for an initial term of five operating years or longer only with periodic high-stakes reviews every five years.[5]

Defines material terms of the contract.

Ensures mutual understanding and acceptance of the terms of the contract by the school's governing board prior to authorization or charter granting by the authorizing board.

Allows—and requires contract amendments for—occasional material changes to a school's plans, but does not require amending the contract for non-material modifications.

RIGHTS AND RESPONSIBILITIES

RIGHTS AND RESPONSIBILITIES

A Quality Authorizer...

Executes charter contracts that clearly:

- State the rights and responsibilities of the school and the authorizer;
- State and respect the autonomies to which schools are entitled—based on statute, waiver, or authorizer policy—including those relating to the school's authority over educational programming, staffing, budgeting, and scheduling;
- Define performance standards, criteria, and conditions for renewal, intervention, revocation, and non-renewal, while establishing the consequences for meeting or not meeting standards or conditions;
- State the statutory, regulatory, and procedural terms and conditions for the school's operation;
- State reasonable pre-opening requirements or conditions for new schools to ensure that they meet all health, safety, and other legal requirements prior to opening and are prepared to open smoothly;

- State the responsibility and commitment of the school to adhere to essential public-education obligations, including admitting and serving all eligible students so long as space is available, and not expelling or counseling out students except pursuant to a legal discipline policy approved by the authorizer; and
- State the responsibilities of the school and the authorizer in the event of school closures.

Ensures that any fee-based services that the authorizer provides are set forth in a services agreement that respects charter school autonomy and treats the charter school equitably compared to district schools, if applicable; and ensures that purchasing such services is explicitly not a condition of charter approval, continuation, or renewal.

PERFORMANCE STANDARDS

A Quality Authorizer...

Executes charter contracts that plainly:

- Establish the performance standards under which schools will be evaluated, using objective and verifiable measures of student achievement as the primary measure of school quality;
- Define clear, measurable, and attainable academic, financial, and organizational performance standards and targets that the school must meet as a condition of renewal, including but not limited to state and federal measures; (See Box 3)
- Include expectations for appropriate access, education, support services, and outcomes for students with disabilities;
- Define the sources of academic data that will form the evidence base for ongoing and renewal evaluation, including state-mandated and other standardized assessments, student academic growth measures, internal assessments, qualitative reviews, and performance comparisons with other public schools in the district and state;[6]
- Define the sources of financial data that will form the evidence base for ongoing and renewal evaluation, grounded in professional standards for sound financial operations and sustainability;
- Define the sources of organizational data that will form the evidence base for ongoing and renewal evaluation, focusing on fulfillment of legal obligations, fiduciary duties, and sound public stewardship; and
- Include clear, measurable performance standards to judge the effectiveness of alternative schools, if applicable—requiring and appropriately weighting rigorous mission-specific performance measures and metrics that credibly demonstrate each school's success in fulfilling its mission and serving its special population.[7]

PROVISIONS FOR EDUCATION SERVICE OR MANAGEMENT CONTRACT (IF APPLICABLE)

A Quality Authorizer...

For any school that contracts with an external (third-party) provider for education design and operation or management, includes additional contractual provisions that ensure rigorous, independent contract oversight by the charter governing board and the school's financial independence from the external provider. (See Box 4)

Reviews the proposed third-party contract as a condition of charter approval to ensure that it is consistent with applicable law, authorizer policy, and the public interest.

"A QUALITY AUTHORIZER DEFINES AND COMMUNICATES TO SCHOOLS THE PROCESS, METHODS, AND TIMING OF GATHERING AND REPORTING SCHOOL PERFORMANCE AND COMPLIANCE DATA."

4. ONGOING OVERSIGHT AND EVALUATION

A quality authorizer conducts contract oversight that competently evaluates performance and monitors compliance; ensures schools' legally entitled autonomy; protects student rights; informs intervention, revocation, and renewal decisions; and provides annual public reports on school performance.

PERFORMANCE EVALUATION AND COMPLIANCE MONITORING

A Quality Authorizer...

Implements a comprehensive performance accountability and compliance monitoring system that is defined by the charter contract and provides the information necessary to make rigorous and standards-based renewal, revocation, and intervention decisions.

Defines and communicates to schools the process, methods, and timing of gathering and reporting school performance and compliance data.

Implements an accountability system that effectively streamlines federal, state, and local performance expectations and compliance requirements while protecting schools' legally entitled autonomy and minimizing schools' administrative and reporting burdens.

Provides clear technical guidance to schools as needed to ensure timely compliance with applicable rules and regulations.

Visits each school as appropriate and necessary for collecting data that cannot be obtained otherwise and in accordance with the contract, while ensuring that the frequency, purposes, and methods of such visits respect school autonomy and avoid operational interference.

Evaluates each school annually on its performance and progress toward meeting the standards and targets stated in the charter contract, including essential compliance requirements, and clearly communicates evaluation results to the school's governing board and leadership.

Requires and reviews annual financial audits of schools, conducted by a qualified independent auditor.

Communicates regularly with schools as needed, including both the school leaders and governing boards, and provides timely notice of contract violations or performance deficiencies.

Provides an annual written report to each school, summarizing its performance and compliance to date and identifying areas of strength and areas needing improvement.

Articulates and enforces stated consequences for failing to meet performance expectations or compliance requirements.

RESPECTING SCHOOL AUTONOMY

A Quality Authorizer...

Respects the school's authority over its day-to-day operations.

Collects information from the school in a manner that minimizes administrative burdens on the school, while ensuring that performance and compliance information is collected with sufficient detail and timeliness to protect student and public interests.

Periodically reviews compliance requirements and evaluates the potential to increase school autonomy based on flexibility in the law, streamlining requirements, demonstrated school performance, or other considerations.

Refrains from directing or participating in educational decisions or choices that are appropriately within a school's purview under the charter law or contract.

PROTECTING STUDENT RIGHTS

A Quality Authorizer...

Ensures that schools admit students through a random selection process that is open to all students, is publicly verifiable, and does not establish undue barriers to application (such as mandatory information meetings, mandated volunteer service, or parent contracts) that exclude students based on socioeconomic, family, or language background, prior academic performance, special education status, or parental involvement.

Ensures that schools provide access and services to students with disabilities as required by applicable federal and state law, including compliance with student individualized education programs and Section 504 plans, facilities access, and educational opportunities.

Ensures clarity in the roles and responsibilities of all parties involved in serving students with disabilities.[8]

Ensures that schools provide access to and appropriately serve other special populations of students, including English learners, homeless students, and gifted students, as required by federal and state law.

Ensures that schools' student discipline policies and actions are legal and fair, and that no student is expelled or counseled out of a school outside of that process.

INTERVENTION

A Quality Authorizer...

Establishes and makes known to schools at the outset an intervention policy that states the general conditions that may trigger intervention and the types of actions and consequences that may ensue.

Gives schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies.

Allows schools reasonable time and opportunity for remediation in non-emergency situations.

Where intervention is needed, engages in intervention strategies that clearly preserve school autonomy and responsibility (identifying what the school must remedy without prescribing solutions).

PUBLIC REPORTING

A Quality Authorizer...

Produces an annual public report that provides clear, accurate performance data for the charter schools it oversees, reporting on individual school and overall portfolio performance according to the framework set forth in the charter contract.

"A QUALITY AUTHORIZER REFRAINS FROM DIRECTING OR PARTICIPATING IN EDUCATIONAL DECISIONS OR CHOICES THAT ARE... WITHIN A SCHOOL'S PURVIEW..."

5. REVOCATION AND RENEWAL DECISION MAKING

A quality authorizer designs and implements a transparent and rigorous process that uses comprehensive academic, financial, and operational performance data to make merit-based renewal decisions, and revokes charters when necessary to protect student and public interests.[9]

REVOCATION

RENEWAL DECISIONS BASED ON MERIT AND INCLUSIVE EVIDENCE

REVOCATION

A Quality Authorizer...

Revokes a charter during the charter term if there is clear evidence of extreme underperformance or violation of law or the public trust that imperils students or public funds.

RENEWAL DECISIONS BASED ON MERIT AND INCLUSIVE EVIDENCE

A Quality Authorizer...

Bases the renewal process and renewal decisions on thorough analyses of a comprehensive body of objective evidence defined by the performance framework in the charter contract.

Grants renewal only to schools that have achieved the standards and targets stated in the charter contract, are organizationally and fiscally viable, and have been faithful to the terms of the contract and applicable law.

Does not make renewal decisions, including granting probationary or short-term renewals, on the basis of political or community pressure or solely on promises of future improvement.

"A QUALITY AUTHORIZER DOES NOT MAKE RENEWAL DECISIONS... ON THE BASIS OF POLITICAL OR COMMUNITY PRESSURE OR SOLELY ON PROMISES OF FUTURE IMPROVEMENT."

CUMULATIVE REPORT AND RENEWAL APPLICATION

A Quality Authorizer...

Provides to each school, in advance of the renewal decision, a cumulative performance report that:

- Summarizes the school's performance record over the charter term; and
- States the authorizer's summative findings concerning the school's performance and its prospects for renewal.

Requires any school seeking renewal to apply for it through a renewal application, which provides the school a meaningful opportunity and reasonable time to respond to the cumulative report; to correct the record, if needed; and to present additional evidence regarding its performance.

FAIR, TRANSPARENT PROCESS

A Quality Authorizer...

Clearly communicates to schools the criteria for charter revocation, renewal, and non-renewal decisions that are consistent with the charter contract.

Promptly notifies each school of its renewal (or, if applicable, revocation) decision, including written explanation of the reasons for the decision.

Promptly communicates renewal or revocation decisions to the school community and public within a time frame that allows parents and students to exercise choices for the coming school year.

Explains in writing any available rights of legal or administrative appeal through which a school may challenge the authorizer's decision.

Regularly updates and publishes the process for renewal decision making, including guidance regarding required content and format for renewal applications.

CLOSURE

A Quality Authorizer...

In the event of a school closure, oversees and works with the school governing board and leadership in carrying out a detailed closure protocol that ensures timely notification to parents; orderly transition of students and student records to new schools; and disposition of school funds, property, and assets in accordance with law.

KEY ELEMENTS FOR SPECIAL TOPICS

BOX 1

ELEMENTS FOR EXISTING SCHOOL OPERATORS OR REPLICATORS

Applicants who are existing school operators or replicators should be required to:

- Provide clear evidence of their capacity to operate new schools successfully while maintaining quality in existing schools;[10]
- Document their educational, organizational, and financial performance records based on all existing schools;
- Explain any never-opened, terminated, or non-renewed schools (including terminated or non-renewed third-party contracts to operate schools);
- Present their growth plan, business plan, and most recent financial audits; and
- Meet high standards of academic, organizational, and financial success to earn approval for replication.

BOX 2

ELEMENTS FOR APPLICANTS PROPOSING TO CONTRACT WITH EDUCATION SERVICE OR MANAGEMENT PROVIDERS

Applicants proposing to contract for education services or management should be required to provide:

- Evidence of the service provider's educational and management success;
- A draft (or existing) service/management contract that sets forth proposed key terms, including roles and responsibilities of the school governing board, the school staff, and the service provider; the services and resources to be provided; performance-evaluation measures and mechanisms; detailed explanation of compensation to be paid to the provider; financial controls and oversight; investment disclosure; methods of contract oversight and enforcement; and conditions for contract renewal and termination; and
- Disclosure and explanation of any existing or potential conflicts of interest between the school governing board and proposed service provider or any affiliated business entities.

BOX 3

PERFORMANCE STANDARDS

Performance standards enable schools and authorizers to know the outcomes for which authorizers will hold schools accountable. They are the basis for school evaluation and should be incorporated in the charter contract, commonly as an attachment. Academic, financial, and organizational performance standards should include clearly defined and measurable indicators, measures, metrics, and targets that:

Academic Performance

- Set expectations for student academic achievement status or proficiency, including comparative proficiency;
- Set expectations for student academic growth, including adequacy of growth toward state standards;
- Incorporate state and federal accountability systems, including state grading and/or rating systems;
- Set expectations for postsecondary readiness, including graduation rates (for high schools); and
- Provide schools an option to incorporate mission-specific performance measures for which the school has presented valid, reliable, and rigorous means of assessment approved by the authorizer.[11]

Financial Performance

- Enable the authorizer to monitor and evaluate the school's financial stability and viability based on short-term performance, and
- Enable the authorizer to monitor and evaluate the school's long-term financial sustainability.

Organizational Performance

- Define the essential elements of the educational program for which the authorizer will hold the school accountable;
- Define financial management and oversight standards based on generally accepted accounting principles;
- Hold school governing boards accountable for meeting statutory and board-established operating and reporting requirements;[12]
- Ensure school compliance with student and employee rights and obligations; and
- Establish expectations related to the school environment, including health and safety, transportation, facilities, and appropriate handling of records.

BOX 4

EDUCATION SERVICE OR MANAGEMENT CONTRACTS

Charter contracts for schools that are contracting with external (third-party) providers for comprehensive services or management should include additional provisions that:

- Clearly establish the primacy of the charter contract over the third-party contract;
- Clearly identify the school governing board as the party ultimately responsible for the success or failure of the school, and clearly define the external provider as a vendor of services;
- Prohibit the third party from selecting, approving, employing, compensating, or serving as school governing board members;
- Require the school governing board to directly select, retain, and compensate the school attorney, accountant, and audit firm;
- Provide for payments from the authorizer to the school to be made to an account controlled by the school governing board, not the third party;
- Require all instructional materials, furnishings, and equipment purchased or developed with public funds to be the property of the school, not the third party;
- Condition charter approval on authorizer review and approval of the third-party contract; and

Require the third-party contract to articulate:

- The roles and responsibilities of the school governing board and the service provider, including all services to be provided under the contract;
- The performance measures, consequences, and mechanisms by which the school governing board will hold the provider accountable for performance, aligned with the performance measures in the charter contract;
- All compensation to be paid to the provider, including all fees, bonuses, and what such compensation includes or requires;
- Terms of any facility agreement that may be part of the relationship;
- Financial reporting requirements and provisions for the school governing board's financial oversight;
- All other financial terms of the contract, including disclosure and documentation of all loans or investments by the provider to the school, and provision for the disposition of assets in accordance with law;
- Assurances that the school governing board, at all times, maintains independent fiduciary oversight and authority over the school budget and ultimate responsibility for the school's performance;
- Provisions for contract termination without "poison pill" penalties; and
- Respective responsibilities of the governing board and service provider in the event of school closure.

“PERFORMANCE STANDARDS ENABLE SCHOOLS AND AUTHORIZERS TO KNOW THE OUTCOMES FOR WHICH AUTHORIZERS WILL HOLD SCHOOLS ACCOUNTABLE.”

END NOTES

1 The term "authorizers," as used in this publication, may refer to authorizing institutions as well as the individuals who carry out the work.

2 For example, an authorizing agency that also has non-charter school responsibilities should structure its authorizing-related funding to avoid conflicts or competition with its non-charter school programs and services. Likewise, authorizers that receive funding from school fees should implement protections to ensure that the potential for revenue gain or loss from each school does not influence charter approval, renewal, or revocation decisions. An authorizer's use of oversight fees should be restricted to fulfillment of its authorizing responsibility so that the authorizing function is revenue neutral.

3 Some states refer to the charter application as the charter "petition" or "proposal."

4 Some authorizers allow charter applications to be submitted any time on a rolling basis. NACSA recommends establishing fixed, published application periods and deadlines to enable the authorizer to proactively plan and conduct a high-quality review process—integrated into the authorizer's annual work calendar—rather than simply react to applications whenever they might arrive. A well-planned process might include minimum timeframes such as: 1) three months from release of the RFP/application packet to the application deadline; 2) three months for evaluation of the applications; and 3) nine months, but preferably 12–18 months, from approval to school opening.

5 Although some state laws allow or require shorter charter terms—or do not establish a term at all—NACSA recommends five operating years per charter term. Such a term allows a school to develop beyond the startup phase and to produce a sufficient performance record and body of data needed for sound high-stakes decision making.

6 See www.qualitycharters.org for recommendations on selecting comparison schools.

7 Alternative schools subject to different performance standards should be formally designated by the state for serving a primarily special-needs, non-traditional, or highly at-risk population. Mission-specific measures for alternative schools may include, for example, measures for student academic growth or postsecondary readiness, and should be grounded in objective, valid, reliable assessments.

8 Many authorizers, particularly those that are state education agencies or local education agencies for special education purposes, have responsibilities of their own regarding the identification, admissions, and placement of students with disabilities who enroll in charter schools, as well as with the delivery of services, transfer of records, and oversight of special-education programs in the schools they oversee. These agencies retain such responsibilities with charter schools they oversee, though the mechanisms, procedures, and roles and responsibilities may shift as a result of the relationship between a charter school and its authorizer.

9 Revocation, as distinguished from non-renewal, may occur at any time during the charter term when there is clear evidence of extreme violations or failings that warrant termination of the charter to protect student and public interests. Non-renewal is an authorizer's decision not to renew a charter at the end of its term.

10 For more detailed guidance on evaluating existing school operators or replicators, see NACSA resources at www.qualitycharters.org.

11 NACSA recommends that all authorizers include rigorous assessment of student academic growth in their performance standards for charter schools. Authorizers should be aware that there are a variety of types of growth measures and methodologies, some of which may be used or required by particular states. A majority of states have either adopted or are in the process of adopting student academic growth targets as part of their assessment system. To understand individual student progress in states that do not provide growth analysis, charter authorizers can obtain and analyze state assessment data themselves, or require charter schools to administer national assessments that readily provide student growth data and analysis. To select and implement assessment systems that will produce quality student growth data, it is important for authorizers (and schools) to have a basic understanding of common methods of growth analysis and their respective advantages, limitations, and appropriate (or inappropriate) uses. For a concise, practical guide to growth measures and methodologies, see NACSA Issue Brief No. 19, "An Authorizer's Guide to the Use of Student Growth Data," at www.qualitycharters.org.

12 Examples of statutory requirements include compliance with open-meeting and public records laws. Examples of board-established requirements include duly adopted bylaws and policies.

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SCHOOL OF EDUCATION

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Executive Summary

In June 2013, a web-based survey was sent to a total of 186 affiliates of the New York State Quality Charter Authorizer Partnership (NYSQCAP). A total of 180 affiliates received the survey and 58 responses were received for a response rate of 32%. Respondents included affiliates of the New York State Education Department (NYSED) (4), the NYSED Charter School Office (NYSED CSO) (3), the New York City Department of Education (NYCDOE) (3), the State University of New York (SUNY) (1), and the New York City Charter School Center (3). Respondents also included representatives of auditing firms (10), charter school business officials (16), representatives of charter management companies (4), representatives of charter school financial consulting service providers (7), and representatives of other entities (7).

The summary below includes a selection of notable data that emerged from this survey. A full analysis of survey data is contained in the body of this report.

- 43% respondents were very satisfied with NYSED collaboration and professional development, and 29% respondents were satisfied.
- Among the participants who attended the live training sessions, 58% respondents agreed that the presentation was well-organized, and 38% respondents strongly agreed.
- Apart from two respondents, all other participants (92%) who attended the live training sessions agreed or strongly agreed that "the presenter demonstrated expertise in this area"; "the training content provided relevant and useful knowledge"; "the amount and depth of the material covered was appropriate"; "the participation of the other trainees was very helpful" and "I was able to ask questions when I needed to do so."
- Among the participants who attended the webinar training sessions, all respondents (100%) agreed or strongly agreed that "the presentation was well organized"; "the presenter demonstrated expertise in this area"; "the training content provided relevant and useful knowledge" and "the material was presented in a clear and logical fashion."
- Apart from one respondent, all other respondents (96%) who attended the webinar training sessions agreed or strongly agreed with the statements "the length of the training session was appropriate"; "the amount and depth of the material covered was appropriate" and "the material covered was appropriate for someone with my level of knowledge of the subject."

Evaluation Introduction

The New York State Quality Charter Authorizer Partnership (NYSQCAP), a key component of NYSED's strategy to maintain accountability of public chartering agencies, was formed to support the implementation of the 2011–2016 federal Charter Schools Program (CSP) and the creation of high-quality public charter schools under New York law. This agreement is a commitment on the part of all the major active authorizers in New York to ensure the highest standards of quality charter authorizing. A memorandum of agreement between NYSED and SUNY forming NYSQCAP commenced January 1, 2013.

Three key activities conducted as part of this partnership include: to systematically revise and align NYSED oversight protocols and guidelines; to actively participate in and contribute to state and national charter school authorization and policy dialogue; and, to provide technical assistance and professional development to New York State charter authorizer staff to support high-quality authorizing practices.

In 2012, the NYSED CSO created an Audit Guide to provide assistance to auditors of charter schools authorized by NYSED and for any charter school receiving CSP funds. This guide was effective for 2012-13 audits of charter schools. As part of the key NYSQCAP activities, training sessions and webinars were conducted on May 22, 2013, and May 30, 2013.

This report summarizes an online survey provided to 187 participants of the Audit Training Guide training sessions and webinars. The survey was sent to participants in June 2013 and was open for a period of three weeks. Of those distributed, 180 participants received the survey and 58 submitted a response for a 32% response rate.

1. Profile of Respondents and Training Session Distribution

Profile of Respondents

A total of 58 respondents participated in the survey. Respondents were asked which entities that they represented. All respondents (100%) responded to this question. Sixteen respondents (28%) reported that they were a Charter School Business Official. Ten respondents (17%) indicated that they were representatives of auditing firms. Four respondents (7%) each reported that they represented charter management companies and New York State Education Department (NYSED) respectively. Three respondents (5%) each reported that they were representatives from the NYSED Charter School Office (NYSED CSO), the New York City Department of Education (NYCDOE), and New York City Charter School Center respectively. One respondent (2%) indicated that he or she represented the State University of New York (SUNY). Seven respondents (12%) indicated "other" for this question, among which three (5%) indicated they represented a charter school, and one other participant each indicated that they were a Charter School Assistant-Finance, Charter School Founder/CEO, a Charter School member and a Chartered Public Accountant/auditor, respectively. See Table 1.

Table 1. Entities Represented by Respondents

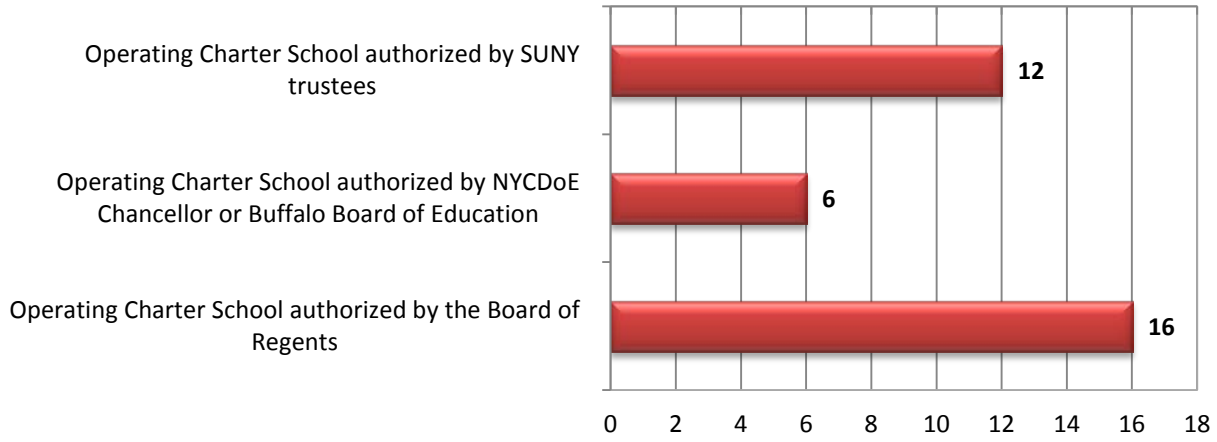
	Frequency	Percent
Charter School Business Official	16	28%
Auditing Firm	10	17%
Charter Financial Consulting Service Provider	7	12%
Charter Management Company	4	7%
NYSED	4	5%
NYCDOE	3	5%
NYSED CSO	3	5%
NYC Charter School Center	3	5%
SUNY	1	2%
Other	7	12%

N=58

Respondents were asked to identify the authorizer of the charter school they were affiliated with. Thirty-four participants responded to this question. Sixteen respondents (47%) indicated that the

charter schools they were affiliated with were authorized by the Board of Regents. Twelve respondents (38%) indicated that the charter schools they represented were authorized by SUNY trustees. Six respondents (18%) reported that the charter schools they represented were authorized by NYCDoE Chancellor or Buffalo Board of Education. See Figure 1.

Figure 1. Respondents' Charter School Representation by Authorizer



N=34

Distribution of Training Sessions

Survey participants were asked to indicate the training sessions they attended (Table 2). Fifty-four participants responded to this question. As some participants attended more than one session, this question yielded 109 responses. The most frequently attended session was the session on "Audit Guide: General Information" from 9:30 to 10:30 AM on Wednesday May 22 at Brooklyn, NY with 27 (50%) of respondents. Twenty-four respondents (44%) indicated that they attended the webinar titled "Audit Guide: General and Auditor Specific Information" from 9:30 to 12:00 PM on Thursday May 30. Twenty-three respondents (43%) indicated that they participated in the webinar on "Allowability and Grants Management Compliance" from 1:30 to 3:30 PM on Thursday May 30. Twenty respondents (37%) reported that they participated the session on "Operation Systems" held from 10:45 to 12:30 PM on Wednesday May 22 at Brooklyn, NY. The least attended event with 10 respondents (19%) was the session on "Audit Guide: Auditor Specific" from 10:45 to 12:30 PM on Wednesday May 22 at Brooklyn, NY. Five respondents (9%) reported that they did not attend any of these events listed above.

Table 2. Training Sessions Attended by Respondents

	Frequency	Percent
Audit Guide: General Information, 9:30 - 10:30 AM | Wednesday May 22, Brooklyn, NY	27	50%
Audit Guide: Auditor Specific, 10:45 - 12:30 PM | Wednesday May 22, Brooklyn, NY	10	19%
Operation Systems, 10:45 - 12:30 PM | Wednesday May 22, Brooklyn, NY	20	37%
Audit Guide: General and Auditor Specific Information, 9:30 – 12:00 PM | Thursday May 30, Webinar	24	44%
Allowability and Grants Management Compliance, 1:30 – 3:30 PM | Thursday May 30, Webinar	23	43%
I did not attend any of the events listed above.	5	9%

N=54/F=109

2. Profile of Live Training Sessions

Organization of Training Sessions

Survey participants were asked their opinions on the live training sessions they attended. For the question on how much they agreed with the statement "the presentation was well organized," 26 participants responded to this question, among which 15 (58%) agreed with this statement, 10 (38%) strongly agreed and one (4%) strongly disagreed. Participants were then asked how much they thought the scope of the training was appropriate. Twenty-five participants responded to this question, among which 22 respondents (88%) agreed or strongly agreed that the scope of the training was appropriate, whereas two respondents (8%) disagreed with this statement, and one respondent (4%) strongly disagreed. Twenty-six survey participants responded to the question on how much they agreed with the statement "the length of the training session was appropriate." Of these, 24 (92%) agreed or strongly agreed with this statement. Two respondents (8%) disagreed with this statement. Regarding the technologies used in the training sessions, 26 participants responded to this question, among which 16 (62%) agreed with the statement that "there were no problems with the technology" and 9 respondents (35%) strongly agreed with this statement. Only one respondent (4%) disagreed that "there were no problems with the technology". See Table 3.

Table 3. Respondent Views of Live Training Organization

	Strongly Disagree	Disagree	Agree	Strongly Agree
The presentation was well organized (N=26)	1 (4%)	0 (0%)	15 (58%)	10 (38%)
The scope of the training was appropriate (N=25)	1 (4%)	2 (8%)	12 (48%)	10 (40%)
The length of the training session was appropriate (N=26)	0 (0%)	2 (8%)	13 (50%)	11 (42%)
There were no problems with the technology (N=26)	0 (0%)	1 (4%)	16 (62%)	9 (35%)

Presenter Expertise and Training Content

Four questions were asked regarding the participants' opinions on the expertise of the presenter, the relevance of the training content and the material covered in the live training sessions they attended. The first question asked in this category was the participants' opinion on whether the presenter demonstrated expertise in this area. Twenty-five participants responded to this question. Of these respondents, 92% strongly agreed or agreed that "the presenter demonstrated expertise in this area". One respondent (4%) each disagreed and strongly disagreed with this statement.

The second question in this category asked the participants' opinion on the relevance and the usefulness of the training content and knowledge. Twenty-six participants responded to this question. Twenty-four respondents (92%) agreed or strongly agreed with the statement "The training content provided relevant and useful knowledge," whereas one respondent (4%) each disagreed and strongly disagreed with this statement.

The third question asked participants the appropriateness of the amount and the depth of the materials covered. Twenty-five participants responded to this question. The majority (60%) agreed with the statement "the amount and depth of the material covered was appropriate" and eight (32%) strongly agreed. Only one respondent (4%) disagreed and one (4%) strongly disagreed with this statement. Next, participants were asked whether they agreed with the statement "the material covered was appropriate for someone with my level of knowledge of the subject." Twenty-six participants responded to this question, among which 23 (88%) strongly agreed or agreed, whereas two respondents (8%) disagreed and one respondent (4%) strongly disagreed with this statement.

The final question asked in this category regarded whether the participants agreed with the statement "the material was presented in a clear and logical fashion." Twenty-six participants responded to this question, among which 12 respondents (46%) agreed with this statement and 10 respondents (38%) strongly agreed, whereas 4 respondents (15%) disagreed.

Table 4. Respondent Views of Live Presenter Expertise and Training Content/Material

	Strongly Disagree	Disagree	Agree	Strongly Agree
The presenter demonstrated expertise in this area (N=25)	1 (4%)	1 (4%)	11 (44%)	12 (48%)
The training content provided relevant and useful knowledge (N=26)	1 (4%)	1 (4%)	14 (54%)	10 (38%)
The amount and depth of the material covered was appropriate (N=25)	1 (4%)	1 (4%)	15 (60%)	8 (32%)
The material covered was appropriate for someone with my level of knowledge of the subject (N=26)	1 (4%)	2 (8%)	12 (46%)	11 (42%)
The material was presented in a clear and logical fashion (N=26)	0 (0%)	4 (15%)	12 (46%)	10 (38%)

Respondent and Trainee Participation

Two questions were asked to respondents regarding their opinions of live trainee participation. The first question was how much the participants agreed with the statement "the participation of the other trainees was very helpful." Twenty-five participants responded to this question, of which 23 (92%) strongly agreed or agreed with the statement and two respondents (8%) disagreed with this statement. The second question this category asked was how much the participants agreed or disagreed with the statement "I was able to ask questions when I needed to do so." Twenty-five participants responded to this question, of which thirteen participants (52%) responded that they agreed with this statement, and ten participants (40%) responded that they strongly agreed. Two participants (8%) disagreed, while no participant (0%) strongly disagreed with the statement.

Table 5. Respondent Views of Live Training Participation

	Strongly Disagree	Disagree	Agree	Strongly Agree
The participation of the other trainees was very helpful (N=25)	0 (0%)	2 (8%)	11 (44%)	12 (48%)
I was able to ask questions when I needed to do so (N=25)	0 (0%)	2 (8%)	13 (52%)	10 (40%)

Additional Respondent Feedback

For all who disagreed or strongly disagreed with any of the statements mentioned above in all sections regarding the organization, presenter expertise and training content/material and the trainee participation of the live training sessions, they were asked to explain their responses:

- On a panel of four, two were "new" school managers and therefore could not give the best practices responses to many of the operational concerns of the audience. I have also attended training with one of the other panelists and I do not find her to effectively relay useful information.
- The Audit Guide training presenters were knowledgeable, but I would have appreciated a more in-depth look at the guide from a school official's perspective. I wanted information about student files and what auditors would be looking for in them.
- The general session on the audit guide was a bit disorganized. Since the screen was difficult to see for most of the attendees in the room, we were left to follow along in the materials provided. Unfortunately, the presenters skipped around the book and it was difficult to follow along since too much time was spent trying to figure out which sections they were referring to.
- The room was small, [and] it was difficult to see the presentation. It was also difficult to hear the presenters.

3. Profile of Webinar Training Sessions

Organization of Training Sessions

Respondent opinions were garnered on the organization of the webinar training. The first question asked in this category was whether the participants agreed or disagreed with the statement "the presentation was well organized." Twenty-six participants responded to this question, all agreed or strongly agreed. The second question asked was participants' opinions on whether the scope of the training was appropriate. Twenty-six participants responded to this question. Fourteen participants (54%) agreed that the scope of the training was appropriate, and eleven participants (43%) strongly agreed with this statement. One participant (4%) disagreed that the scope of the training was appropriate. The question that followed asked participants about the appropriateness of the length of the training session. Sixteen participants (62%) agreed and nine participants (35%) strongly agreed that the length of the training session was appropriate. One participant (4%) disagreed that the length of the training session was appropriate, and no participant (0%) strongly disagreed. The last question asked in this category was concerning whether there were any technology problems which occurred during the webinar training. Ten respondents (38%) reported that they strongly agreed that there were no problems with the technology, and nine respondents (35%) agreed with this statement. Seven participants (27%) disagreed with the statement "there were no problems with the technology" while no participants (0%) strongly disagreed. See Table 6.

Table 6. Respondent Views of Webinar Training Organization

	Strongly Disagree	Disagree	Agree	Strongly Agree
The presentation was well organized (N=26)	0 (0%)	0 (0%)	14 (54%)	12 (46%)
The scope of the training was appropriate (N=26)	0 (0%)	1 (4%)	14 (54%)	11 (42%)
The length of the training session was appropriate (N=26)	0 (0%)	1 (4%)	16 (62%)	9 (35%)
There were no problems with the technology (N=26)	0 (0%)	7 (27%)	9 (35%)	10 (38%)

Presenter Expertise and Training Content

Additionally, survey respondents were asked their opinions of the webinar presenter's expertise, the relevance of the training content and aspects of the material covered. Five questions were asked in this category (Table 7). The first question asked the participants whether they agreed or disagreed with the statement "the presenter demonstrated expertise in this area." Twenty-five participants responded to this question. Fifteen respondents (60%) strongly agreed with this statement and 10 respondents (40%) agreed. No respondent (0%) disagreed or strongly disagreed with this statement.

The second question in this category asked the respondents whether they agreed with the statement "the training content provided relevant and useful knowledge." Twenty-six participants responded to this question, among which all (100%) agreed or strongly agreed with the statement.

The third question in this category asked participants their opinions of the appropriateness and depth of the material covered. Twenty-six participants responded to this question. Fifteen respondents (58%) agreed with the statement that "the amount and depth of the material covered was appropriate" and 10 respondents (38%) strongly agreed. Only one respondent (4%) disagreed that the amount and depth of the material covered was appropriate. The question that followed asked participants whether they agreed with the statement "the material covered was appropriate for someone with my level of knowledge of the subject". Twenty-six participants responded to this question, among which 25 (96%) respondents agreed or strongly agreed. One respondent (4%) disagreed with this statement.

The last question in this category asked respondents whether the material was presented in a clear and logical fashion. Twenty-six participants responded to this question, among which sixteen (62%) reported that they agreed that the materials was presented in a clear and logical fashion and ten (38%) strongly agreed with this statement. No participant (0%) disagreed or strongly disagreed that the material was presented in a clear and logical fashion.

Table 7. Respondent Views of Webinar Presenter Expertise and Training Content/Material

	Strongly Disagree	Disagree	Agree	Strongly Agree
The presenter demonstrated expertise in this area (N=25)	0 (0%)	0 (0%)	10 (40%)	15 (60%)
The training content provided relevant and useful knowledge (N=26)	0 (0%)	0 (0%)	15 (58%)	11 (42%)
The amount and depth of the material covered was appropriate (N=26)	0 (0%)	1 (4%)	15 (58%)	10 (38%)
The material covered was appropriate for someone with my level of knowledge of the subject (N=26)	0 (0%)	1 (4%)	14 (54%)	11 (42%)
The material was presented in a clear and logical fashion (N=26)	0 (0%)	0 (0%)	16 (62%)	10 (38%)

Respondent and Trainee Participation

Survey respondents were asked their views of the participation of webinar trainees. Two questions were asked in this category, and twenty-six participants responded to both questions. The first question asked whether the participants agreed with the statement "the participation of the other trainees was very helpful." Fourteen participants (54%) agreed with this statement and nine participants (35%) strongly agreed. Three participants (12%) disagreed with the statement. The other question asked in this category was whether the participants agreed with the statement "I was able to ask questions when I needed to do so." Seventeen respondents (65%) agreed with this statement, and seven respondents (27%) strongly agreed. While no respondent (0%) strongly disagreed with this statement, two respondents (8%) disagreed.

Table 8. Respondent Views of Webinar Training Participation

	Strongly Disagree	Disagree	Agree	Strongly Agree
The participation of the other trainees was very helpful (N=26)	0 (0%)	3 (12%)	14 (54%)	9 (35%)
I was able to ask questions when I needed to do so (N=26)	0 (0%)	2 (8%)	17 (65%)	7 (27%)

Additional Respondent Feedback

If respondents chose "disagree" or "strongly disagree" for any of the questions in this section, they were asked to provide feedback. Six responses were provided:

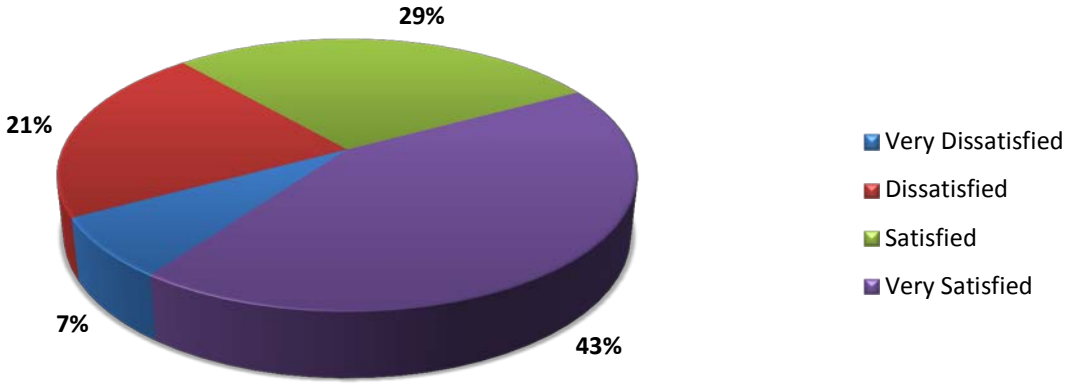
- I had problems with the audio and had to go into a different property setting and increase volume in order to hear the speakers.
- It was very difficult to hear the presenter during the Audit Guide training.
- The first webinar session covering the charter school audit guide was on the slow side. It reviewed some of the highlights, but did not go into depth. The second webinar session covering grant compliance was great. Additional time could have been allotted as the presenter did go into depth on many of the topics.
- The morning presenter mostly read the presentation from the PowerPoint presentation. The afternoon presenter did a great job of reviewing the components of grant compliance.
- The other trainees offered no help or advice regarding the webinar.
- The sound on the phone was not working.

4. Training Session Impact

Satisfaction with NYSED Collaboration and Professional Development

NYSED, NYSED CSO, NYCDOE, SUNY or NYC Charter School Center respondents were asked to indicate their level of satisfaction with NYSED collaboration and professional development, and fourteen participants responded to this question. Six participants (43%) reported that they were very satisfied with the NYSED collaboration and professional development; four participants (29%) were satisfied; three participants (21%) were dissatisfied and one participant (7%) was very dissatisfied with the NYSED collaboration and professional development. See Figure 2.

Figure 2. Satisfaction with NYSED Collaboration and Professional Development



N=14

Most Important Thing Learned

The participants were asked to explain the most important things learned in the training. Twenty-five responses were provided by survey participants. The most frequent response was "Audit requirements and grant compliance". Other responses included:

- Ability to collaborate with NYC Charter Center on sharing financial best practices. And, that the charter school business officials and independent auditors are planning to implement the guidance in the Audit Guide.
- About the new audit guide and ensured we are auditing charter schools correctly and consistently with other firms and how the state wants us to be.

- Best Ops practices (clear, easy to implement) from a range of schools and knowledgeable teams.
- Charter Schools are understaffed in the operations department and need assistance keeping up with financial matters and preparing for audits.
- CSP funding and agreed upon procedures.
- CSP Grant- 50K new report. A-133 audit $ threshold.
- [The trainings] extended my knowledge of grant compliance.
- For CSP grants - that the amounts spent in a year is subject to audit, not the amount received.
- Guidelines and due dates for Circular A-133. This is the first year that I had to complete this document.
- How to better prepare in the operations field for next school year 2013-2014.
- I did not take anything useful away from this particular training.
- I got a very clear understanding of the audit guidelines and the presentation will serve as a useful resources.
- New reports and deadlines I wasn't aware of. Some participants have the same questions I had and answers were very helpful.
- NYSED expectations form the audit training guide.
- The audit guide sessions were covered really well and I have a better understanding of what is going to be required. Webinar on allowable expense was really well thought out and provided great guidance as well.
- The Operations panel was really useful.
- Updates from state [were] very helpful. I also learned what areas our school should be more careful after State Education advice.
- When it comes to grant funding compliance you will never be at 100%. It was discouraging to hear all of the rules and regulations and the presenter say over and over again that if you think you are in compliance, she'll come out and find something.

Least Understood Topic

When asked what the least understood topics are, seven participants responded. Several comments follow:

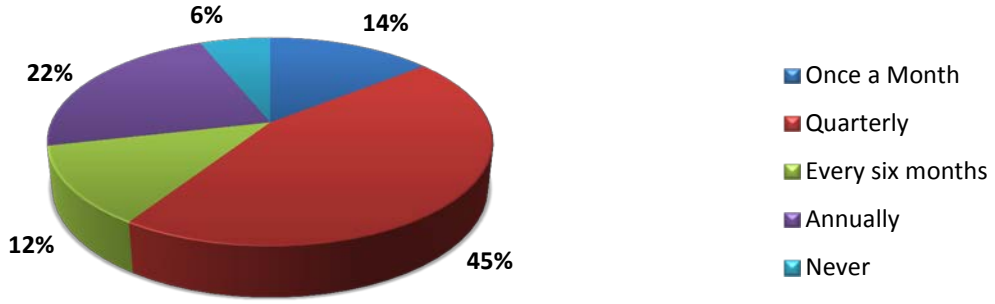
- Grants management.
- Content of Initial Statement of Controls.
- Single Audit requirements

- [Those] IDEA federal funds should not be included when determining if a NFP qualifies for an A-133.
- The operations system session in Brooklyn was a bit on the weak side. It didn't feel as though the level of the presenter's experience was strong enough to pass on useful practices.
- What will the implications for the new guide be for charter school operators[?]

Frequency of Future Professional Development Attendance

Respondents were asked to state their desired frequency of future attendance of the training sessions. Forty nine participants responded to this question. Twenty two participants (45%) reported that they desired to participate in the professional development quarterly in the future. Eleven participants (22%) desired to attend the professional development annually. Seven participants (14%) reported that they desired to attend the future professional development once a month. Six participants (12%) responded that they desired to attend the professional developments every six months in the future. And three participants (6%) reported that they would never attend future professional development. See Figure 3.

Figure 3. Respondents' Desired Frequency of Future Attendance



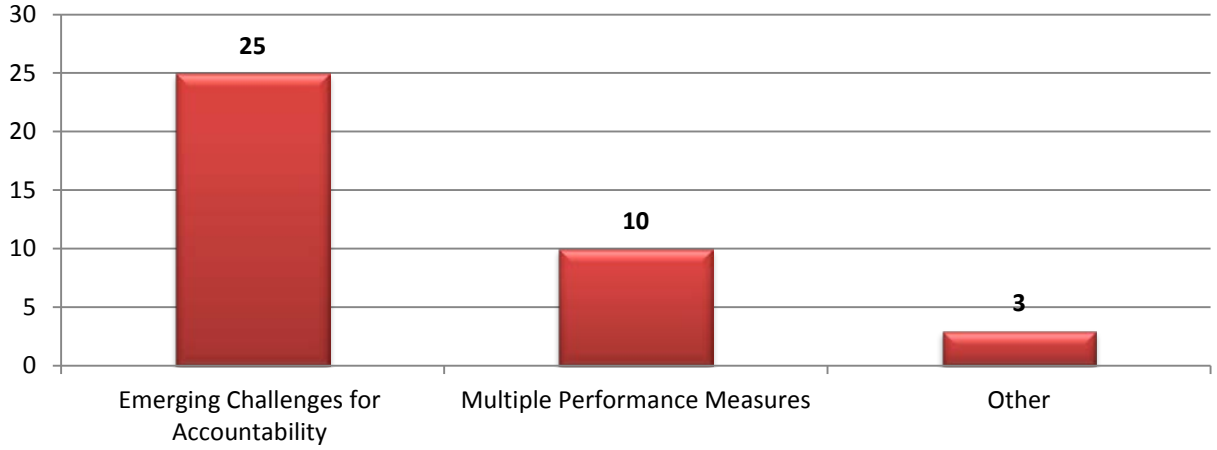
N=49

Additional Training Topics

Participants were asked to identify additional training topics they would like to attend in the future. Three choices were given which were "emerging challenges for accountability," "multiple performance measures," and other. Thirty eight participants responded to this question. Twenty five participants (66%) chose "emerging challenges for accountability" as the desired topic for

additional training. Ten participants (26%) chose "multiple performance measures" as their desired topic for additional training. Three respondents (8%) chose "other," and they specified that their desired topics for additional training are "Internal Controls," "Finance," and "Accounting and Reports Training." See Figure 4.

Figure 4. Respondents' Desired Topics for Additional Training



N=38

Respondent Comments

Survey participants were then invited to offer further comments regarding NYSED, training and/or NYSQCAP activities. Two substantial responses were provided:

- Very good classes. Should be done on an annual basis for any updates.
- We are a new charter school so the more training the better right now. We are in our infancy of development.

5. Conclusion

This survey report is based on fifty eight respondents who are representatives or affiliates of the New York State Quality Charter Authorizer Partnership (NYSQCAP). Each participant attended live and/or webinar training sessions on May 22 or May 30, 2013. Participants were asked about their satisfaction level of different aspects of the training sessions as well as their satisfaction level with NYSED Collaboration and Professional Development. Participants were also invited to provide feedback including desired future topics for training for the purpose of further improving these training sessions. The majority of the participants agreed or strongly agreed that both live and webinar training sessions were well organized, and the presenters demonstrated expertise in this area. Most expressed that they agreed or strongly agreed that the training sessions provided relevant and useful knowledge, and the amount and depth of the material covered were appropriate. The majority (72%) of participants were satisfied or very satisfied with NYSED collaboration and professional development. The majority (94%) of participants desired to attend the future training sessions at least annually, among which 45% of the participants desired to attend the future training sessions quarterly and 14% of the participants desired to attend the training sessions once a month in the future. The survey participants were also invited to express their thoughts on what are the most important things learned and what are the least understood topics in the training sessions as open-ended questions. These responses together with the statistical data analyzed provide valuable information to improve upon components of the NYSQCAP agreement for the NYSED Charter School Office (CSO).

Appendix: NYSED NYSQCAP 2013 Survey

Welcome to the 2013 NYSED survey for professional development/training attendees. The training session(s) you attended were made possible by a collaboration between New York State Quality Charter Authorizer Partnership (NYSQCAP) members and offices as well as other agencies and businesses. We thank you for taking the time to contribute your responses regarding NYSQCAP activities.

This study is being conducted for the NYSED Charter School Office to evaluate the implementation of federal Charter School Program funds. Findings from the evaluation will be used by the Charter School Office to improve authorizing practices. Federal and state Education department staff, policy-makers, and practitioners are all interested in the results.

The Center for Evaluation and Education Policy (CEEP) is the independent, external evaluator administering this survey. CEEP will report its general findings and individual respondents will not be identified, so that confidentiality may be assured.

If you have any questions or comments about this study, please contact Annie Ruddy at survresp@indiana.edu. We welcome your response by June 25, 2013.

Q2 Which entity do you represent?

- ❍ NYSED
- ❍ NYSED CSO
- ❍ NYCDOE
- ❍ SUNY
- ❍ NYC Charter School Center
- ❍ Auditing Firm
- ❍ Charter School Business Official
- ❍ Charter Management Company
- ❍ Charter Financial Consulting Service Provider
- ❍ Other _____

Answer If Which entity do you represent? NYSED Is Selected Or Which entity do you represent? NYSED CSO Is Selected Or Which entity do you represent? NYCDOE Is Selected Or Which entity do you represent? SUNY Is Selected Or Which entity do you represent? NYC Charter School Center Is Selected

Q3 Please indicate your level of satisfaction with the following:

	Very Dissatisfied	Dissatisfied	Satisfied	Very Satisfied
NYSED collaboration and professional development activities	❍	❍	❍	❍

Answer If Which entity do you represent? Auditing Firm Is Selected Or Which entity do you represent? Charter School Business Official Is Selected Or Which entity do you represent? Charter Management Company Is Selected Or Which entity do you represent? Charter Financial Consulting Service Provider Is Selected

Q4 Which best describes the organization with which you are affiliated:

❍ Operating Charter School authorized by SUNY trustees
❍ Operating Charter School authorized by NYCDoE Chancellor or Buffalo Board of Education
❍ Operating Charter School authorized by the Board of Regents

Q5 Please indicate which session(s) you attended/participated in:

❑ Audit Guide: General Information, 9:30 - 10:30 AM | Wednesday May 22, Brooklyn, NY
❑ Audit Guide: Auditor Specific, 10:45 - 12:30 PM | Wednesday May 22, Brooklyn, NY
❑ Operation Systems, 10:45 - 12:30 PM | Wednesday May 22, Brooklyn, NY
❑ Audit Guide: General and Auditor Specific Information, 9:30 – 12:00 PM | Thursday May 30, Webinar
❑ Allowability and Grants Management Compliance, 1:30 – 3:30 PM | Thursday May 30, Webinar
❑ I did not attend any of the events listed above.

If I did not attend any of the... Is Selected, Then Skip To How frequently do you wish to attend ...

Answer If Please indicate which session(s) you attended/participate... Audit Guide: General Information, 9:30 - 10:30 AM | Wednesday May 22, Brooklyn, NY Is Selected Or Please indicate which session(s) you attended/participate... Audit Guide: Auditor Specific, 10:45 - 12:30 PM | Wednesday May 22, Brooklyn, NY Is Selected Or Please indicate which session(s) you attended/participate... Operation Systems, 10:45 - 12:30 PM | Wednesday May 22, Brooklyn, NY Is Selected

Q6 Please state your level of agreement with the following statements with regard to the training session(s):

	Strongly Disagree	Disagree	Agree	Strongly Agree
The presentation was well organized	❍	❍	❍	❍
There were no problems with the technology	❍	❍	❍	❍
The presenter demonstrated expertise in this area	❍	❍	❍	❍
The participation of the other trainees was very helpful	❍	❍	❍	❍
The training content provided relevant and useful knowledge	❍	❍	❍	❍
The scope of the training was appropriate	❍	❍	❍	❍
The length of the training session was appropriate	❍	❍	❍	❍
The amount and depth of the material covered was appropriate	❍	❍	❍	❍
The material covered was appropriate for someone with my level of knowledge of the subject	❍	❍	❍	❍
The material was presented in a clear and logical fashion	❍	❍	❍	❍
I was able to ask questions when I	❍	❍	❍	❍

needed to do so				

Answer If Please state your level of agreement with the following s... - Strongly Disagree Is Greater Than or Equal to 1 Or Please state your level of agreement with the following s... - Disagree Is Greater Than or Equal to 1

Q7 If you answered STRONGLY DISAGREE or DISAGREE to any of the previous questions please explain:

Answer If Please indicate which session(s) you attended/participate... Audit Guide: General and Auditor Specific Information, 9:30 – 12:00 PM | Thursday May 30, Webinar Is Selected Or Please indicate which session(s) you attended/participate... Allowability and Grants Management Compliance, 1:30 – 3:30 PM | Thursday May 30, Webinar Is Selected

Q8 Please state your level of agreement with the following statements regarding the webinar sessions:

	Strongly Disagree	Disagree	Agree	Strongly Agree
The presentation was well organized	❍	❍	❍	❍
There were no problems with the technology	❍	❍	❍	❍
The presenter demonstrated expertise in this area	❍	❍	❍	❍
The participation of the other trainees was very helpful	❍	❍	❍	❍
The training content provided relevant and useful knowledge	❍	❍	❍	❍
The scope of the training was appropriate	❍	❍	❍	❍
The length of the training session was appropriate	❍	❍	❍	❍
The amount and depth of the material covered was appropriate	❍	❍	❍	❍
The material	❍	❍	❍	❍

covered was appropriate for someone with my level of knowledge of the subject				
The material was presented in a clear and logical fashion	❍	❍	❍	❍
I was able to ask questions when I needed to do so	❍	❍	❍	❍

Answer If Please state your level of agreement with the following s... - Strongly Disagree Is Greater Than or Equal to 1 Or Please state your level of agreement with the following s... - Disagree Is Greater Than or Equal to 1

Q9 If you answered STRONGLY DISAGREE or DISAGREE to any of the previous questions please explain:

Q10 The most important thing I learned from the training was:

Q11 The topic I least understood from the training was:

Q12 How frequently do you wish to attend NYSED professional development meetings?

❍ Once a Month
❍ Quarterly
❍ Every six months
❍ Annually
❍ Never

If never Is Selected, Then Skip To Please add any further comments regar...

Q13 I would like additional training on the following topics:

❍ Emerging Challenges for Accountability
❍ Multiple Performance Measures
❍ Other (Please describe) _____

Q14 Please add any further comments regarding NYSED training and/or NYSQCAP activities:

New York State Education Department

Monitoring Plan for New York State Charter Schools Authorized by the Board of Regents

September 2015

Charter School Office
89 Washington Avenue
Albany, New York 12234
charterschools@nysed.gov
518-474-1762

Overview

The purpose of the Monitoring Plan is to provide internal and external stakeholders with a snapshot of monitoring activities performed by the Charter School Office (CSO) over the course of a school's charter term. Such activities will support comprehensive oversight of charter schools authorized by the Board of Regents. In accordance with the Board of Regents' Oversight Plan[1], CSO is authorized to oversee all school operations, including (but not limited to) inspecting school functions via site visits, records review and evaluation.

On behalf of the Board of Regents, CSO will evaluate schools against performance benchmarks presented in the Charter School Performance Framework. The priorities that will be considered by the CSO and the Board of Regents during the renewal process are set forth in the Renewal Policy[2] authorized by the Board of Regents and Section 119.7 of the Regulations of the Commissioner. Evidence collected throughout the charter term—such as annual reports, independent financial audits, state testing data, and all site visit reports—will be used by the CSO to make decisions about the frequency and type of site visits to each school and will be also used to directly inform renewal decisions.

The events outlined in this Monitoring Plan allow the CSO to collect evidence on the school's performance in three areas:

1. The school's academic success and ability to operate in an educationally sound manner;
2. The school's organizational viability and its ability to operate in a fiscally sound manner; and
3. The school's faithfulness to the terms of its charter and adherence to the applicable laws and regulations.

The CSO documents all evaluative findings related to school performance. All documentation contributes to the school's record of performance, which will, in turn, be used to support renewal decision-making.

Site Visits

The timing and scope of site visits conducted by the CSO and others will depend on a school's track record in meeting Performance Framework benchmarks, and other academic, operational, and compliance-related objectives outlined in the charter agreement. In a typical five year charter term, the CSO will conduct a combination of check-in visits and full site visits. While the CSO will typically visit each school at least once per year, schools may receive fewer site visits, or site visits of shorter duration. Additional site visits may be scheduled at CSO discretion and may be unannounced if deemed appropriate.

Full site visits are conducted as a mid-term visit (generally year 3) and a renewal site visit in year 5. These visits are one to two days in length, and are performed by a team of three or more evaluators, who may be internal CSO staff or external expert school evaluators. All visits will result in a comprehensive report that summarizes the site visit team's observations and analyses of evidence gathered prior and on site. The site visit report will outline the school's academic and organizational performance relative to Performance Framework benchmarks and indicators.

Check-in visits will provide a means for CSO staff to check in with schools and ensure the school is progressing toward meeting Performance Framework Benchmarks. Check-in site visits may occur in years 1, 2, and 4 of a school's charter term, and will result in a letter or summary memo to the school.

All information gathered through site visits, whether full site or check-in, will be compiled into a school's record of performance and used to inform renewal decisions at the end of a school's charter term.

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[1] The Board of Regents Oversight Plan is described at http://www.p12.nysed.gov/psc/OversightPlan.html

[2] The Board of Regents Renewal Policy may be viewed at http://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/November2012/1112p12a1.pdf

Desk Audits

In addition to site visits, the Monitoring Plan includes desk auditing of documentation and data collected by schools, including records pertaining to students, staff, financials and general operations. The Board of Regents requires that schools engage in transparent record-keeping practices and the CSO and other SED staff will monitor and review such documentation throughout the life of a school's charter term.[3] Similar to the site visit protocols referenced above, the timing and scope of desk audits will depend on federal and state statute, as well as a school's track record and ability to meet goals and objectives outlined in its charter contract.

A Note about Charter Term Lengths

For charter schools with terms that are not a full five years, the CSO will work with each school to modify the typical Monitoring Plan outlined below. Generally, schools should expect a full program evaluation sometime during the middle of the charter term, a renewal site visit prior to the end of the charter term, and check-in visits as appropriate.

[3] See Appendix A for a list of records that must be maintained by schools for inspection by the Regents and/or their agents.

Monitoring Plan for Charter Schools Authorized by the Board of Regents

Year of Charter Term	Charter Term[4]	Site Visit Type	Purpose	Approximate Site Visit Length[5]	Site Visit Deliverable
Pre-Opening	First	Visit will occur prior to school opening	Ensure completion of all SED-required Prior Actions	Half day prior to school opening	Consent to Open letter to school board outlining key findings and school's status regarding final authorization to open
1	First and subsequent	Check-in[6]	Assess progress toward meeting criteria outlined in Performance Framework	Half day	Check-in report to school board outlining key observations
2	First and subsequent	Check-in	Assess progress toward meeting criteria outlined in Performance Framework	Half day	Check-in report to school board outlining key observations
3	First and subsequent	Mid-term site visit	Assess progress toward criteria outlined in Performance Framework	One to two full days	Full site visit report to school board, including all key findings and analysis
4	First and subsequent	Check-in	Assess progress toward criteria outlined in Performance Framework	Half day	Check-in report to school board outlining key observations
5	First and Subsequent	Renewal	Assess attainment of criteria outlined in Performance Framework	One to two full days	Full site visit report to school board, including all key findings and analysis

Additionally, a site visit is conducted when a school moves to a new facility, to verify compliance with all applicable facility-related requirements.

[4] For charter school on a shorter term, CSO will typically conduct a full site visit mid-term.
[5] Check-in visits are conducted at the discretion of CSO staff.
[6] Site visit lengths are approximate and will depend on school performance and CSO resources.

Evidence Gathered through Monitoring Process

Area of Performance Framework	Sources of Evidence
Educational Success	• CSO analysis of state assessment results[7] • Site visit materials[8] and reports • Renewal application (during final year of charter) • Surveys • Focus Groups • Public comments
Organizational Soundness	• Pre-opening requirements (during pre-opening year) • Board-approved budget • Quarterly reports and quarterly cash flow statements (pre-opening year) • Annual Reports (year 2 and subsequent years) • Annual audits (year 2 and subsequent years) • Renewal application (during final year of charter) • Board meeting minutes • Public comments
Faithfulness to Charter and Law	• Site visit materials and reports • Annual Reports (year 2 and subsequent years) • Renewal application (during final year of charter) • Public comments

[7] Analysis is performed according to Benchmark 1 of the Performance Framework.
[8] CSO will request desk audit materials prior to each site visit. Further requests may be made while on site or throughout the year based on CSO discretion.

Appendix A
Additional Monitoring and Reporting Requirements

Board of Regents-authorized charter schools must ensure a timely response to all SED and CSO requests. The charter school's failure to do so will be grounds for action under §2855 of the Education Law.

Further, all Regents-authorized charter schools are required to maintain the following records for inspection by the Regents and/or their agents, including but not limited to CSO staff, throughout a school's charter term.

1. Records concerning the enrollment and admissions process including recruitment and outreach activities, all applications received and documents concerning the lottery process, if conducted

2. Student academic and health records

3. Attendance records for students including withdrawals of students from the school

4. Individualized Education Programs (IEPs) for students with disabilities enrolled in the school

5. Staff rosters, including records of hiring and termination of employees of the school

6. Evidence of credentials for all teachers including certifications

7. Fingerprint clearances for all relevant personnel

8. Certificates of occupancy

9. Other facility-related certifications, reports or permits

10. Lease agreements

11. Deeds

12. Loan documents

13. Records pertaining to the receipt and expenditure of all grants

14. Contracts in excess of $1,000

15. School policies in areas such as financial management, personnel, student discipline (including suspension and expulsion), health and safety, student records access, enrollment, and transportation

16. Complaints and/or grievances received by the school, including but not limited to, complaints received by the board of trustees pursuant to §2855(4) of Education Law, together with all documentation of all actions taken in response

17. Inventory of all assets of the school

18. Minutes of each meeting of the board of trustees and documentation of public notifications of such meetings

19. All records regarding the following events and occurrences:
    - The charter school shall provide a written request to the State Education Department by December 15 of the year prior to the anticipated implementation of any change to the approved charter, including but not limited to:
        - a change in the school's mission or key design elements
        - significant changes to the governance or leadership structure
        - hiring or termination of the management company
        - a change to school name
        - a change in district of location
        - a change in maximum enrollment or grades served

    - The charter school shall provide written notice to the State Education Department within five (5) business days of the occurrence of any of the following:
        - any change of the director/principal of the school
        - a change in the school's by-laws or code of ethics
        - execution of contracts or incurring of debt in excess of $25,000
        - receipt of a summons and/or complaint in which either the school or any member of the board of trustees (acting in his or her capacity as a member of the board of trustees) is named a party to the action
        - termination, resignation, or removal of a member of the board of trustees[9]

[9] Schools must follow the required procedure to add a new member to the board of trustees. The requirements are located on the following website: http://www.p12.nysed.gov/psc/OversightPlan.html

Charter School Performance in New York

September 2017

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CENTER FOR RESEARCH ON EDUCATION OUTCOMES

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Center for Research on Education Outcomes
Stanford University
Stanford, CA
http://credo.stanford.edu

CREDO, the Center for Research on Education Outcomes at Stanford University, was established to improve empirical evidence about education reform and student performance at the primary and secondary levels. CREDO at Stanford University supports education organizations and policymakers in using reliable research and program evaluation to assess the performance of education initiatives. CREDO's valuable insight helps educators and policymakers strengthen their focus on the results from innovative programs, curricula, policies and accountability practices.

Acknowledgements

CREDO gratefully acknowledges the support of New York State Education Department (NYSED) who contributed data support and assistance to this partnership. Our data access partnerships form the foundation of CREDO's work, without which studies like this would be impossible. We strive daily to justify the confidence placed in us.

The views expressed herein do not necessarily represent the positions or policies of the organizations noted above. No official endorsement of any product, commodity, service or enterprise mentioned in this publication is intended or should be inferred. The analysis and conclusions contained herein are exclusively those of the authors, are not endorsed by any of CREDO's supporting organizations, their governing boards, or the state governments, state education departments or school districts that participated in this study. The conclusions of this research do not necessarily reflect the opinions or official position of the New York Education Agency, or the State of New York.

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Introduction

Since the passage of the *New York Charter Schools Act of 1998*, nearly 300 public charter schools in New York State have offered parents and students choices in their education. Heated – and at time rancorous – debate has been a constant companion. Supporters praise the autonomy that charter schools enjoy as an essential element in adapting school designs to meet the needs of students, especially those in communities with historically low school quality. Opponents decry charter schools as abandoning the existing system, taking students and resources that further strain existing public schools' ability to improve. However, only a fraction of the debate is grounded in well researched evidence about charter schools' impact on student outcomes. This report contributes to the discussion by providing evidence for charter students' performance in New York over five years of schooling, beginning with the 2011-2012 school year and ending in 2015-2016.

With the cooperation of the New York State Education Department (NYSED), CREDO obtained the historical sets of student-level administrative records. The support of NYSED staff was critical to CREDO's understanding of the character and quality of the data we received. However, the entirety of interactions with the Department dealt with technical issues related to the data. CREDO has developed the findings and conclusions presented here independently.

The study provides an in-depth examination of the results for charter schools in New York. This current report has two main benefits. First, it provides a rigorous and independent view of the performance of the State's charter schools. Second, the study design is consistent with CREDO's reports on charter school performance in other locations, making the results amenable to benchmarking both nationally and in other locations.

In this analysis we first present findings about the effects of charter schools on student academic performance. These results are expressed in terms of the academic progress that a typical charter school student in New York would realize from a year of enrollment in a charter school. To help the non-technical reader grasp the findings, we translate the scientific estimates into estimated days of learning based on the foundation of a 180-day school year.

Both legislation and public policy operate to influence school level decisions. As such the second set of findings presented is important to understand the range of performance at the school level. These findings look at the performance of students by school and present school average results.

The third set of analyses examines the performance of charter schools grouped by charter school networks. In New York, as in the rest of the nation, charter schools networks are comprised of either charter management organizations, education management organizations, or a combination of both. These analyses aim to discern whether there are differences between schools that are part of these charter networks versus charter schools that are independent.

The analysis shows that in a year's time, the typical charter school student in New York shows stronger growth in both reading and math compared to the educational gains that the students would have had in a traditional public school (TPS). The findings are statistically significant for both reading and math. Thinking of a 180-day school year as "one year of learning", an average New York charter student demonstrates stronger growth equivalent to completing 34 additional days of learning in reading and 63 additional days of learning in math in a year's time. Probing these overall findings, the analysis reveals that certain subgroups exhibit stronger growth than their TPS peers while others do not. Notable growth occurs among Hispanic and Black charter students in

poverty, who post stronger growth compared to their counterparts in TPS, during the period of the study. Overall, over the four growth periods of the study, charter students demonstrate positive growth in both reading and math.

Study Approach

This study of charter schools in New York focuses on the academic progress (growth) of enrolled and tested students in New York charter schools. Whatever else charter schools may provide their students, their contributions to their students' readiness for secondary education, high school graduation, and post-secondary life remains of paramount importance. Indeed, if charter schools do not succeed in forging strong academic futures for their students, it is unclear whether social and emotional skills can compensate. Furthermore, current data limitations prevent the inclusion of non-academic outcomes in this analysis.

This analysis uses the Virtual Control Record (VCR) methodology that has been used in previous CREDO publications.[1,2,3] The approach is a quasi-experimental study design with matched student records that are followed over time. The current analysis examines whether students in charter schools in New York outperform their traditional public school (TPS) counterparts. This general question is then extended to consider whether the observed charter school performance is consistent when the charter school population is disaggregated along a number of dimensions, such as race/ethnicity and years enrolled in a charter school. Answers to all these questions require that we ensure that the contribution of both the charter schools and the traditional public schools is isolated from other potentially confounding influences. For this reason, these analyses include many other variables whose purpose is to prevent the tainting of the estimate of charter schooling by other effects. In its most basic form, the analysis includes controls for student characteristics: prior academic achievement, race/ethnicity, special education status, socio-economic status (as measured by eligibility for free or reduced lunches), English proficiency, grade level, and retention in grade.

To create a reliable comparison group for our study, we strive to build a VCR for each charter school student. A VCR is a synthesis of the actual academic experiences of students who are identical to the charter school students, except for the fact that the VCR students attend a TPS that each charter school's students would have attended if not enrolled in their charter school. We refer to the VCR as a 'virtual twin' because it consolidates the experience of multiple 'twins' into a single synthesis of their academic performance. This synthesized record is then used as the counterfactual condition to the charter school student's performance.

Our approach is displayed in Figure 1. We identify all the traditional public schools whose students transfer to a given charter school; each of these schools is designated as a "feeder school." Once a TPS qualifies as a feeder school for a particular charter school, all the students in the school become potential matches for a student in that particular charter school. All the student records from a charter school's feeder schools are pooled – this

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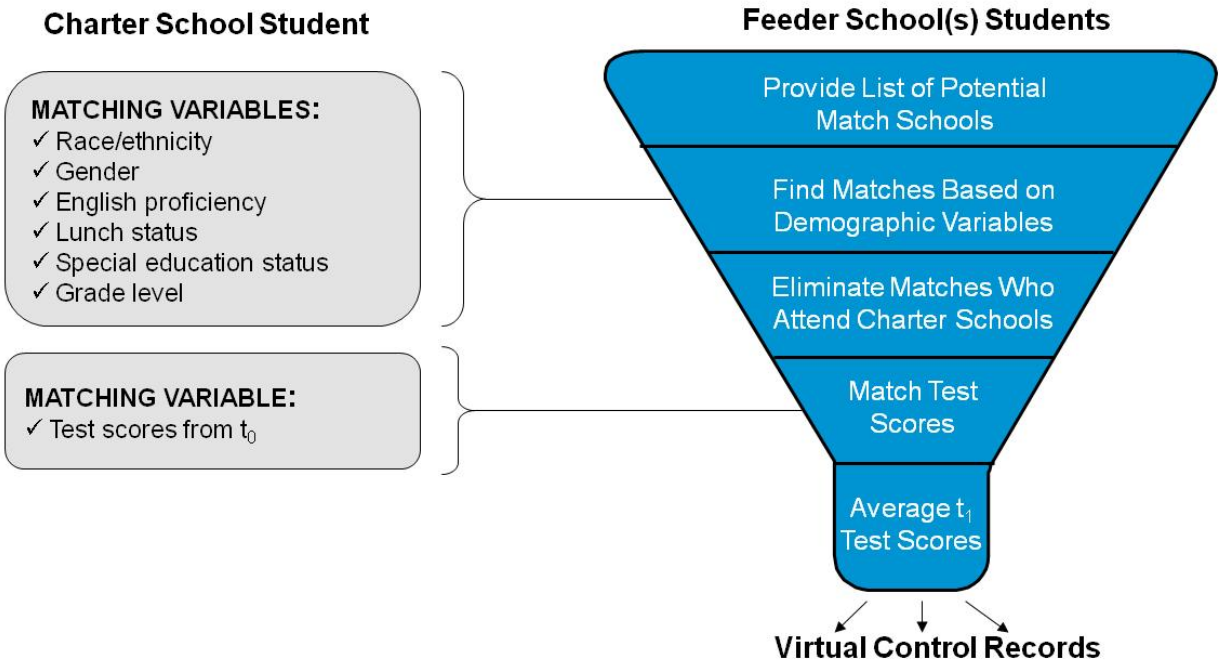
[1] Cremata, Edward, D. Davis, K. Dickey, K. Lawyer, Y. Negassi, M. Raymond and J.Woodworth. *National Charter School Study 2013* (2013). http://credo.stanford.edu.
[2] CREDO *Urban Charter School Study* (2015). http://urbancharters.stanford.edu/download/Urban%20Charter%20School%20Study%20Report%20on%2041%20Regions.pdf
[3] CREDO *Charter School Performance in New York City* (2013). http://credo.stanford.edu/documents/NYC_report_2013_FINAL_20130219_000.pdf.

becomes the source of records for creating the virtual match for students from that charter. Using the records of the students in the match pool in the year prior to the test year of interest (t_0), CREDO selects all of the available TPS students that match each charter school student.

Match factors include:

- Grade level
- Gender
- Race/Ethnicity
- Free or Reduced Price Lunch Status
- English Language Learner Status
- Special Education Status
- Prior test score on New York state achievement tests

Figure 1: CREDO Virtual Control Record Methodology



At the point of selection as a VCR-eligible TPS student, all candidates are identical to the individual charter school student on all observable characteristics, including prior academic achievement. The focus then moves to the subsequent year, t_1. The scores from this test year of interest (t_1) for as many as seven VCR-eligible TPS students are then averaged and a Virtual Control Record is produced. The VCR produces a score for the test year of interest that corresponds to the expected result a charter student would have realized had he or she attended one of the traditional public schools that would have enrolled the charter school's students. The VCR thus provides the counterfactual "control" experience for this analysis.

For the purposes of this report, the impact of charter schools on student academic performance is estimated in terms of academic growth from one school year to the next. This increment of academic progress is referred to by policy makers and researchers as a “growth score” or “learning gains” or “gain scores.” Using statistical methods, it is possible to isolate the contributions of schools from other social or programmatic influences on a

student's growth. Thus, all the findings that follow are reported as the **average one-year growth** of charter school students relative to their VCR-based comparisons.

With five years of student records in this study, we create four periods of academic growth. Each growth period needs a "starting score", (i.e., the achievement test score from the spring of one year) and a "subsequent score" (i.e., the test score from the following spring) to create the growth measure. To simplify the presentation of results, each growth period is referred to by the year in which the second spring test score is obtained. For example, the growth period denoted "2013" covers academic growth that occurred between the end of the 2011-2012 school year and the end of the 2012-2013 school year. Similarly, the growth period denoted "2016" corresponds to the year of growth between the 2014-2015 and 2015-2016 school years.

With five years of data, and six tested grades (3rd – 8th) as well as three end-of-course exams in math (EOCs), there are over 40 different sets of data each for Reading and Math. Each subject-grade-year group of scores (or, in the case of EOCs, subject-year group) has slightly different mid-point averages and distributions. Test scores for all these separate tests are transformed to a common scale. All test scores have been converted to "bell curve" standardized scores to allow year-to-year computations of growth.[4]

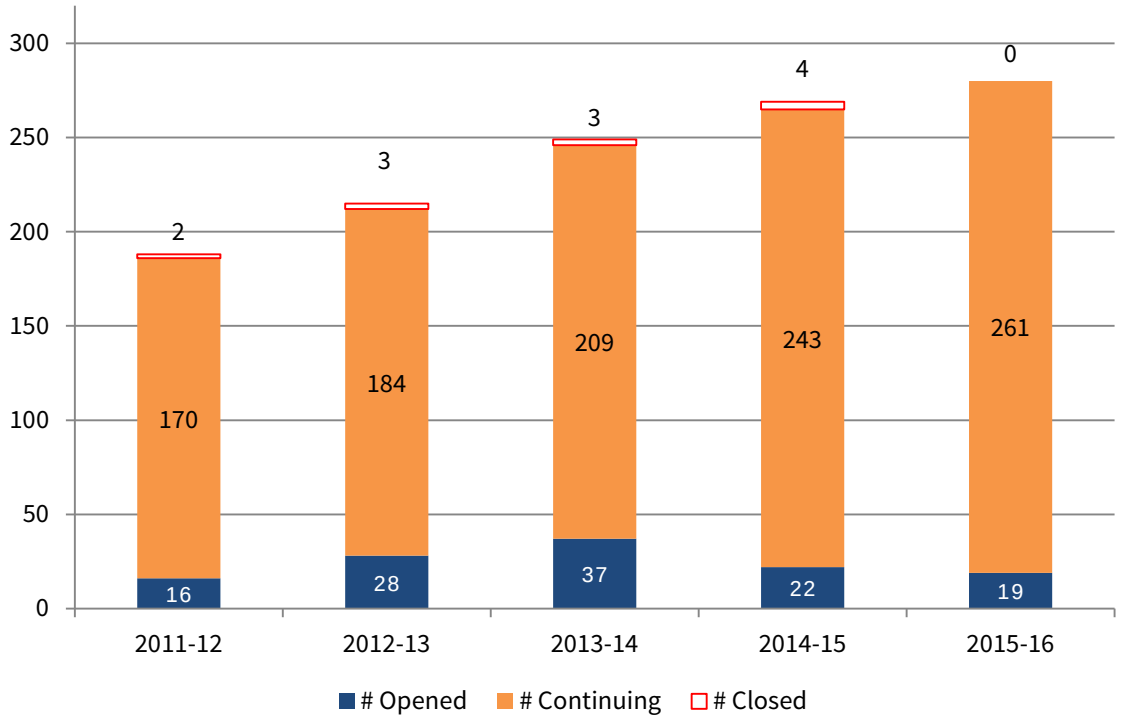
When scores are transformed, every student is placed relative to his own peers in New York. A student scoring in the 50th percentile in New York receives a z-score of zero, while a z-score one standard deviation above that equates to the 84th percentile. Students who maintain their relative place from year to year would have a growth score of zero, while students who make larger gains relative to their peers will have positive growth scores. Conversely, students who make smaller academic gains than their peers will have negative growth scores in that year. In this study it was possible to create virtual matches for 80 percent of the tested charter school students in reading and 76 percent in math.

[4] For each subject-grade-year set of scores, scores are centered around a standardized midpoint of zero, which corresponds to the actual average score of the test before transformation. Then each score of the original test is recast as a measure of deviation around that new score of zero, so that scores that fall below the original average score are expressed as negative numbers and those that are larger receive positive values. These new values are assigned such that in every subject-grade-year test, 68 percent of the original test scores fall within a given distance, known as the standard deviation.

New York Charter School Demographics

Charter school enrollment in New York has grown markedly since their inception in 1998. Figure 2 below notes the newly opened, continuing, and closed charter school campuses from the Fall of 2011 (the Fall of the first potential growth period for the current study) to the Fall of 2015 (the Fall of the last potential growth period for the current study)[5]. According to the National Center for Education Statistics (NCES), there were 280 charter schools open in New York in the 2015-16 school year.

Figure 2: Opened and Closed Charter Campuses, 2011 to 2015



[5] "Opened schools" opened as new schools in the fall of the displayed year. "Continuing schools" were opened prior to the fall of the displayed year and remain open into the next school year (i.e. a school listed as continuing in the 2015-16 column opened some time prior to 2015-16 and did not close in 2015-16) "Closed schools" cease operation by the spring of the displayed year (i.e. a school listed as closed in the 2015-16 column had its last year of operation in 2015-16 and closed at the end of that school year)

The demographics of the charter schools may not mirror that of the TPS of New York as a whole. This is because charter schools are able to choose their location and attract a set of students that differ demographically from the overall community profile. Further, charter schools may offer different academic programs or alternate school models, which may disproportionately attract particular groups of students relative to TPS. In addition, parents and students who choose to attend charter schools select schools for a variety of reasons, such as location, school safety, small school size, academic focus, or special interest programs. The cumulative result of all these forces is that the student populations at charters and their TPS feeders may differ. Table 1 below compares the student populations of all New York's traditional public schools, those TPS that comprise the set of charter feeder schools, and the charter schools themselves in the 2015-2016 school year. Table 1 includes the 248 charter schools in which students took reading and/or math assessments during the 2015-16 school year. Note that NCES reports 280 charter schools open in New York in 2015-16. The number of charter schools listed in Table 1 is smaller than the NCES numbers because it excludes schools in which students were not tested.

Graphics Roadmap

The graphics in this report have a common format.

Each graph presents the average performance of charter students relative to their **pertinent comparison student**. The reference group differs depending on the specific comparison. Where a graph compares student subgroup performance, the pertinent comparison student is the same for both subgroups. Each graph is labeled with the pertinent comparison group for clarity.

The **height** of the bars in each graph reflects the magnitude of difference between traditional public school and charter school performance over the period studied.

Stars are used to reflect the level of statistical significance of the difference between the group represented in the bar and its comparison group of similar students in TPS; the absence of stars means that the schooling effect is not statistically different from zero.

Table 1: *Demographic Comparison of Students in TPS, Feeders and Charters (School Year 2015-16)*

	TPS	Feeders	Charters
Number of schools	4493	1347	248
Average enrollment per school	566	620	429
Total number of students enrolled	2,541,841	834,498	106,352
Students in Poverty	51%	73%	76%
English Language Learners	8%	13%	6%
Special Education Students	17%	19%	15%
White Students	47%	19%	6%
Black Students	16%	29%	58%
Hispanic Students	25%	39%	32%
Asian/Pacific Islander Students	9%	11%	2%
Native American Students	1%	1%	1%

The data from Table 1 show that the demographic profile of charter schools is quite different from that of the public school population in New York as a whole. As shown in Table 1, the demographics for the feeder schools are more similar to the charter population than the TPS population. This indicates that charter schools are not drawing the typical population seen in other New York schools. Since the charter students are not evenly distributed throughout the state, but rather are focused in urban areas, these differences are not surprising. The charter school population in New York differs from both the New York TPS and feeder populations on several in specific ways: charter schools have more Black students and fewer white and Asian/Pacific Islander students than the public school population. The proportion of students in poverty enrolled in charter schools is noticeably larger than in traditional public schools.

The proportion of students in charter schools receiving special education services is a continuing topic of focus and debate. As shown in Table 1, 19 percent of feeder school students and 17 percent of TPS students have special education needs respectively. In contrast, 15 percent of the New York charter school population has a designated special education status. It bears noting that the New York difference of 2 percent between charter schools and the feeder schools near them is smaller than other communities. Similarly, a lower proportion of New York's charter school population is designated as English language learners than the feeder schools and all of TPS.

Table 2: Demographic Composition of Charter Students in the Study

Student Group	All Charter Students Tested		Matched Charter Students	
	Number	Percent	Number	Percent
New York Charter Students	97,118		68,493	
% Matched	68,493	71%		
Black Students	55,997	58%	39,860	58%
Hispanic Students	31,302	32%	22,603	33%
White Students	5,956	6%	4,014	6%
Students in Poverty	74,794	77%	54,353	79%
Special Education Students	16,082	17%	9,320	14%
English Language Learners	3,754	4%	2,146	3%
Grade Repeating Students	6,044	6%	1,084	2%

For this analysis, a total of 97,118 charter school students from 248 charter schools are followed for up to five years of charter school attendance.[6] Matches were identified for 71 percent of tested students. The students are drawn from grades 3 – 8, since these are the continuous grades covered by the New York State achievement testing program for reading and math or by the state end-of-course assessments. High school students are included for reading and math whenever they take the end-of-course assessment sequence in consecutive years, e.g., Algebra I followed by Geometry or Algebra II in the next year. An identical number of virtual comparison records are included in the analysis in each subject.

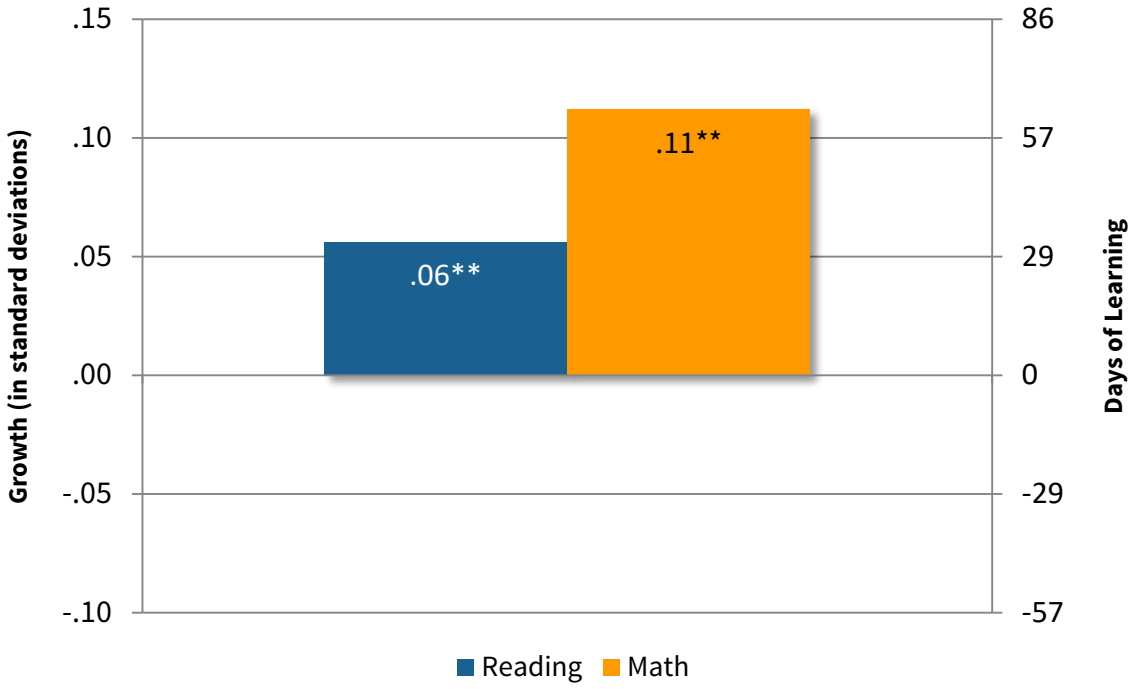
We treat each year a student is in school as a single observation. Collectively, there were 137,844 observations across five years of study, which equates to four growth periods. In New York, it was possible to create virtual matches for 77 percent of the tested charter school observations in math and 80 percent in reading. This proportion assures that the results reported here are reliably indicative of the actual performance of charter schools in New York. The total number of observations is large enough to have confidence that the tests of effect can detect real differences between charter school and TPS student performance at the statistically acceptable standard of $p<.05$. Each student subgroup examined also had an acceptable number of observations, as reported in Table 2. Additional descriptive demographics can be found in the Appendix.

[6] Schools that opened recently or that only recently begun serving tested grades will not have four growth periods of experience to include; however, these schools are still included in the analysis for the years in which data are available

Overall Charter School Impact

A foundational question of the study is whether charter schools differ overall from traditional public schools in how much their students learn. To answer this question, we compare the one-year academic gains observed for charter school students in each of the four studied growth periods and compare their average performance with the same measure for the VCR students. Figure 3 displays the result. On average, students in charter schools in New York learned more than students in their VCR peers in TPS in both reading and math. Both results are statistically significant, as indicated by the stars next to the values.

Figure 3: Average Learning Gains in New York Charter Schools Compared to Gains for VCR Students



* Significant at $p \leq 0.05$ ** Significant at $p \leq 0.01$

In our analysis, the growth data is analyzed in standard deviations units so that the results can be assessed for statistical differences. Unfortunately, these units do not have much meaning for the average reader. Transforming the results into more accessible terms is challenging and can be done only imprecisely. Table 3 below, presents a translation of various outcomes, but should be interpreted cautiously.

Table 3: Transformation of Average Learning Gains in Reading and Math

Growth (in standard deviations)	Gain (in days of math learning)
0.00	0
0.05	29
0.10	57
0.15	86
0.20	114
0.25	143
0.30	171
0.35	200

In order to understand "days of learning," a student whose academic achievement is at the 50th percentile in one grade and also at the 50th percentile in the following grade the next year, the progress from one year to the next equals the average learning gain for a student between the two grades. That growth is fixed as 180 days of effective learning based on the typical 180-day school year.

We then translate the standard deviations of growth from our models based on that 180-day average year of learning, so that students with positive effect sizes have additional growth beyond the expected 180 days of annual academic progress while those with negative effect sizes have fewer days of academic progress in that same 180-day period of time.

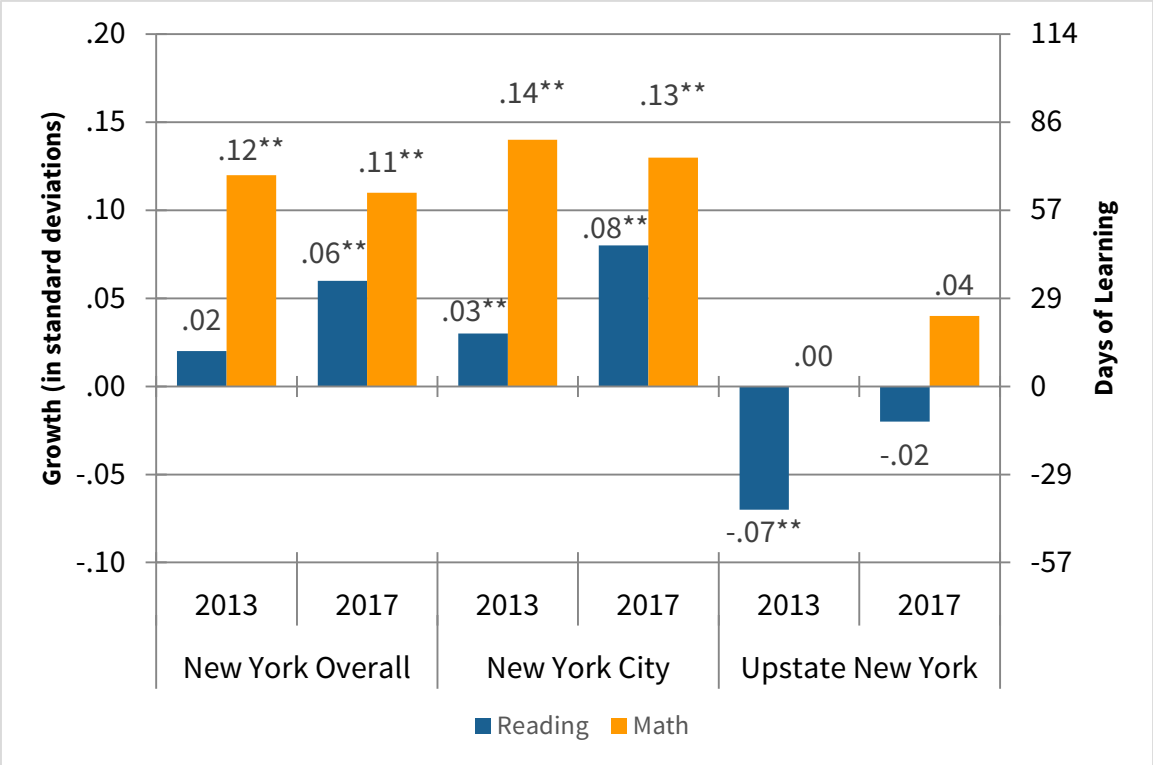
Using the results from Figure 3 and the transformations from Table 3 we can see that in a typical school year, charter students in New York exceed the growth of their TPS counterparts in reading and math. This advantage for charter students is equivalent to 34 more days of learning in a 180-day school year in reading and 63 days in math.

Charter School Impact for the 2011-2015 Cohort

This section provides a comparison between the performances of New York charter schools across two of CREDO's studies on charter school effects. In 2013, CREDO released an updated and expanded study on national charter school performance[7] and Upstate New York' overall charter impact from this study is displayed in the very left column of Figure 4.

Figure 4 shows that New York charter schools have demonstrated strong academic growth in both reading and math. In the 2017 report New York charter schools made substantial improvement in reading, with growth equivalent to 34 days higher in reading than their TPS counterparts. This represents an increase of 22 days of extra learning per year compared to four years ago. The performance in math has continued to be strong, albeit with a slight decline to 63 days of learning per year. Similar results are seen for charter students in New York City schools, where reading performance has improved; math gains show continued strong performance even with a modest decline in growth. The greatest change over time occurred in the results for Upstate New York. Upstate charters have erased a strongly negative impact in reading from 2013 and now post results no different from their TPS peers. In math in Upstate charter schools, the results have not changed from parity with the TPS peers. Our analysis show that the New York state charters performance is mainly driven by the New York City charter school students.

Figure 4: Comparison of 2013 and 2017 New York Study

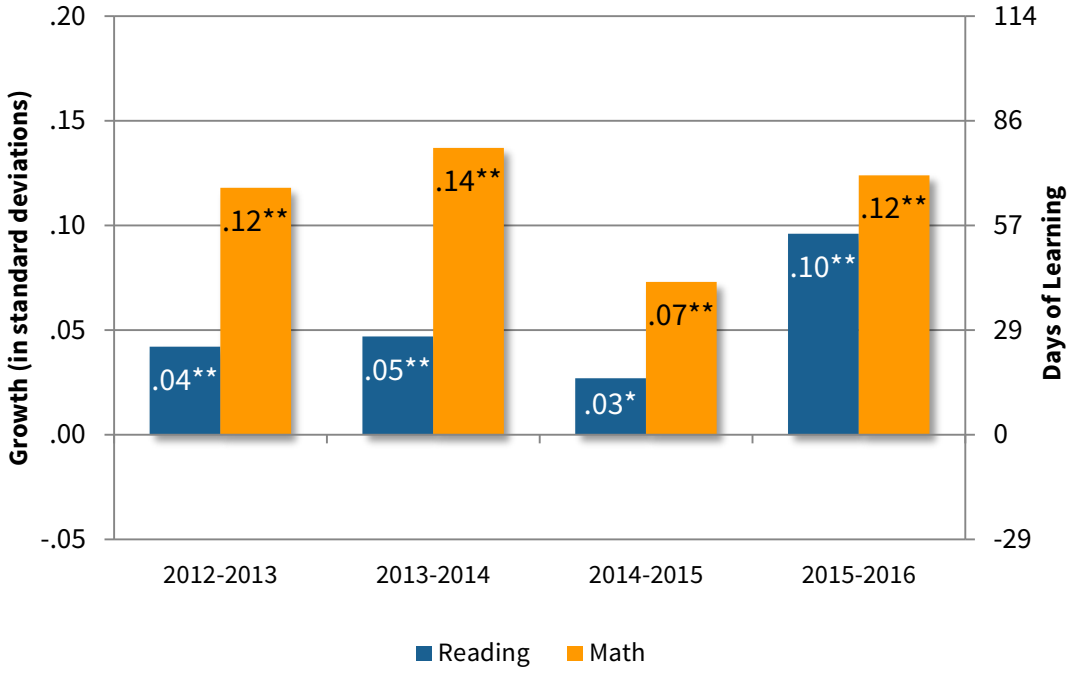


[7] CREDO. *National Charter School Study* (2013). https://credo.stanford.edu/documents/NCSS%202013%20Final%20Draft.pdf

Charter School Impact by Growth Period

To determine whether performance remained consistent over all the periods of this study, the impact of attending a charter school on academic progress was examined separately for each of the four growth periods included in this study. Recall that a growth period is the measure of progress from the Spring of one school year to the next. Results are shown in Figure 5.

Figure 5: Impact by Growth Period, 2013-2016



*Significant at $p \leq 0.05$ ** Significant at $p \leq 0.01$

Figure 5 above, suggest that there were significant gains in learning across the growth periods for charter school students compared to their TPS peers in both reading and math. The trend overall is positive for reading but for math the results are uneven, thought consistently positive. The 2015-2016 growth period illustrates that charter students experienced reading growth of approximately 57 more days of learning and 68 days of additional learning in math compared to their TPS peers. In the 2015-16 growth period charter students see their largest gains in reading.

Charter School Impact by School Locale

Depending on their locale, charter schools may serve different student populations, face different levels of available human capital or both. Though charter schools in urban areas may receive the bulk of media attention, charter schools in other locales may produce different results. The results in Figure 6 represent the disaggregated impacts of charter school enrollment for urban, suburban and rural charter schools. In this breakout, charter students in different locations are compared with their virtual twins in the same locale[8].

Figure 6: Effect Size by School Location

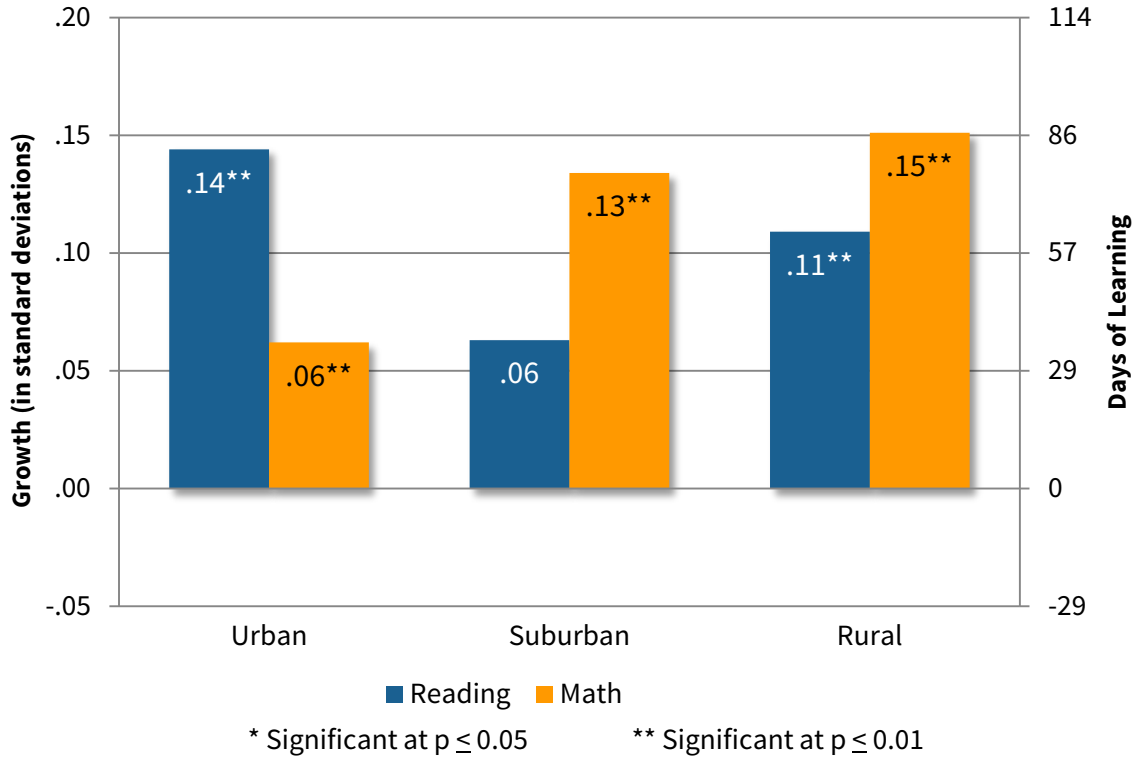


Figure 6 illustrates that charter school students are showing larger learning gains regardless of location; the one exception is seen with reading in suburban areas which is not different from the comparison group. Urban charter students have stronger growth in reading than their TPS counterparts, experiencing an additional 80 days of learning in reading and about 34 days in math. Charter students in suburban and rural settings exhibit 74 and 86 additional days of learning gains in math respectively. Charter students in rural areas experience 63 additional days of learning in reading. There are no charter schools in New York State with the town designation.

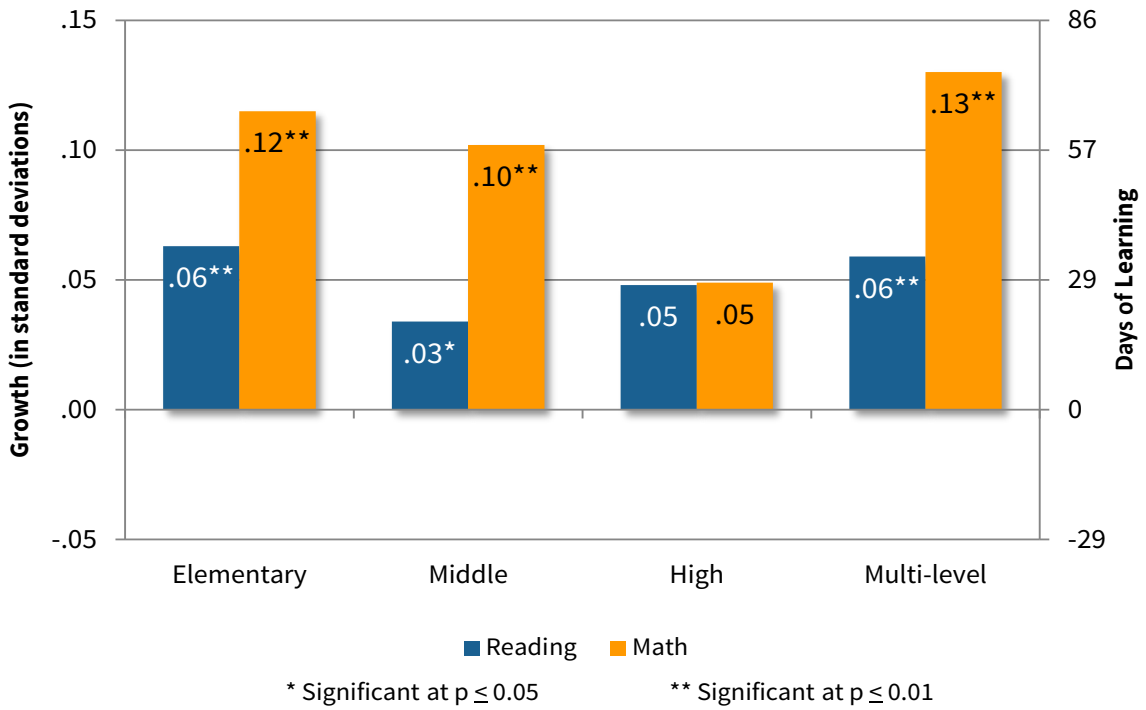
[8] The National Center for Education Statistics defines 12 urban-centric locales which are divided into four main locale types: city, suburb, rural and town.

Charter School Impact by School Level

Charter schools often exercise their autonomy by choosing which grade levels to serve. Some charter operators focus on particular ages, some seek to serve a full range of grades, and others build by adding on a grade each year. For example, multi-level charter schools serve grade ranges larger than traditional elementary, middle or high schools. Such a configuration might contain a combination of middle and high school grades. In New York, schools are classified as multi-level if they serve both elementary and secondary students. We take the grade ranges from The National Center for Education Statistics. This allows us to disaggregate charter school impacts for different grade spans[9].

The analysis examines the outcomes of students enrolled in elementary, middle, high, and multi-level schools. The results appear in Figure 6 below.

Figure 6: Impact by School Level



* Significant at $p \leq 0.05$ ** Significant at $p \leq 0.01$

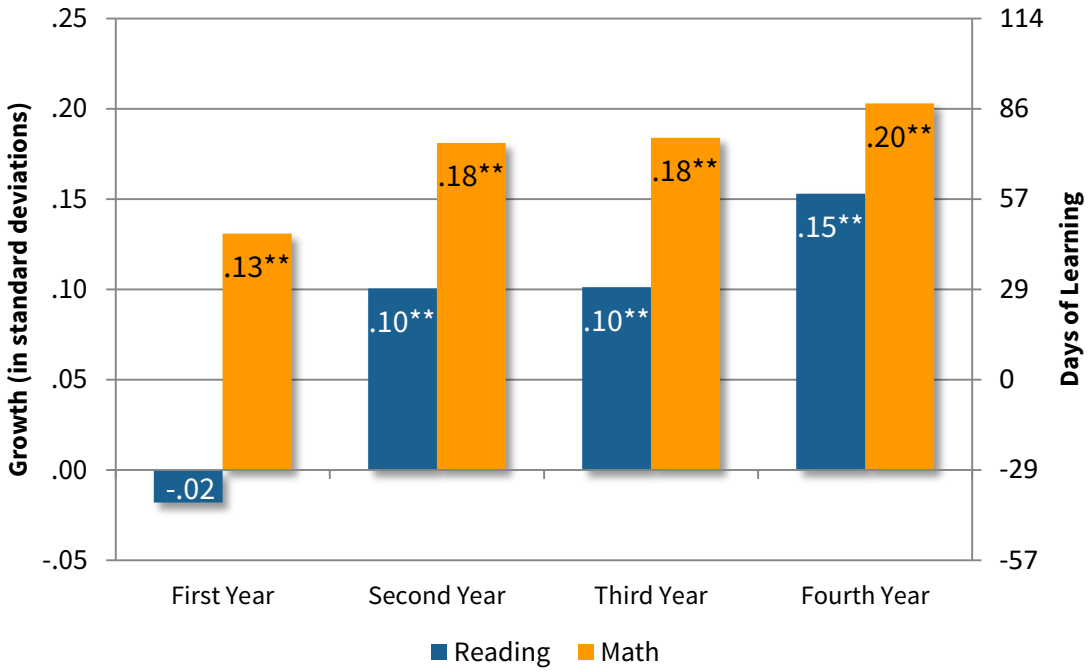
On average, charter school students see stronger growth than their TPS counterparts in reading and math at all levels except high school. This growth translates to 34 extra days of learning in reading and 68 additional days of learning in math for elementary schools. The growth for middle school students translates to 17 additional days of learning in reading and 57 additional days of learning in math. Charter students in multi-level schools show stronger growth in reading and math compared to their TPS counterparts. This translates to an additional 34 days of learning in reading and 74 days of learning in math. High school charter students and high school TPS students exhibit similar growth in reading and math.

[9] CREDO does not assign school levels, but rather retains school levels that are assigned to schools by the National Center for Education Statistics (NCES). The sole exception is that CREDO considers a school to be a high school if the lowest grade served is ninth grade or above. NCES requires a school to serve 12th grade to be classified as a high school

Charter School Impact by Students' Years of Enrollment

Students' academic growth may differ depending on how many years they enroll in a charter school. To test the relationship between progress and length of enrollment in a charter school, we group students by the number of consecutive years they were enrolled in charter schools. In this scenario, the analysis is limited to the charter students who enroll for the first time in a charter school between the 2011-12 and 2014-15 school years. Although this approach reduces the number of students included, it ensures an accurate measure of the effect of continued enrollment over time. The results for this subset of the full study sample should not be directly compared with other findings in this report.

Figure 7: Impact by Students' Years of Enrollment



* Significant at $p \leq 0.05$ ** Significant at $p \leq 0.01$

As depicted in Figure 7 above, the results suggest that New York charter school students realize increasing gains from extended periods of enrollment. In their first year students show similar growth in reading as their TPS peers but about 74 days of additional learning gains in math. The second year sees an increase in charter student growth, as charter students demonstrate 57 additional days of learning in reading and 103 additional days of learning in math. The third year results remain positive and significant compared to the TPS comparison group for both subjects maintaining the gains observed in the second year of enrollment. Charter school students in their fourth year of enrollment, outperform their TPS virtual peers in both reading and math. This translates to 86 days of additional learning in reading and 114 more days in math.

Charter School Impact by Race/Ethnicity

One of the enduring advances of the *No Child Left Behind Act* of 2001 is the recognition that average results may not be evenly distributed across all students. Attention to the differences in the performance of students of various racial/ethnic backgrounds and other attributes has become standard practice in most assessments of school performance. The effectiveness of charter schools across ethnic and racial groups is especially important given the proportion of charter schools that enroll significant proportions of educating historically underserved students. The impact of charter schools on the academic gains of Black and Hispanic students is presented below.

For each student subgroup, we present two related graphs. The following preview will describe the graphs and their relation to each other.

1. The first graph displays the growth of TPS students and charter students in the particular subgroup of interest compared to the growth of the "average White TPS student." In this comparison, the White student is male and does not qualify for subsidized school meals, special education services or English language learner support and is not repeating his current grade. The graph sets the performance of the average White TPS student to zero and shows how learning of students in the subgroup compares. The stars indicate the level of statistical significance. Thus, if there are no stars, we interpret the difference in learning gains as similar to the white TPS comparison student. If there is no difference in the learning gains, the bar would be missing entirely; if the learning of the student group in question is not as great as the comparison baseline, the bar is negative; and if the learning gains exceed the comparison, the bar is positive.
2. Graphs labeled "a" display a second comparison that tests whether the learning gains in the charter school student subgroup differ significantly from their VCRs in the same student subgroup. In these graphs, the performance of the TPS students in the subgroup are set to zero and the learning gains of the charter school students in the subgroup are measured against that baseline. As with the first graph, stars denote statistical significance.

Figure 8: Learning Gains of Black Students Benchmarked Against Learning Gains of White TPS Students

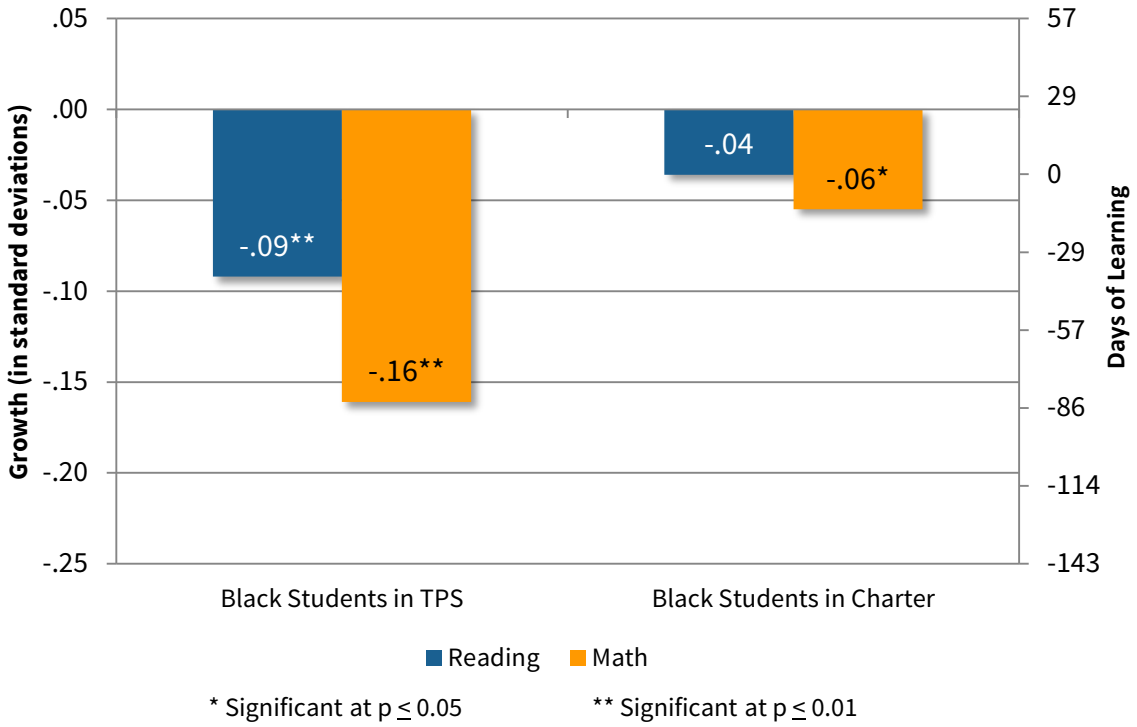
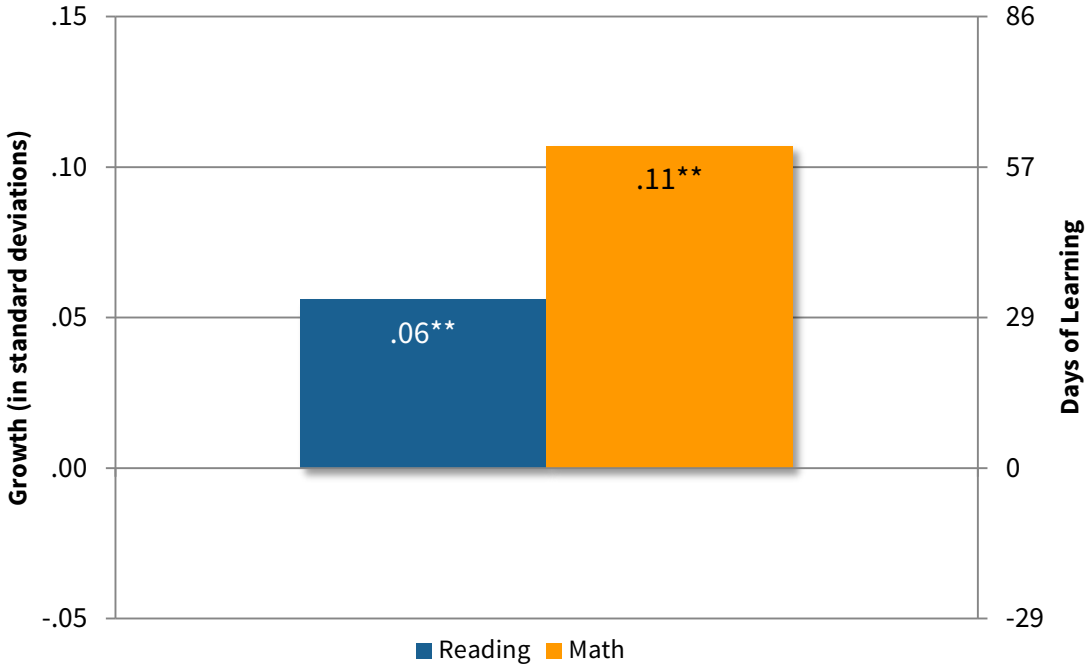


Figure 8 shows that Black TPS students in New York have significantly weaker academic growth in reading and math when compared to the average White TPS student. Black TPS students exhibit 51 fewer days of learning in reading and 91 fewer days of learning in math. Black charter students also experience smaller learning gains, experiencing 23 fewer days of reading gains and 34 fewer days of learning in math.

Figure 8a: Relative Learning Gains for Black Charter School Students Benchmarked Against their Black TPS Peers

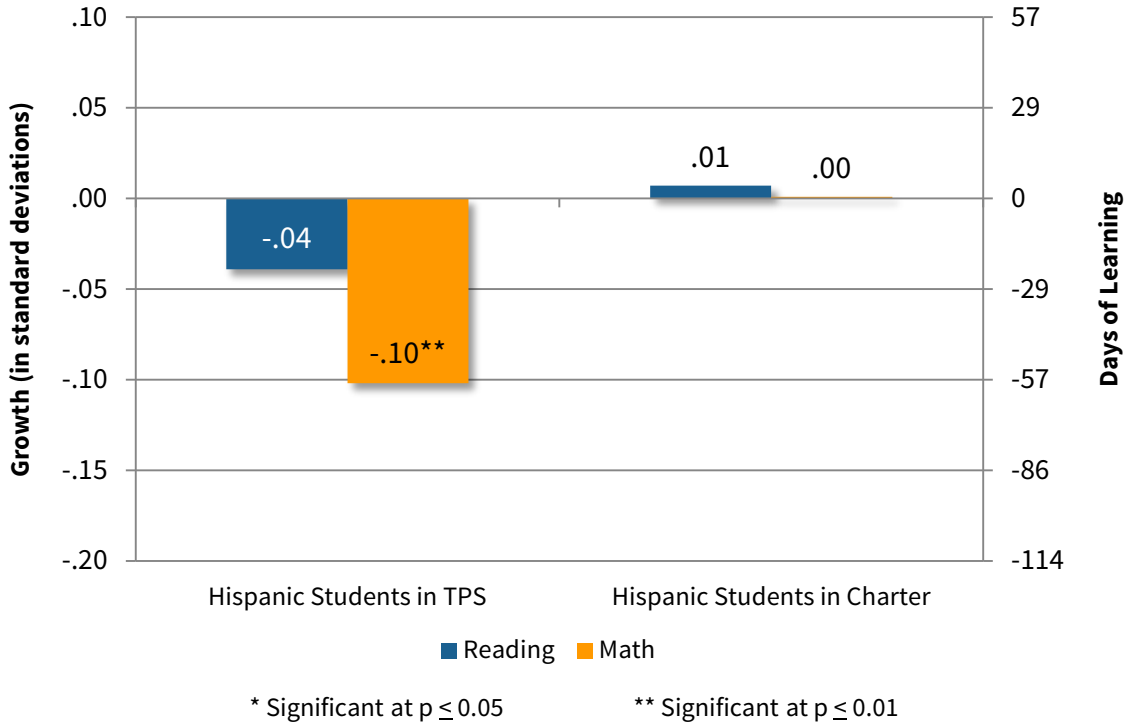


* Significant at p < 0.05 ** Significant at p < 0.01

When the learning of Black students enrolled in charter schools is compared to that of Black students enrolled in TPS, the results reveal that New York Black charter students experience significantly greater progress compared to their TPS peers in both reading and math.[10] The difference translates to 34 additional days of learning in reading and 63 days in math. Since Black students account for 58 percent of the charter school population in this study, these findings explain a substantial portion of the overall performance of charter schools in New York.

[10] The results in Figure 8a vary slightly from the difference in values of Figure 8 due to rounding.

Figure 9: Learning Gains of Hispanic Students Benchmarked Against Learning Gains of White TPS Students

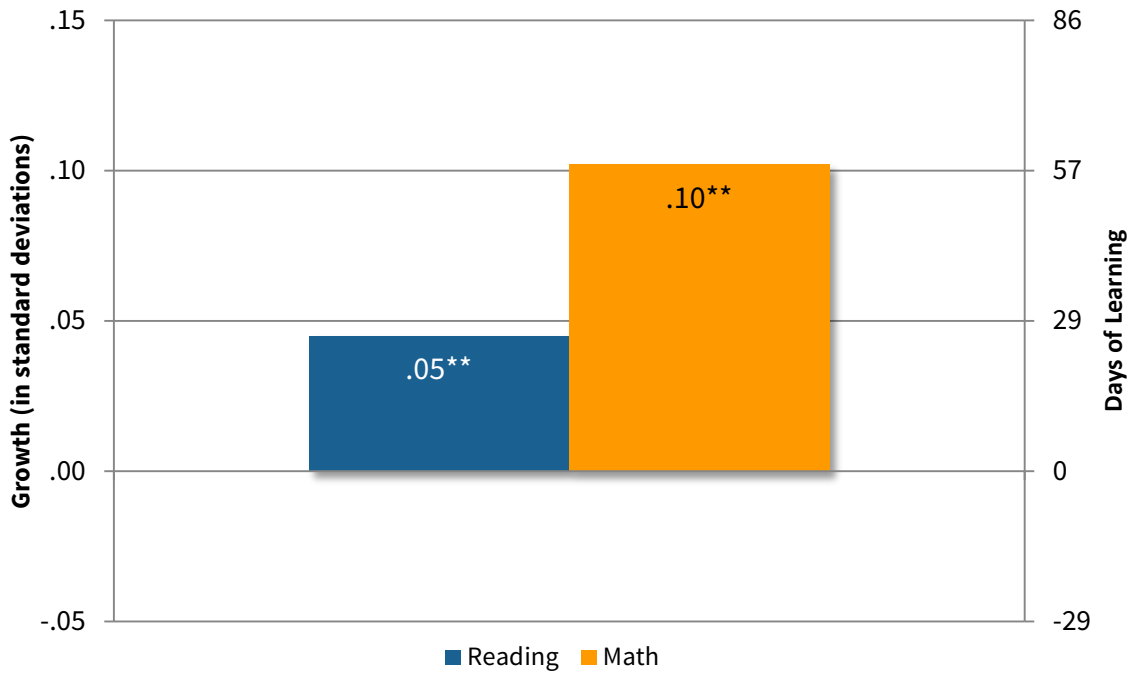


The picture of academic progress for Hispanic students in New York differs markedly from their Black peers. For the Hispanic students in this study who were enrolled in TPS, they have weaker academic gains than their White TPS peers, but the gap is only half what was seen for Black TPS students. Compared to White TPS students, Hispanic TPS students experience 23 fewer days of learning in reading and 57 fewer days of learning in math.

The performance of Hispanic students attending New York charter schools is distinct in two ways. Not only is the annual learning different from their Hispanic TPS peers, their learning shows no difference when contrasted with White TPS students. This result means that Hispanic charter school students do not experience an annual learning gap. Their academic progress is on par with their White TPS peers. This result is highly desirable and infrequently seen.

Figure 9a displays the relative differences in learning between Hispanic students enrolled in TPS and Hispanic students enrolled in charter schools. In both subjects, New York Hispanic students in charter schools perform significantly better than TPS Hispanic students. Hispanic charter students experience the equivalent of 29 and 57 more days of learning in reading and math, respectively. when compared to Hispanic students attending TPS. Like the results for Black charter school students, these findings weigh in the overall performance of charter schools, as Hispanic students make up 33 percent of this study's charter school population.

Figure 9a: Relative Learning Gains for Hispanic Charter School Students Benchmarked Against their Hispanic TPS Peers



* Significant at p ≤ 0.05 ** Significant at p ≤ 0.01

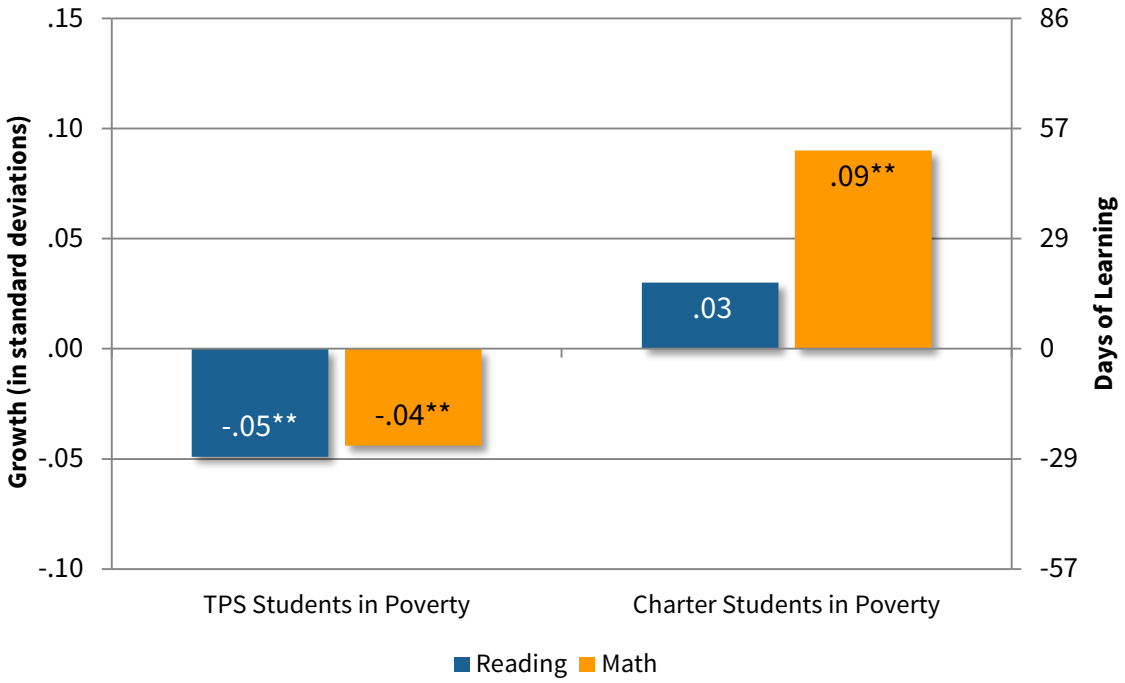
To summarize the race/ethnicity analyses, Black students in both charter schools and TPS make smaller annual academic progress than an average White TPS student in reading and math. Hispanic students in TPS post smaller gains as well, but the learning gap is half as big as seen for TPS Black students. Hispanic charter school students make equal gains as their White TPS peers. When the focus shifts to comparing the results of student subgroups to each other – TPS to Charter schools -- Black charter students outperform Black TPS students in reading and math. Similarly, Hispanic charter students outperform Hispanic TPS students in both reading and math. Thus, for Black and Hispanic students, the analysis indicates a significant academic advantage from charter enrollment.

Charter School Impact with Students in Poverty

Many charter school operators expressly aim to improve educational outcomes for traditionally underserved students, especially for students in poverty. CREDO's 2013 National Charter Study found that students in poverty comprise 53 percent of the national charter population[11]. In New York, 76 percent of charter students are eligible for subsidized school meals, a proxy for low income households, compared to 51 percent of TPS students. The annual academic gains for students in poverty are presented below.

[11] Cremata, Edward, D. Davis, K. Dickey, K. Lawyer, Y. Negassi, M. Raymond and J.Woodworth. *National Charter School Study 2013* (2013). https://credo.stanford.edu/documents/NCSS%202013%20Final%20Draft.pdf

***Figure 10**: Learning Gains of Students in Poverty Benchmarked Against Learning Gains of TPS Students not in Poverty*



*** Significant at p ≤ 0.05** **** Significant at p ≤ 0.01**

Figure 10 above presents the academic growth for students in poverty. It is important to note that in this graph, the baseline differs from the race/ethnicity graphs presented earlier: it is a student who is not eligible for free or reduced price school meals in TPS.[12] The study isolates the relationship between poverty and growth. This leaves a picture of the difference in the impact of charter attendance on students in poverty compared to similar students who are not in poverty. The bars on the right side of Figure 10 (.03 for reading and .09** for math) represents the impact of being a student in poverty and attending a charter school.[13]The bars on the left side of Figure 10 above represents a TPS student in poverty. Both are compared to TPS students who are not in poverty, represented by the .00 line.

The results suggest charter students in poverty exhibit stronger growth than TPS students in poverty in math and are similar for reading. TPS students in poverty are shown to make smaller academic progress than their non-poverty TPS peers, by 29 days of learning in reading and 23 days of learning in math. In contrast, charter school students in poverty are making equivalent academic gains in reading compared to their non-poverty TPS peers and substantially more progress in math, a difference of 51 additional days. These results mean that charter school students in poverty have no learning gap in reading. More noteworthy is the charter school results for math growth for students in poverty: by exceeding the TPS non-poverty benchmark are actually closing the achievement gap based on socio-economic status.

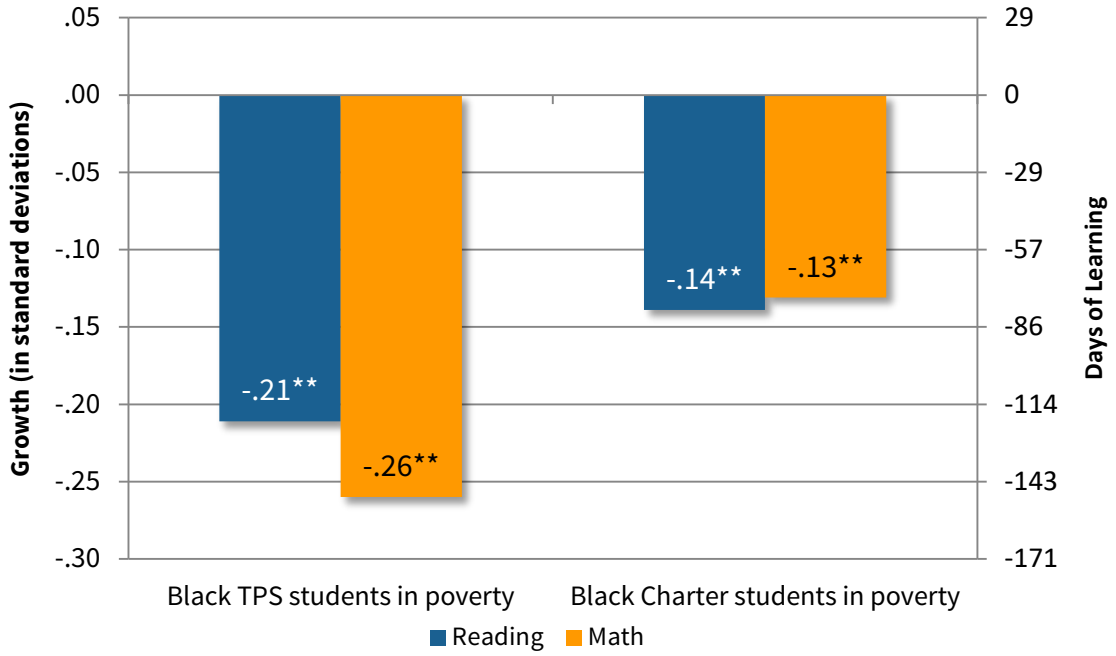
[12] Free and Reduced Price Lunch (FRL) is a standard indicator of poverty. Although we acknowledge that FRL is not as sensitive as we desire, FRL is currently our best proxy for poverty.
[13] The effect for a charter student in poverty includes both the charter effect and a poverty effect.

Charter School Impact by Race/Ethnicity and Poverty

In public education, some of the most academically challenged students are those who are both living in poverty and also members of historically-underserved racial or ethnic minorities. These students represent a large subgroup, and their case has been the focus of decades of attention. Within the national charter school community, this group receives special attention.

The impact of New York charter schools on the academic gains of Black students living in poverty is presented in Figures 11 and 11a. Similarly, Figures 12 and 12a present the impact of charter schools on Hispanic students living in poverty. In these graphs, the comparison student is a White TPS student who is not in poverty.

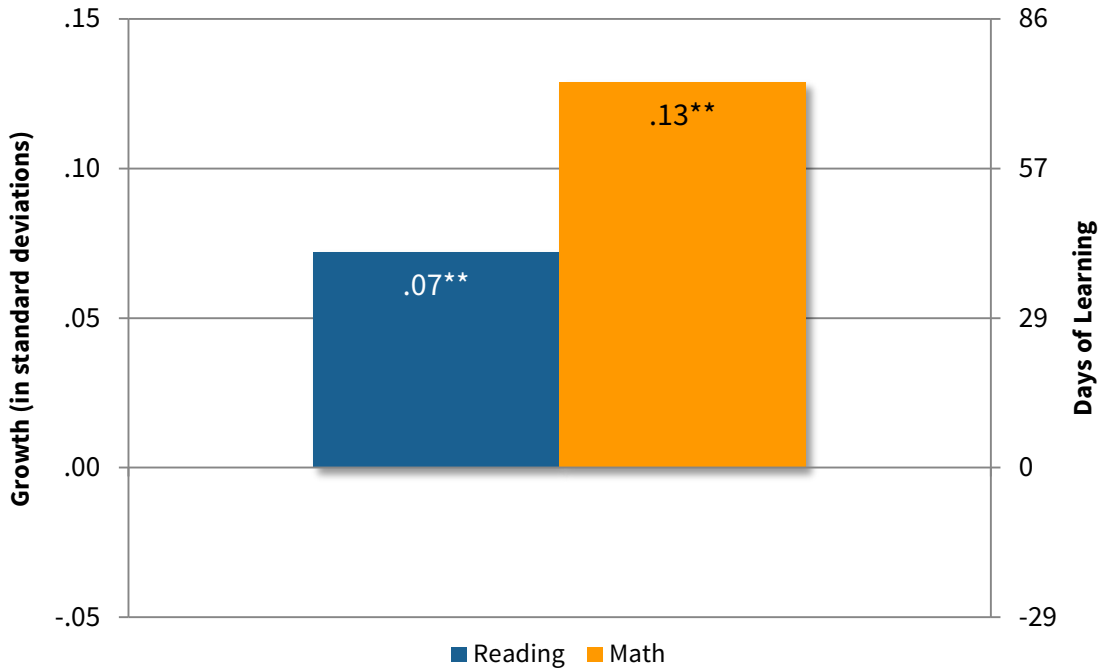
***Figure 11**: Learning Gains of Black Students in Poverty Benchmarked against Learning Gains of White TPS Students Not in Poverty*



* Significant at $p \leq 0.05$ ** Significant at $p \leq 0.01$

As shown in Figure 11, in both TPS and charter schools, Black students living in poverty make less progress than White students who are not in poverty. In New York, Black TPS students in poverty have approximately 120 fewer days of learning in reading and 148 fewer days of learning in math than White non-poverty TPS students. Black charter students in poverty have 80 fewer days of learning in reading and 74 fewer in math than White non-poverty TPS students. The magnitude of the differences is noteworthy. They show the compound effect of the dual status of these students: their results are larger than the sum of the separate impacts for Blacks and students in poverty.

Figure 11a: Relative Learning Gains for Black Charter School Students in Poverty Benchmarked against their Black TPS Peers in Poverty

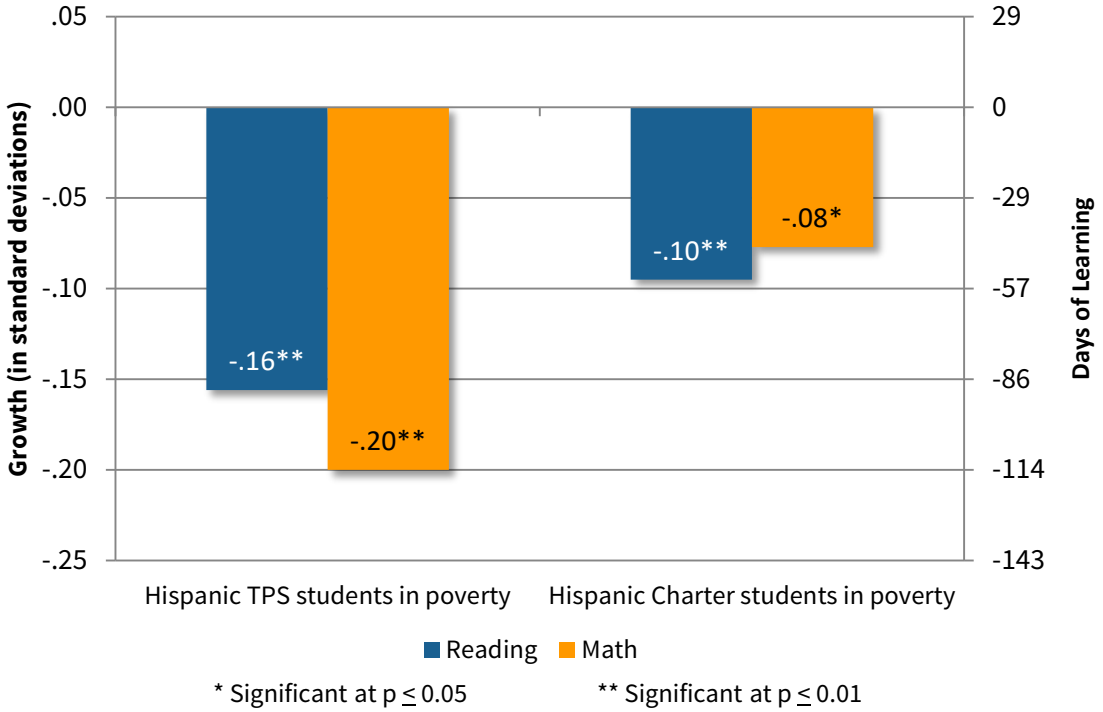


* Significant at p ≤ 0.05 ** Significant at p ≤ 0.01

Across all charter schools in New York, Black charter students living in poverty experience significant advantage to attending charter schools, as evidenced by stronger growth per year in reading and math compared to Black TPS students living in poverty. The results in Figure 11a translate to 40 additional days of learning in reading and 74 more days of learning in math.

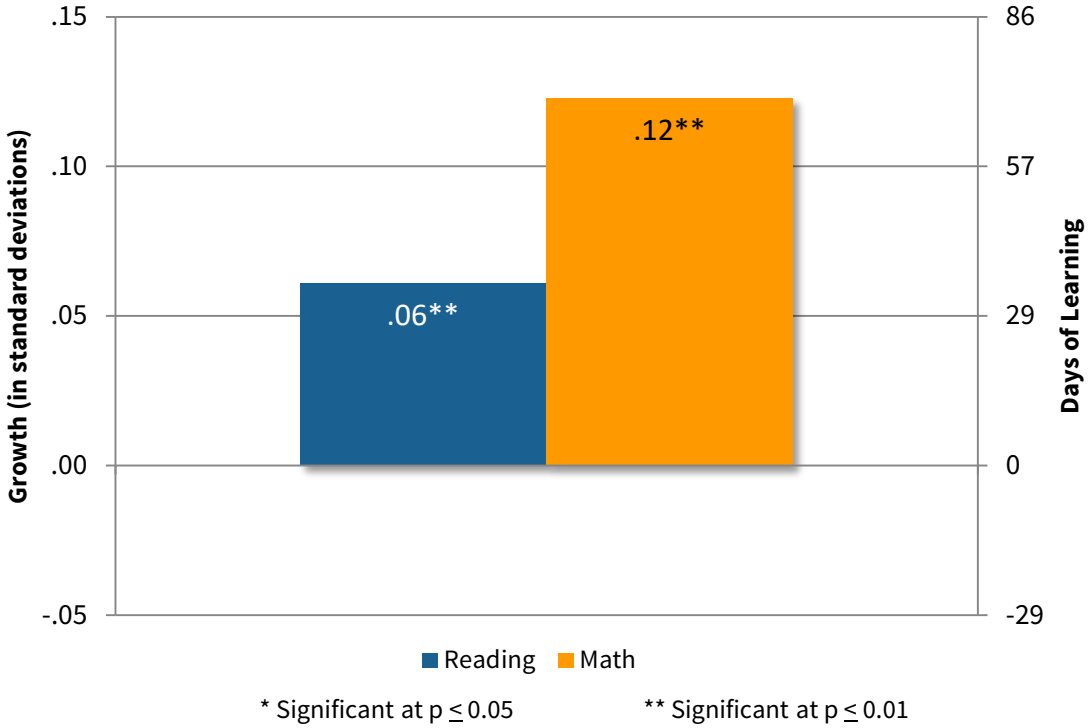
Hispanic students living in poverty exhibit weaker performance in both reading and math than White TPS students not living in poverty. Figure 12 below shows that Hispanic TPS students living in poverty experience on average 91 fewer days of learning in reading and 114 fewer days in math compared to TPS White students who are not living in poverty. Hispanic students in poverty attending charter schools have, on average, 57 fewer days of learning in reading and 46 fewer days in math, per year compared to TPS White students not living poverty.

Figure 12: Learning Gains of Hispanic Students in Poverty Benchmarked against Learning Gains of White TPS Students not in Poverty



The results in Figure 12a contrast the performance of Hispanic students in poverty across the TPS and charter school settings. The graph shows New York Hispanic students in poverty who attend charter schools experience 34 additional days of reading growth than Hispanic TPS students in poverty. In math, the gains are larger by approximately 68 more days of learning.

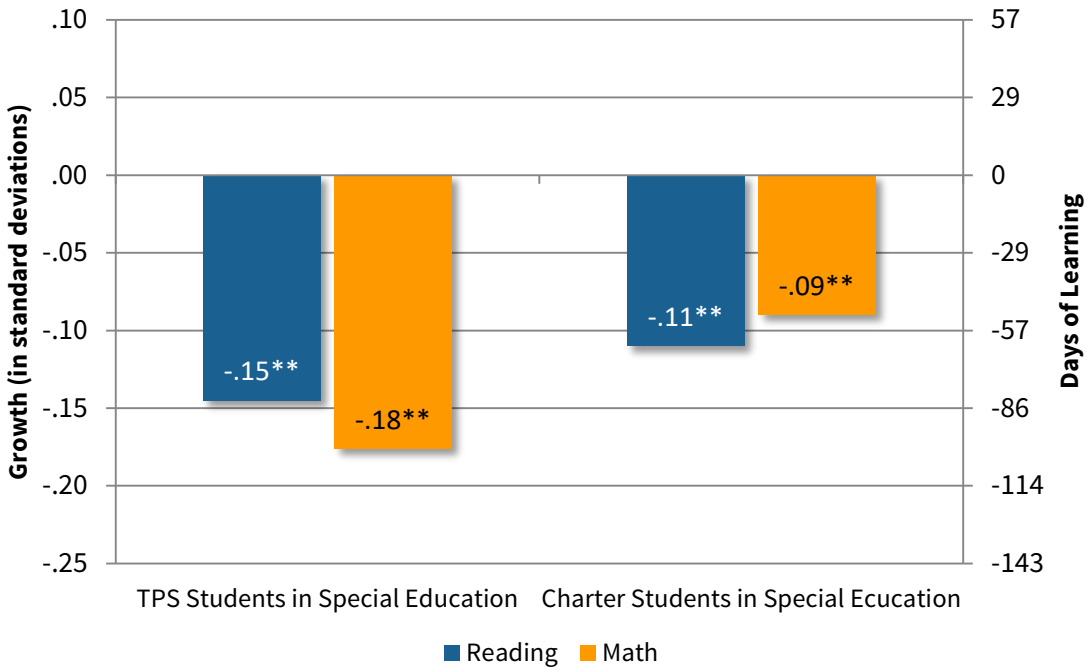
Figure 12a: Relative Learning Gains for Hispanic Charter School Students in Poverty Benchmarked against their Hispanic TPS Peers in Poverty



Charter School Impact with Special Education Students

Because of the differences in individual needs, comparing the outcomes of special education students is difficult, regardless of where they enroll. In the ideal, we would only compare students with the same Individual Education Program (IEP) designation, matching for it along with the rest of the matching variables. That approach faces real challenges, however, because of the large number of designations. The finer distinction leads to very small numbers of cases that match between charter schools and their feeder schools, which hinders the analysis. To obtain any estimates of charter school impacts for students with special education needs, it is necessary to aggregate across all IEP categories. It is important to consider this when viewing the results.

Figure 13: Learning Gains of Special Education Students Benchmarked against Learning Gains of TPS Students Not in Special Education



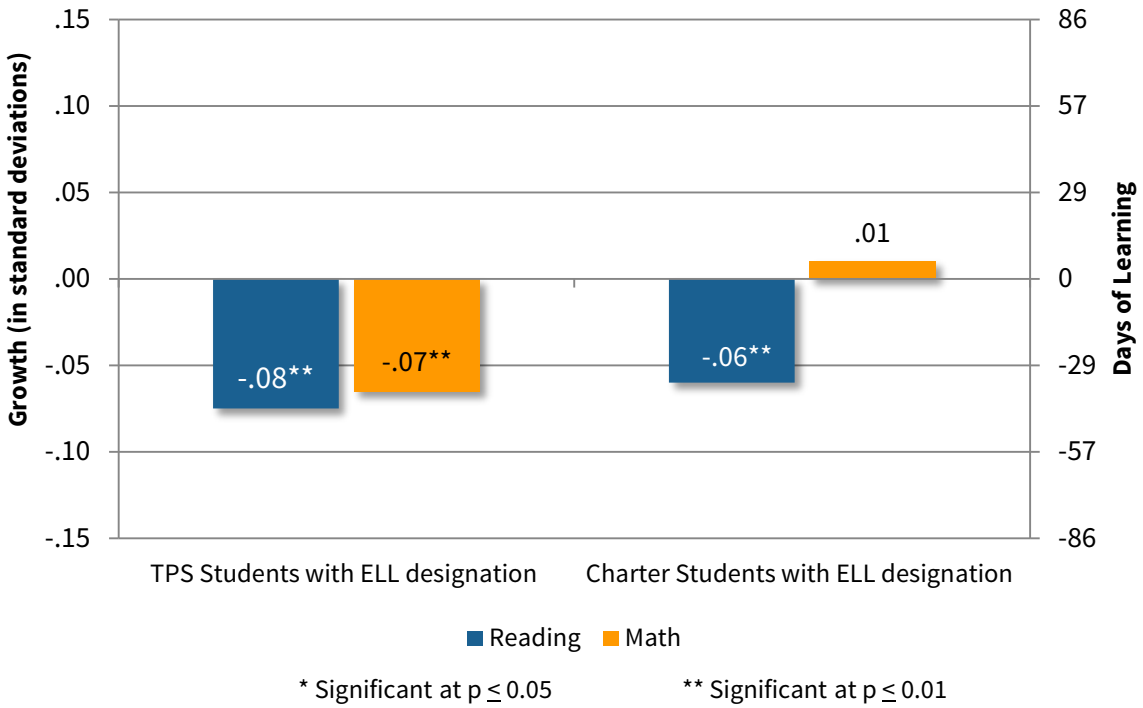
*** Significant at p ≤ 0.05** **** Significant at p ≤ 0.01**

In Figures 13 and 13a, the baseline for comparison is the TPS student who is not receiving special education services. New York special education students enrolled in both TPS and charter schools have significantly weaker growth than students in TPS who do not receive special education services. Figure 13 shows TPS students in special education programs experience 86 fewer days of learning in reading and 103 fewer days of learning in math when compared to TPS students not receiving special education services. A special education student in charter schools also makes less progress than a non-special education student, but the gap is smaller, amounting to 63 fewer days of learning in reading and 51 fewer days in math. The difference between gains for special education students in charter schools and TPS schools favors charter school enrollment and is statistically significant for both subjects.

Charter School Impact with English Language Learners

There is a growing population of students enrolled in the public school system with a primary language other than English. Their present success in school will influence their progress in the world once they exit the school system. The 2015 National Assessment of Education Progress (NAEP) documented the gap in academic performance between English Language Learners (ELL) and their English proficient peers, with ELL students having weaker performance[14]. Even though the share of charter school students who are English Language Learners is only 4%, demographic trends in the United States point to larger shares over time. These early analyses can provide important baselines for comparisons over time.

Figure 14: Learning Gains of ELL Students Benchmarked Against Learning Gains of Non-ELL TPS Students



The comparison student for Figures 14 and 14a is a TPS student who is English proficient. English language learners in TPS schools show significantly weaker growth per year than non-ELL students, amounting to a gap of 46 days of learning in reading and 40 fewer days in math. Charter school students with ELL designation experience 34 fewer days of learning in reading and no difference in math learning as their their non-ELL TPS counterparts. Charter ELL students experienced stronger growth than TPS ELL students in math.

When the progress in ELL students is compared across school settings, charter students gain 11 extra days in reading. The difference of 46 additional days of learning in math for charter school ELL students is statistically significant.

[14] The Nation's Report Card. (2016) 2015 Mathematics and Reading Assessments http://www.nationsreportcard.gov/reading_math_2015/#mathematics/groups?grade=4

School–level Analysis

The analyses in the preceding sections have highlighted the performance of charter school students in New York overall and for separate student subgroups. Each of the student-level results represents the average impact for all the students in the group being studied. Individual students in the group have personal results that distribute around that average value. If those distributions were exactly the same in every charter school in New York, every school would have the same performance. Of course, this is not the case, so further examination of performance at the school level is desirable to identify how individual school – level performance aligns with the overall impacts.

Comparative School-level Quality To determine the current distribution of charter school performance, for each New York charter school we measure the average learning effects of each New York charter school for all their matched students in the two most recent growth periods (2015 and 2016). This measure is called the school's "effect size" We compute the same measure for all the matched TPS VCRs; the result serves as the experience that students would have realized in their local traditional public schools.[15] As with the overall and by-year impacts, school effect size is expressed in standard deviations of growth.

As noted in Table 1, charter schools are smaller on average than their corresponding feeder schools. Further, some charter schools elect to open with a single grade and mature one grade at a time. Consequently, care is needed when making school-level comparisons to ensure that the number of tested students in a school is sufficient to provide a fair representation of the school's impact. Our criterion for inclusion is at least 60 matched charter student records over the two years or at least 30 matched charter records for new schools with only one year of data. Our total sample consists of 179 schools with reading scores and 194 schools with math scores in the 2015 and 2016 growth periods. Table 4 below shows the breakout of performance for the included New York charter schools.

Table 4: Performance of Charter Schools Compared to Their Local Schools in New York

	Significantly Worse		Not Significant		Significantly Better	
Subject	Number	Percent	Number	Percent	Number	Percent
Reading	22	12.3%	72	40.2%	85	47.5%
Math	33	17.0%	66	34.0%	95	49.0%

[15] We chose to include only the two most recent growth periods in this analysis in consideration of the dynamic growth within some charter schools and to provide the most contemporary picture of performance possible..

In reading, nearly 48 percent of charter schools perform significantly better than their peer traditional public schools, while 49 percent perform significantly better in math. Each of these results is superior to the national average, where 25 percent of charter schools outperform their local counterparts in reading and 29 percent do so in math[16]. When looking at weaker performance, 12 percent of New York charter schools have reading results that are significantly weaker than the local TPS option, while 17 percent do so in math. Comparing to the national picture, 19 percent of charter schools pale against the local counterparts in reading and 31 percent do so in math. In reading, 40 percent of New York charter schools have results that do not differ significantly from traditional public schools in their communities. In math, 34 percent of charter schools have growth performance that is indistinguishable from their comparable TPS.

Impact of Growth on Achievement While the impacts of charter schools on academic growth relative to their local competitors is informative, we are also interested in how well students perform in absolute terms. Since many of the students served by charter schools start at low levels of achievement, the combination of absolute achievement and relative growth is vital to understanding student success overall.

For each school, the tested achievement of their students over the same two periods covered by the effect size analysis (2015 and 2016) is averaged and transformed to a percentile within the statewide distribution of achievement.[17] The 50th percentile indicates statewide average performance for all public school students (traditional and charter). A school achievement level above the 50th percentile indicates that the school's overall achievement exceeds the statewide average. We use the effect sizes discussed above to measure growth. We display each school's achievement and growth effect size in a two-dimensional plot, displayed in Tables 5 and 6.

A Note about Tables 5 and 6

There are four quadrants in each table. We have expanded on the usual quadrant analysis by dividing each quadrant into four sections. The value in each box is the percentage of charter schools with the corresponding combination of growth and achievement. These percentages are generated from the 2015 and 2016 periods.

The uppermost box on the left denotes the percentage of charters with very low average growth but very high average achievement. The box in the bottom left corner is for low-growth, low-achieving schools.

Similarly, the topmost box on the right contains the percentage of charters with very high average growth and very high average achievement, while the bottom right corner contains high-growth, low-achieving schools.

The major quadrants were delineated using national charter school data. We would expect the majority of schools to have an effect size between -0.15 and 0.15 standard deviations of growth (the two middle columns). Similarly, we would expect about 40% of schools to achieve between the 30th and 70th percentiles.

[16] CREDO (2013). *National Charter School Study 2013*. http://credo.stanford.edu.

[17] Average achievement was computed using students' z-scores from the end of the growth period (e.g., spring 2014 and spring 2015), and the resulting school-level mean was then converted into a percentile.

Table 5: Reading Growth and Achievement

Growth (in Standard Deviations)	Low Growth, High Achievement		High Growth, High Achievement		
	-0.15		0	0.15	
	0.0%	1.1%	1.7%	6.1%	70th Percentile
	0.0%	9.5%	19.0%	12.3%	50th Percentile
	1.7%	17.3%	16.8%	7.3%	30th Percentile
	1.7%	2.2%	1.1%	2.2%	
	Low Growth, Low Achievement		High Growth, Low Achievement		

Table 5 presents the achievement and growth results for the 179 New York charter school included in this analysis. In the table, 118 of the 179 New York charter schools (66 percent) have positive average growth compared to their peer school. (This percentage is the sum of the eight squares in the blue and pink quadrants in the right half of the table). Thirty eight percent of charters have positive growth and average achievement above the 50th percentile of the state (i.e., the total for the blue quadrant on the top right). Over time, if the 28 percent of charter schools in the pink box maintain or improve their average growth, their achievement would increase, eventually moving them into the blue box.

About 34 percent of schools post smaller learning gains than their local peer schools (the sum of gray and brown quadrants on the left half of the table). If their growth remains steady or worsens, they will fall in the overall distribution of achievement as other schools pull away. About 50 percent of charters perform below the 50th percentile of achievement (the sum of the brown and purple cells in the lower portion of the table). The area of greatest concern is the 23 percent of schools that fall into the lower left quadrant of the table. These schools are characterized by both low achievement and low growth.

Table 6: Math Growth and Achievement

Growth (in Standard Deviations)	Low Growth, High Achievement		High Growth, High Achievement		
	-0.15	0		0.15	
	0.0%	0.0%	3.1%	6.7%	70th Percentile
	0.0%	5.2%	10.8%	18.6%	50th Percentile
	2.1%	11.3%	20.1%	7.7%	30th Percentile
	7.2%	3.6%	2.6%	1.0%	
	Low Growth, Low Achievement		High Growth, Low Achievement		

In math, 138 of the 194 New York charter schools (nearly 71 percent) have positive average growth in math, as seen in the combined orange and pink quadrants in the right half of the table. Thirty nine percent of charters have positive growth and average achievement above the 50th percentile (the orange quadrant in the upper right of the table). Approximately 56 percent of charters post achievement results below the 50th percentile of the state for math (the sum of cells in the lower half of the table); these findings are similar to those presented in Table 5 for reading. In the pink quadrant in the lower right of the table, 31 percent (60 schools) of the 194 schools classified as having low achievement have high growth and appear to be on an upward trajectory. As in the previous table, the schools of greatest concern are those schools in the lower left (brown) quadrant that have both low achievement and low growth; they account for 24 percent (47 schools) of the charter schools in New York.

Impact of Charter Management Organizations

Charter Management Organizations (CMOs) are networks of schools that operate multiple schools, sharing common leadership and practices. We identify CMOs using two criteria. First, CMOs are organizations operating three or more schools. Second, CMOs hold the charters for the schools they operate. Since the enabling legislation for charter schools in New York prohibits for-profit charter firms, all the CMOs are non-profit. CMOs have some operational advantages in their ability to spread administrative fixed costs over a larger number of schools or students, thus providing the possibility of greater efficiency (i.e. the cost per student or per school is lower). In addition, with more schools and students than a single charter school, CMOs may be able to support additional programs and more robust staffing in their networks. Whether these organizations lead to better student outcomes is a matter of interest across the United States.

Identifying all the CMOs in New York and associating them with their schools and students is not straightforward. This analysis only includes schools located in New York, even if a CMO also operates schools in other states. The CMO analysis includes 73 charter schools from 16 CMOs. The analysis looks at the comparative performance of charter schools, divided by CMO affiliation or independent status. As with the earlier statewide graphs, each graph in this section displays two distinct comparisons:

1. The first graph compares the performance of charter students in CMO-affiliated schools and charter students in independent charter schools to the performance of the "average statewide student in TPS."
2. The second graph compares the difference in learning between charter students who attend CMO charter schools and those who attend charters that are not part of CMOs.

Figure 15 illustrates the impact of CMO charter schools and non-CMO charter schools on their students' math and reading growth. This growth is benchmarked against growth of an average White TPS student.

Figure 15: Average Student Learning Gains of CMO Charter Schools and Non-CMO Charter Schools Benchmarked Against the Statewide Average TPS Student Learning Gains

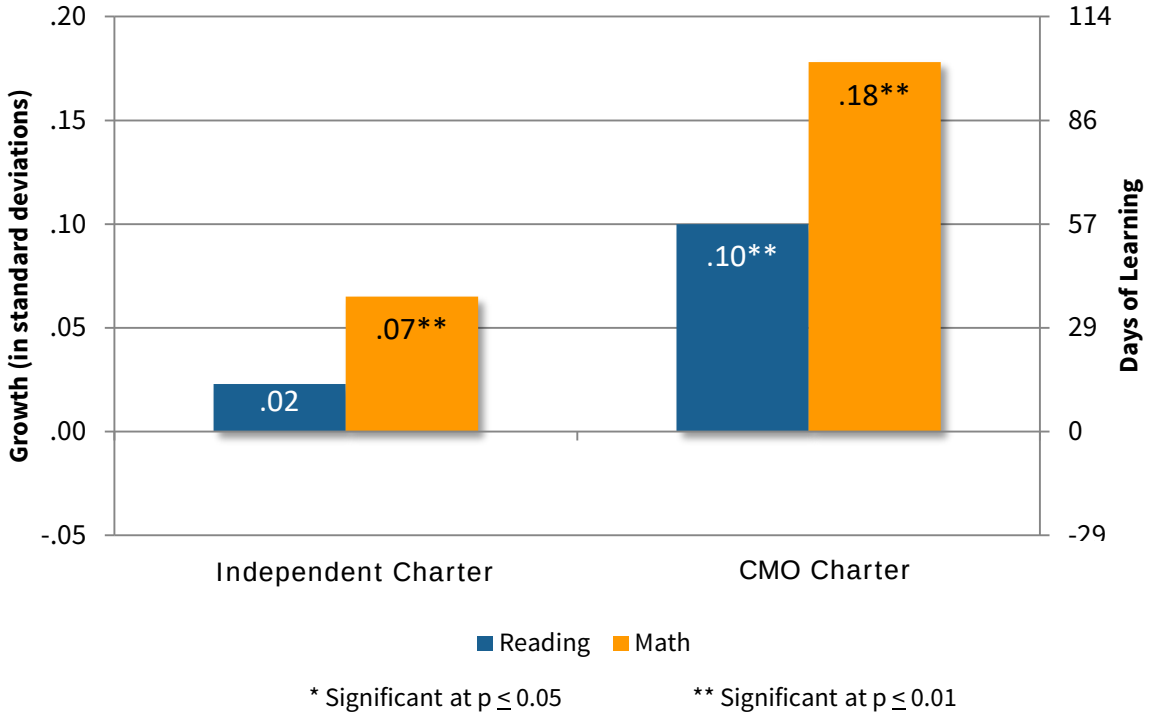
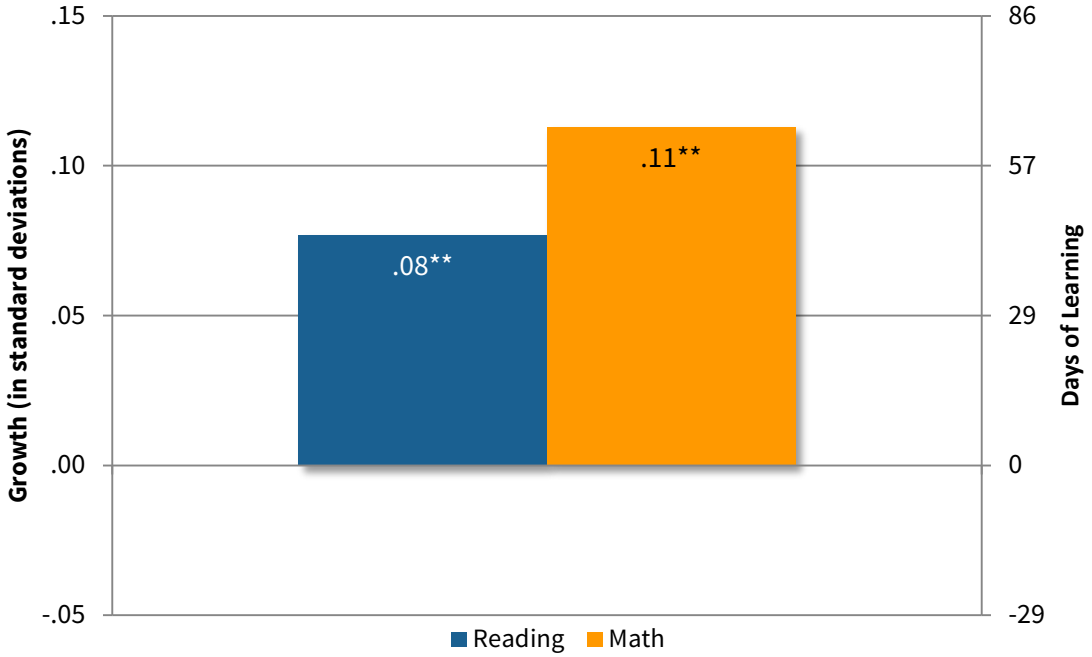


Figure 15 shows the impact CMOs are having with their students. In both reading and math, New York students enrolled in a CMO charter exhibit stronger average growth translating to approximately 57 more days of learning in reading and 103 more days in math compared to their TPS peers. The graph also shows that students enrolled in a charter that is not part of a CMO perform similarly to their TPS peers in reading but experience 38 days of additional learning in math.

Figure 15a displays the learning difference between students who attend CMO charters and those who attend non-CMO charters. The figure shows that CMO charter students exhibit stronger growth translating to approximately 46 more days of learning in reading and 63 more days in math compared to non-CMO charter students. The dramatic difference is statistically significant in both subjects and contributes to the overall positive effect observed for New York charter schools.

Figure 15a: Relative Student Learning Gains of CMO Charter Schools Benchmarked Against Learning Gains of Non-CMO Charter Schools



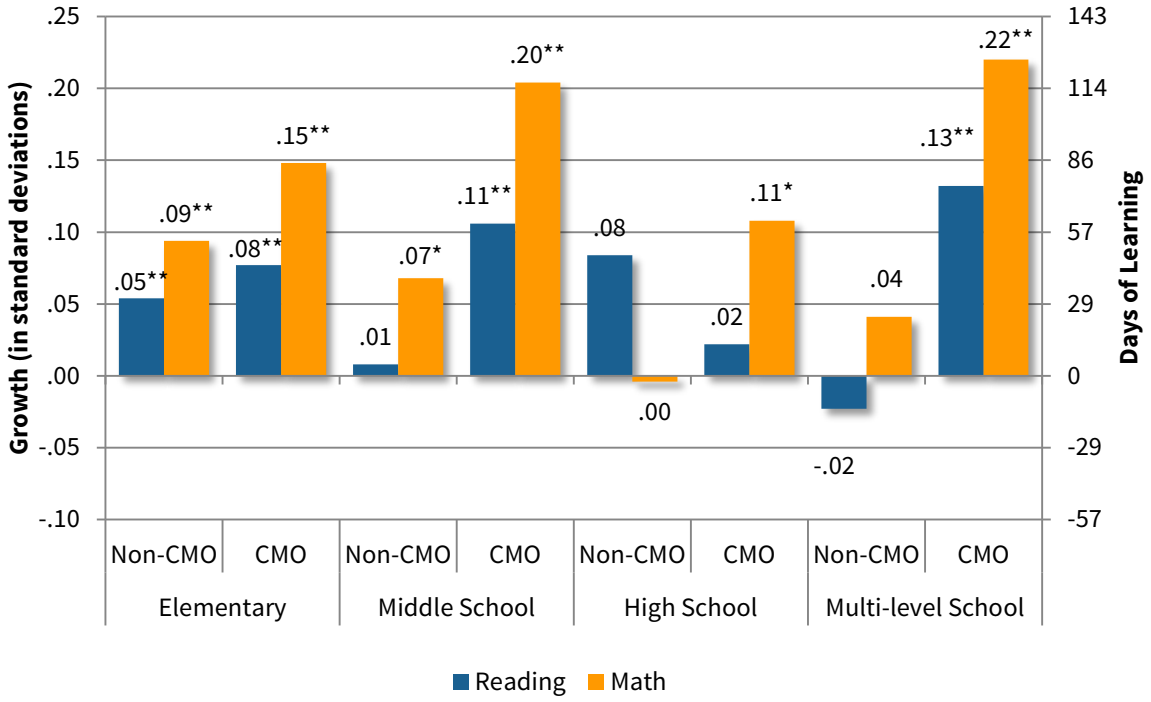
* Significant at p ≤ 0.05 ** Significant at p ≤ 0.01

To better understand the performance of charter schools associated with CMOs, differences in performance were further contrasted by the grade span of the school. Figure 16 shows that charter elementary school students, both CMO and non-CMO, perform better than students in TPS elementary schools in both reading and math. CMO elementary students outperform their TPS peers with an additional 46 days of learning in reading and 108 additional days in math.

In middle school, students enrolled in CMO charters outperform their TPS and charter non-CMO peers in both reading and math. This translates to an additional 63 days of learning in reading and 114 additional days in math compared to TPS middle school students. Students enrolled in non-CMO charter middle schools performed similarly to their TPS counterparts in reading while gaining an additional 38 days of learning in math.

High school students enrolled in CMO charters experience similar growth to their TPS counterparts in reading but gained 63 additional days of learning in math. The students in non-CMO charter high schools perform similarly to their TPS counterparts in both math and reading. Students in CMO charter multi-level schools exhibit a learning gain of 74 days in reading and 125 days in math which is the largest gains across all grade spans. Students enrolled in multi-level non-CMO charter schools exhibit similar growth to their TPS peers in both subjects.

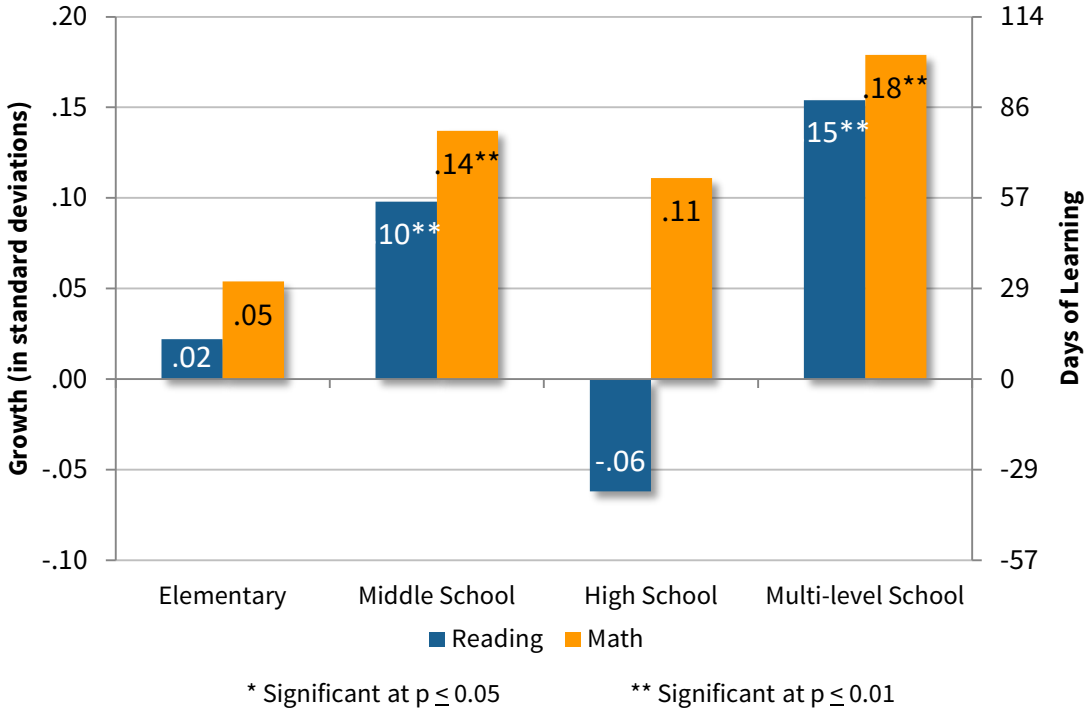
Figure 16:CMO and Non-CMO Student Learning Gains by School Level Benchmarked Against TPS Learning Gains by School Level



*** Significant at p < 0.05** **** Significant at p < 0.01**

As shown in Figure 16a below, charter elementary and high school students perform similarly in math and reading whether or not the charter school is affiliated with a CMO. Middle school students enrolled in a CMO charter have stronger growth than their non-CMO peers, translating to 57 extra days of learning in reading and 80 days more in math. Similarly, CMO charter multi-level school students outperform non-CMO charter schools by a larger margin, gaining 86 extra days of learning in reading and 103 days more learning gains in math.

Figure 16a: Relative Learning Gains of Students in CMOs by School-Level Benchmarked against Learning Gains of Non-CMO Charter School Students by School Level



Students attending charter schools that belong to CMOs exhibit stronger growth than an average TPS student in both reading and math. Similarly, students attending CMO charter schools on average have stronger growth in both reading and math compared to their peers attending independent charter schools. When separated into school levels, CMO charter students show stronger reading and math growth in elementary, middle, and multi-level schools than an average White TPS student. However, for the high school grade span students gain additional learning only in math. Students attending non-CMO schools exhibit stronger math and reading growth in elementary school than an average TPS student. In middle, high, and multi-level schools, these non-CMO charter students exhibit similar growth in both reading and math compared to the average TPS student.

Impact of Charter School Networks

A charter school network is a single organization which oversees the operations of three or more charter schools. New York State law allows for charter management organizations (CMOs) which holds the charter to their schools and operates the schools directly. It does not permit charters to engage education management organizations (EMOs) to operate a charter school on behalf of the party who holds the charter. This study looks at the 28 charter networks in New York, that encompass 92 charter schools representing about 47 percent of New York's charter student population at the time of this study.

Table 7 includes results of charter schools networks, unless a network has fewer than three charter schools with tested grades during the course of the study. Networks with fewer than three schools with tested grades have been removed from Table 7, consistent with CREDO's policy of not identifying individual schools.

Table 7: Performance of Charter School Networks in New York based on Growth Effect Size

Network Name	Growth Effect Size	Days of Learning	Number of NY Schools	Number of Students
Reading				
Harlem Success	.27**	152	12	1,044
KIPP NYC	.17**	96	5	1,800
Achievement First	.15**	84	6	2,189
Uncommon NYC	.13**	76	12	3,691
Icahn	.12**	68	3	133
Democracy Prep	.12**	66	5	1,441
Uncommon Rochester	.11**	63	3	851
Ascend Learning	.07**	37	3	1,153
Victory	.05**	26	12	1,899
New Visions	.02	10	5	116
Explore Schools	-.02	-10	4	854
National Heritage Academies	-.02	-11	6	1,869
Math				
Harlem Success	.44**	249	12	628
Icahn	.32**	181	3	124
Achievement First	.30**	172	6	2,457
Democracy Prep	.27**	152	5	1,943
Uncommon Rochester	.26**	150	3	797
KIPP NYC	.26**	148	5	1,987
Uncommon NYC	.18**	102	12	3,648
New Visions	.11*	64	7	1,517
Victory	.10**	59	12	1,942
Ascend Learning	.09**	50	3	1,203
Explore Schools	.02	11	4	849
National Heritage Academies	.01	5	6	1,834

Note: Number of students reflect 2015-16 tested enrollment figures

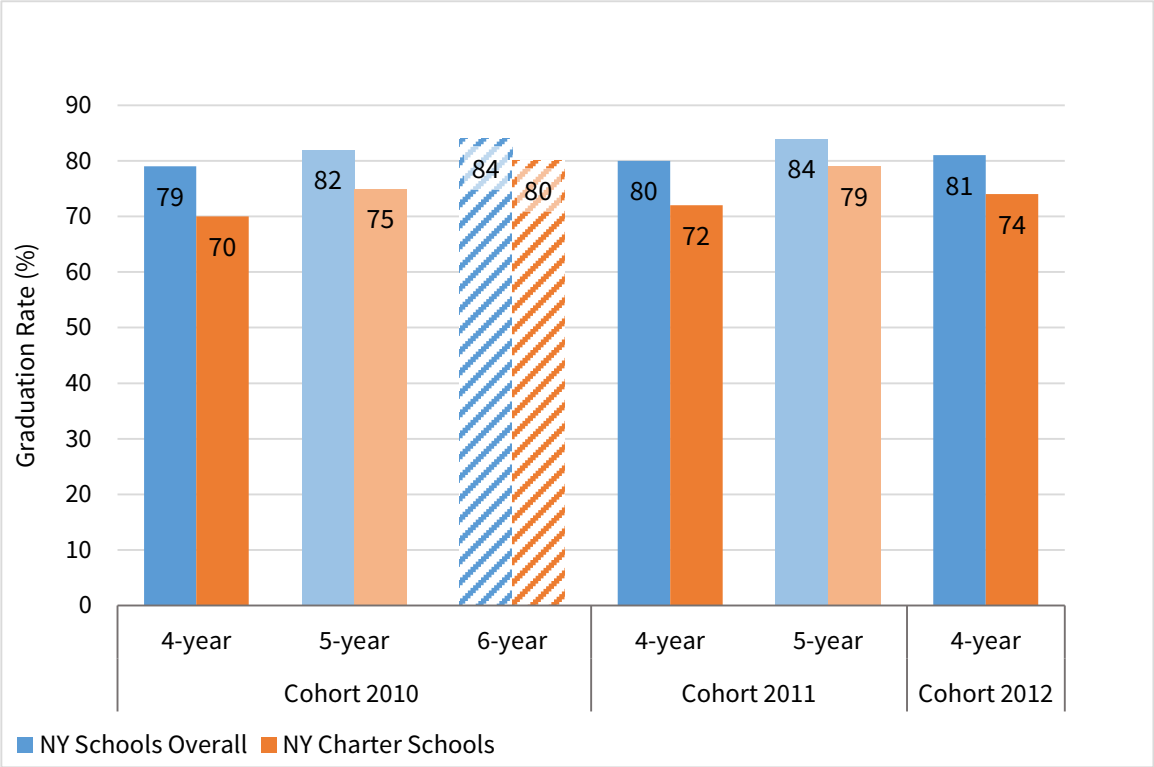
Table 7 displays performance of charter school networks (CMO or EMO) based on their effect size in reading and math. In reading, students in the top performing network experience approximately 152 extra days of learning and approximately 249 additional days of learning in math. Conversely, students attending charter schools in the lowest-performing networks are not significantly different from the comparison group.

New York High School Graduation Rate

One of the useful metrics to measure the effectiveness of high schools is the graduation rate. It is the ultimate measure of attainment in the secondary school system and traditionally signaled a degree of cognitive skills and fundamental knowledge. Individuals with a high school diploma are better employed and better compensated than those with it. The diploma is also a pre-requisite for many post-secondary opportunities.

The New York high schools report 4-Year, 5-Year, and 6-Year graduation of their students. The 4-Year graduation rate reflects percentage of students who graduated in 4 years after their first time enrollment in 9th grade. The 5-Year and 6-Year graduation rates reflect percentage of students who graduated after five and six years in high school respectively. Each cohort is identified by the year the students enrolled in ninth grade. Since the two most recent cohorts have only recently reached the 4-year mark, their results beyond the 4-year graduation date are incomplete. The graduation rates used in this analysis includes the August graduates for each cohort.[18]

Figure 17: New York High School Graduation Rate (Cohorts 2010 to 2012)



Source: https://data.nysed.gov/downloads.php

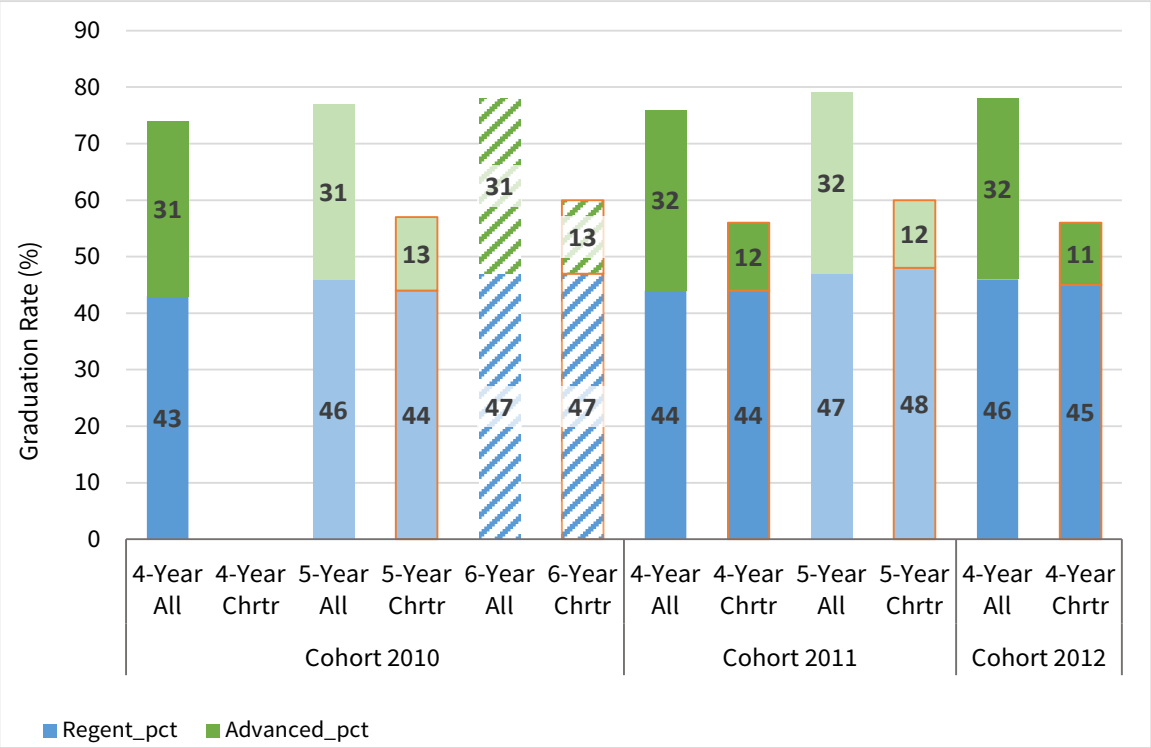
Considering the differences in school location and populations served, it may seem unfair to pitch the graduation rates of charters against the full collection of public high schools across New York State. We take a different view: since we did not have sufficiently refined graduation data to do a head-to-head comparison of similar schools, the differences in graduation rates are noteworthy for being as small as they are.

[18] The 6-year graduation rate is available only for June graduates

Figure 17 show New York 4-Year for all public schools (TPS and charter combined) and for charter high schools. Statewide high school graduation rates show a slight uptick from 79 percent of the 2010 cohort graduating in 4 years to 81 percent in the 2012 as seen in the darker bars. The 5-Year graduation rates appear in lightly colored bars) and 6-Year graduation rates are represented by striped bars. These rates have more limited series, but follow similar trends for state as a whole. For charter schools, the 4-Year high school graduation rate has increased from 70 percent for 2010 cohorts to 74 percent for cohort 2012. New York charter schools 5-Year graduation rate saw a 4-percentage point increase from the 2010 to 2011 cohorts. The comparisons reveal that charter schools made progress in recent years enabling their students to graduate on time.

While overall graduation figures are informative, New York offers a variety of graduation credentials which are not equal in stature or rigor. In addition to the above graduation analysis, we present the data broken out by Regents and Advanced Regents graduation data for cohorts 2010 to 2012 for New York schools. This analysis provides more depth in understanding the high school graduation rate differences between the overall New York schools (TPS and charters) versus New York students who get a Regents or Advanced Regents diploma. The percent of students who receive a standard Regents diploma is in blue; the percent receiving an Advanced Regents diploma is in green.[19]

Figure 18: Overall NY Schools versus NY Charters: Regents and Advanced High School Graduation Rates (Cohorts 2010 to 2012)



Source: https://data.nysed.gov/downloads.php
4-Year Charter for Cohort 2010 was not available

[19] Percentage of students receiving a Local diploma can be calculated by subtracting the percent receiving Regents and percent receiving Advanced Regents from total graduation rate in Figure 17.

Figure 18 shows the graduation rate with a standard Regents diploma (blue bars) is similar between the New York charter schools and the overall New York public schools (TPS and charter combined). This is true across all periods and cohorts. The percentage of graduates receiving an Advanced Regents diploma (green bars) is lower for New York charter schools across all the cohorts. By deduction, the percentage of student graduating from charter schools with local diplomas must then be higher than for TPS schools. The results in Figure 18 tell a much different story from that in Figure 17. Looking at Figure 17, the two sectors look to have similar success in graduating students with charter schools lagging somewhat behind all schools, but slowly closing the gap. However, the breakout in Figure 18, reveals differences in the rigor of diplomas being earned by charter students and the overall graduation level. A much larger portion of charter students are graduating with a weaker graduation credential.

Synthesis and Conclusions

In this study, we examined the one-year academic progress of students in New York charter schools compared to the gains of identical students in the traditional public schools (TPS) the students otherwise would have attended. The study period covered five years of annual data ending in the 2015-2016 school year, which was used to create four year-to-year measures of progress. The year-to-year measure is referred to as growth or gains. Students in New York charter schools experienced more learning gains in a year, on average, than their TPS counterparts. The benefits for charter students are as if the students received 34 days of additional learning in reading and 63 additional days in math in the course of a school year. Over the four growth periods, the annual gains of students in New York charter schools increased.

Beyond the overall results, the analysis probed the consistency of charter school performance over many dimensions. Students in New York charter elementary, middle and multi-level schools exhibit stronger growth in both reading and math compared to their TPS peers. Charter students in high schools, however, experience similar growth in reading and math compared to their TPS peers. The lack of difference at the high school level is partly due to the small number of charter high schools.

The results for all demographic subgroups showed stronger growth compared to their peers attending TPS. Black students, Hispanic students, students living in poverty and special education students realize significantly greater academic progress in a school year compared to their same-subgroup peers in TPS. Black charter students in poverty have stronger growth relative to Black TPS students in poverty in both reading and math. The difference translates to an additional 38 days of learning in reading and 74 days of learning in math. Hispanic charter students in poverty exhibited stronger growth than Hispanic TPS student in poverty. The difference is equivalent to an additional 29 days of learning in reading and 68 days of learning in math.

Students with special education needs and English language learners are also among the sub-populations with significant impact form charter school attendance. In New York, being a charter student with special education needs leads to significantly better learning gains compared to a special education student in TPS. Similarly, the full effect of being a charter ELL student exhibit stronger growth in reading compared to TPS ELL students, while it exhibit similar growth in math.

In New York, 47 percent of charter schools belong to a Charter Management Organization (CMO) or other network. The students in schools affiliated with Charter Management Organizations (CMOs) have significant academic gains on average compared to their non-CMO charter counterparts. Once separated by school grade span (elementary, middle, high, multi-level) the analyses reveal that middle and multi-level school students in CMO charters have stronger growth than their non-CMO charter peers in both reading and math. In elementary and high school, CMO charter students exhibit similar growth to their peers attending non-CMO charter schools. Several CMOs were seen to produce outstanding academic progress in their students in both reading and math year in and year out.

Looking at the results at the school level, that analysis shows that the share of New York charter schools outpacing their local TPS peers in academic learning gains is close to half for both reading and math. Forty-eight percent of New York charters outpace the learning impacts of TPS in reading and 49 percent do so in math. Still, 12 percent of charter schools have results that are significantly worse than TPS for reading and 17 percent of chart schools in math are underperforming relative to their local TPS peers.

In this study the school-to-school and student-to-student results show that students in New York charter schools make superior gains in a year's time compared to the local alternatives. Considering the commitment of many charter school teams to serve students with various education disadvantages, the complementary question of whether charter schools are helping students achieve at high levels is also important. Fifty percent of charter schools in New York fall below the 50th percentile in achievement in reading and 56 percent of charters fall below the 50th percentile in achievement in math. These findings are of course influenced by locational decisions and the starting points of the students they serve. In New York, 118 charter schools (66 percent) have positive academic growth in reading and 138 (71 percent) have positive academic growth in math. In both reading and math, slightly a slight majority of the schools below the 50th percentile of achievement exhibit positive growth. With positive and sustained growth, these schools will likely post achievement gains over time. The outlook for the nearly quarter of charter schools with below-average growth and low achievement is more worrisome.

Finally, with a limited analysis of graduation rates at 4 years, 5 years and 6 years, charter high schools are graduating students at rates that are close to the average for all high schools across the state. Since the full set of New York high schools includes schools that enroll more advantaged students, the fact that the rates are as similar as they are is worth taking note.

Implications

There are several implications for charter school policies based on this analysis. First the significant charter effects in New York are mostly driven by the performance of charter schools in New York City. The strong performance of some networks, even those not in New York City, is evidence that quality education can be expanded to help students achieve their long term goals. Sharing and replicating the practices of the successful operators can help other schools regardless of sector. Since all charter schools are public schools, their mission of public service can reasonably be expected to include helping other schools improve. There are many ways dissemination could occur and the opportunity to explore them should not be overlooked.

At the other end of the performance spectrum, policies are needed to address schools that post substantially inferior results. It takes only a few years of poor academic progress to hinder a student for the rest of their K-12 experience. Other states have adopted accountability practices that include a presumption of closure for underperforming schools absent a compelling reason to continue. New York can learn from other states. Given the small number of authorizers, collaboration towards a consistent approach is both feasible and needed.

In addition, undertaking further analysis, using other outcome measures, can help improve our understanding of the positive results shown in this study and can be a useful addition to the improvement of New York State public schools. Charter providers on average have much more success supporting traditionally under-severed populations such as minority students and students in poverty. Gaining a better view of the wider academic and non-academic outcomes of charter school students can be instrumental to supporting more students in more ways, with the goal of eventual success in college, career and society.

Table 8 presents a summary of the results from the various analyses in this report.

Table 8: Summary of Statistically Significant Findings for New York Charter School Students

	Reading	Math
New York Charter Students	Positive	Positive
Charters in 2012-2013	Positive	Positive
Charters in 2013-2014	Positive	Positive
Charters in 2014-2015	Positive	Positive
Charters in 2015-2016	Positive	Positive
Elementary School Charter Students	Positive	Positive
Middle School Charter Students	Positive	Positive
High School Charter School Students	Similar	Similar
Multi-Level School Charter Students	Positive	Positive
Urban Charter Students	Positive	Positive
Suburban Charter Students	Similar	Positive
Rural Charter Students	Positive	Positive
First Year Enrolled in Charter School	Similar	Positive
Second Year Enrolled in Charter School	Positive	Positive
Third Year Enrolled in Charter School	Positive	Positive
Fourth Year Enrolled in Charter School	Positive	Positive
Black Charter School Students	Positive	Positive
Hispanic Charter School Students	Positive	Positive
Charter School Students in Poverty	Positive	Positive
Black Charter School Students in Poverty	Positive	Positive
Hispanic Charter School Students in Poverty	Positive	Positive
English Language Learner Charter School Students	Similar	Positive
Special Education Charter School Students	Positive	Positive
Charter CMO	Positive	Positive
Charter Non-CMO	Similar	Positive
Charter CMO Elementary Schools	Positive	Positive
Charter Non-CMO Elementary Schools	Positive	Positive
Charter CMO Middle Schools	Positive	Positive
Charter Non-CMO Middle Schools	Similar	Positive
Charter CMO High Schools	Similar	Positive
Charter Non-CMO High Schools	Similar	Similar
Charter CMO Multi-level Schools	Positive	Positive
Charter Non-CMO Multi-level Schools	Similar	Similar

Technical Appendix

The table below presents the number of charter observations associated with the corresponding results in the report. An equal number of VCRs were included in each analysis.

Appendix Table 1: Number of Observations for All Results

Student Group	Matched Charter Students	
	Reading	Math
New York Charter Students	120,614	137,822
Students in Charters in 2012-2013	21,565	24,719
Students in Charters in 2013-2014	28,699	32,557
Students in Charters in 2014-2015	33,428	38,234
Students in Charters in 2015-2016	36,922	42,312
Students in Urban Schools	112,713	129,474
Students in Suburban Schools	7,596	8,055
Students in Rural Schools	305	293
Students in Elementary Schools	57,160	55,178
Students in Middle Schools	26,027	27,302
Students in High Schools	895	10,897
Students in Multi-level Schools	36,532	44,333
Students First Year Enrolled in Charter School	21,067	26,642
Students Second Year Enrolled in Charter School	11,955	14,446
Students Third Year Enrolled in Charter School	5,831	6,466
Students Fourth Year Enrolled in Charter School	1,517	1,747
Black Students	72,671	80,801
Hispanic Students	37,913	45,524
White Students	6,588	7,609
Students in Poverty	94,867	109,144
Black Students in Poverty	56,972	63,766
Hispanic Students in Poverty	31,774	38,307
Special Education Students	16,169	17,563
English Language Learners	2,978	3,655
Grade Repeating Students	1,357	2,070

Appendix Table 2: Starting Deciles in New York Charter Schools

Student Group	Matched Charter Students	
	Reading	Math
Students in Decile 1	7,051	7,669
Students in Decile 2	11,697	12,295
Students in Decile 3	14,207	15,304
Students in Decile 4	15,529	16,578
Students in Decile 5	16,861	18,644
Students in Decile 6	15,123	18,748
Students in Decile 7	15,031	17,406
Students in Decile 8	13,894	15,982
Students in Decile 9	8,235	10,319
Students in Decile 10	2,986	4,877

2018 SUNY

Request for Proposals

To Establish New Charter School Education Corporations to Operate Charter Schools in New York State; and,

For Existing SUNY Authorized Charter School Education Corporations to Operate Additional Schools

For Submission to the State University of New York Board of Trustees

Pursuant to New York Education Law §§ 2852(9-a) and 2853(1)(b-1)

Release Date: January 2, 2018

SUNY Charter Schools Institute

SUNY Plaza, 353 Broadway (518) 445-4250

Albany, New York 12246 www.newyorkcharters.org

SUNY Charter Schools Institute
The State University of New York

2018 REQUEST FOR PROPOSALS TIMELINE

At the time of the release of the 2018 Request for Proposals ("RFP"), the SUNY Charter Schools Institute (the "Institute") intends to hold two review cycles to consider proposals to open new charter schools inside and outside of New York City. SUNY, in its sole discretion, reserves the right to modify the 2018 RFP schedule and to hold additional round(s) later in the year.

ACTION	DATE
Draft RFP Public Comment Period	November 10 – December 11, 2017
Release of 2018 Request for Proposals	January 2, 2018

ACTION	FIRST ROUND	SECOND ROUND
Letter of Intent Due The Institute will invite applicants whose Letter of Intent meets the requirements described in this RFP to submit a full proposal. The Institute aims to provide a Letter of Intent determination within ten business days of submission.	Noon, February 2, 2018	Noon, May 31, 2018
Final Proposals and Business Plans (if applicable) Due	Noon, March 6, 2018	Noon, June 25, 2018
Proposal Review	March-April 2018	July-August 2018
Applicant Notification	April 2018	August 2018
Anticipated Charter Schools Committee Meeting	May 2018	September 2018
Charter Transmittal Preparation	May-June 2018	September-October 2018
Proposed Charter Transmittal to New York State Board of Regents	June-July 2018	October-November 2018
Board of Regents' Action on Charters Approved by SUNY Trustees	Up to 90 days after transmittal to Board of Regents	Up to 90 days after transmittal to Board of Regents
Earliest Possible School Opening	Fall 2019	Fall 2019

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DEFINITION OF TERMS

Charter Management Organization ("CMO"): "CMO" describes any not-for-profit charter management organization, educational service provider, or partner organization providing a majority of the educational management services at a charter school.

SUNY Charter Schools Committee (the "Committee"): The SUNY Charter Schools Committee is a committee of the State University of New York Board of Trustees (the "SUNY Trustees") that has been delegated the authority to act on behalf of the full SUNY Board of Trustees regarding SUNY authorized charter schools.

Charter School Education Corporation: A New York not-for-profit charter school education corporation that comes into existence through the issuance of a charter and the subsequent formation of a corporation by the New York State Board of Regents (the "Board of Regents"). Each charter entitles an education corporation to operate one school in one or more sites. Once a charter school education corporation has been formed, there is no need to form another education corporation in order to operate additional schools.

Partner Organization: A partner organization is non-profit entity such as a community based organization, college, university, museum, educational institution, or other organization authorized to do business in New York that would provide space or support to the proposed school or be responsible for managing and/or providing services to the proposed school whether or not such goods, services, facilities, etc. would be provided free of charge or pursuant to a contract or shared service agreement with the education corporation.

School: A school is a vehicle for the delivery of a complete educational program to students that has independent leadership, dedicated staff, defined facilities, and encompasses all of the approved grades for a given charter. An education corporation may have the authority to operate more than one school so long as a charter has been issued for each such school. Note that a school may be housed in more than one site.

Site: A site is one of a number of facility locations for a single charter school. Sites are typically grouped by grade range, for example, a school may have a K-4 site, 5-8 site, or a 9-12 site. Without additional authority, an education corporation may not educate students of the same grade level in more than one site.

INTRODUCTION

SUNY AS A CHARTER AUTHORIZER

The New York Charter Schools Act of 1998 (as amended, the "Act") designates the SUNY Trustees as one of two state-wide chartering entities, or "authorizers," along with the Board of Regents. Each authorizer has the authority to grant charters for the purpose of organizing charter school education corporations to operate one or more independent and autonomous public charter schools. SUNY is the largest charter school authorizer in New York State and the largest university-based authorizer in the country.

The Institute's work in this regard is designed to support the SUNY Trustees' commitment to the guiding principles of the Act: to establish schools that operate in an academically, fiscally, and legally sound manner and provide outstanding educational opportunities for all students, especially those at risk of academic failure; and, to oversee approved schools in a manner that respects their independence and autonomy while holding them accountable for student achievement results—including a commitment to close schools that have failed to live up to their promises.

Since its inception, the Institute has been recognized on numerous occasions for the quality of its authorizing practices. The CfBT Education Trust and the World Bank featured SUNY's authorizing practices in an online toolkit promoting public and private partnerships to support quality education. The toolkit included a case study detailing SUNY's school approval process, strategies for oversight, and criteria for schools to earn charter renewal. The National Association of Charter School Authorizers ("NACSA") awarded SUNY planning and implementation grants to support its work relating to the replication of high quality charter schools. NACSA also awarded SUNY the Award for Excellence in Improving Authorizer Practice, recognizing SUNY for having the "best application process" for creating new charter schools.

Positive results in the classroom affirm recognition of SUNY's authorizing work. On the New York State 2015-16 exams 88% of SUNY authorized charter schools outperformed their district school peers in mathematics and 83% outperformed their district school peers in English language Arts ("ELA"). According to a review of the data from a January 2010 CREDO study, SUNY authorized charter schools yield greater gains in student achievement than their public school peers in New York City charter and non-charter schools. Further, SUNY authorized schools consistently outperform similarly situated schools in both ELA and mathematics.[1]

SUNY currently authorizes 185 charter schools across New York State for approximately 85,700 students:

[1] School performance is based on the Institute's regression analysis of each charter school compared to schools statewide with similar percentages of economically disadvantaged students. SUNY authorized schools consistently perform in the better than expected category in ELA and mathematics.

- 162 in and around New York City - Manhattan (31); Brooklyn (71); Bronx (43); Queens (14); Staten Island (1); Roosevelt (1); and Hempstead (1);
- 6 in the Capital District - Albany (5); Troy (1); and,
- 17 in Western/Central New York – Elmira (1); Ithaca (1); Rochester (6); Buffalo (9).

The SUNY Trustees support diversity and innovative program design in the charter schools they authorize. The SUNY Trustees set a high bar of expectations for student achievement, particularly for students most at risk of academic failure, but realize there is more than one way to meet that bar.

Among the portfolio of SUNY authorized charter schools are: schools with a particular focus on English language learners ("ELLs"); multiple schools using the Core Knowledge curriculum; a school implementing the Middle Years and Diploma Programmes of the International Baccalaureate Programme; single gender schools; several schools that offer intensive foreign language instruction; a school devoted to an inclusionary model of instruction where more than 50% of the student body has a wide variety of special education needs; a school devoted to students who are or have been enrolled in the child welfare system, are homeless, or who have graduated from a failing middle school; a school infusing the principles of sustainability throughout the curriculum; a school designed specifically to serve the needs of students with autism; and, many more.

The SUNY Trustees and the Institute recognize the significant time and effort required to develop a quality proposal. Institute staff members look forward to working with each applicant group throughout the process.

CRITICAL INFORMATION FOR ALL APPLICANTS

The Institute is pleased to present the 2018 RFP. SUNY is proud of its national reputation as a high quality authorizer, with a rigorous and comprehensive approach to reviewing and recommending proposals for approval. All applicants should carefully read each of the sections below for critical information regarding the 2018 RFP and are strongly encouraged to contact the Institute with any questions or concerns about this information prior to completing a proposal.

LEGISLATIVE REQUIREMENTS AND NUMBER OF AVAILABLE CHARTERS

- Education Law § 2852(9-a) requires authorizers to use a RFP process to award charters to new applicant groups wishing to establish an education corporation to operate one or more new charter schools. Education Law § 2853(1)(b-1) allows existing education corporations to seek authority to operate one or more additional charter schools. The Act requires review of proposals to prioritize specific criteria—from community outreach and targeted enrollment demographics to cooperation with local school districts.
- The Act requires that authorizers make a draft of the RFP available for public review and comment and take the provided feedback into consideration, before issuing the final RFP.
- The Act prohibits RFP applicants from contracting with a for-profit entity to operate a charter school.
- At the time this document was published, the SUNY Trustees and the Board of Regents may together award a maximum of 125 charters statewide including a remaining 21 charters to New York City applicants.

NOT-FOR-PROFIT CHARTER SCHOOL EDUCATION CORPORATIONS

The Act permits a charter school education corporation to have more than one charter issued to it, thus allowing it to operate more than one charter school or the same grade at more than one site. It also allows multiple education corporations to merge into one education corporation with the authority to operate all of the schools under one authorizer.

SUNY's 2018 RFP accommodates both the creation of new charter school education corporations with the authority to operate one or more new schools, and existing education corporations seeking to add additional schools.

Note that existing SUNY approved charter school education corporations authorized after August 2010 may seek to add additional new schools using the Replication RFP Requests. All other applicants must use the Standard RFP Requests in order to provide updated materials. See the Application Requirements Section for further information.

INTRODUCTION

We strongly encourage applicants to consult with the Institute when identifying which application materials to submit.

PUBLIC DISCLOSURE

SUNY takes its statutory responsibilities to disclose information about new proposals very seriously.

- The Institute, shortly after receipt of a proposal, will release to the public via its website a "Public List," containing the name of the proposed charter school education corporation, name of the proposed charter school, name of the applicant and public contact information, proposed enrollment and grades served, charter management organization (if any), and the school district or community school district(s) ("CSD(s)") in which the charter school proposes to locate.

- The Institute will post copies of the complete proposals, redacted of all personal privacy information, within several weeks of receipt. The Institute may post the Transmittal and Summary Form online as an interim step between when the Public List is released and when proposals are posted. Please note that the Institute will not accept any requests to redact part(s) of an application for any information not related to personal privacy or statutory exemptions.

- As required by the Act, SUNY will, within 30 days of receipt of a proposal, officially notice the district in which the proposed school would be located. As mandated, the Institute will also provide notice to all public and non-public schools in the surrounding geographic area.

- The district must hold a public hearing to solicit public comments on the proposal within 30 days of receipt of notice of a proposal from the Institute.

- SUNY carefully considers all comments about the application as part of the proposal review process. The Institute presents school district comments and a written summary of public comments to the SUNY Trustees when recommending proposals. The Institute is committed to capturing community feedback and strongly requests all stakeholders submit their comments two weeks prior to the Charter Schools Committee meeting (dates and materials to be posted at: www.suny.edu/about/leadership/board-of-trustees/meetings/meetingNotices.cfm) in order for them to be included in the summary of public comments.

SUNY'S REVIEW PROCESS

LETTER OF INTENT AND INITIAL EVIDENCE OF COMMUNITY OUTREACH REVIEW

Institute staff will review letters of intent and community outreach documentation to determine if submissions meet the requirements specified in the Letter of Intent Requirements section. The Institute will invite applicants whose letters meet the Letter of Intent requirements to submit full proposal(s). The Institute will inform applicants whose letters do not meet the requirements that they may not submit a proposal for review during the current cycle. The determination of the adequacy of the Letter of Intent is at the sole discretion of the Institute. There is no appeal of a negative determination. Nothing shall prohibit applicants who submit an unsuccessful Letter of Intent from submitting a new one in response to any future review rounds.

PROPOSAL REVIEW

SUNY's review of submitted proposals is a progressive, multi-step process broadly recognized as setting a high bar for approval. The SUNY Trustees have charged the Institute with recommending for their consideration only those proposals deemed to have the highest likelihood of success. SUNY has revised and enhanced its new school review process over time to reflect lessons learned.

Notably, SUNY authorized schools indicate the process adds value to the proposed program. Applicants emerge from the SUNY review process with a stronger blueprint from which to build their schools. The hard work up front translates into greater autonomy for schools once chartered and, most importantly, has resulted in the highest performing portfolio of charter schools in New York.

The Institute's review process includes the following:

1. Intake of each proposal to ensure each component is materially and substantively complete and thereby merits a full review.
2. Review of the proposal by Institute staff from academic, operational, legal, and fiscal perspectives.
3. When applicable, in-depth analysis of student performance data from the applicant's existing schools to identify areas and trends of strength and deficiency to gauge the proposed program's likelihood of producing exemplary academic outcomes including, but not limited to:
    - Review of past three years of student performance data on state assessments, with an emphasis on growth percentile scores;
    - Student attrition rates from year to year;
    - Graduation rates; and,
    - Authorizer evaluation, renewal, and regulatory compliance reports.

4. At the Institute's discretion, an external panel of education experts may review proposals and, where applicable, accompanying Business Plans.
5. For proposals deemed strong enough to move on in the review process, an interview by Institute staff (and possibly member(s) of an external review panel) of members of the proposed school's founding group, which should include the applicant(s), proposed education corporation trustees, and representatives of any proposed CMO and/or other partner organizations.
6. Proposals of sufficient strength may undergo a Request for Amendments ("RFA") process to resolve Institute concerns and assure compliance with the Act and all applicable laws and regulations.
7. If the Request for Amendment ("RFA") process yields an application that the Institute identifies as strong enough to move on in the process, a representative of the Charter Schools Committee will interview the applicant(s) and proposed education corporation trustees. (Note: the Institute understands that additional trustees may be added to the education corporation's board in the future, but expects enough members to be identified and present at this interview to constitute a functioning board if the charter is approved).

After completing the review process, the Institute makes any positive recommendations to the Charter Schools Committee, which renders the final determination. There is no appeal of a negative determination at any stage of the process.

Criteria for Recommending Proposals for Approval

When the Institute receives a proposal, it first determines whether applicants met all expectations, as solely determined by the Institute, for example:

- Proposals must be sufficiently complete, i.e., include a Transmittal and Summary Form and responses to all applicable RFP requests; and,
- Proposals must be accompanied by complete Business Plans where required.

The Institute then determines whether a proposal meets minimum statutory requirements, for example:

- The proposal includes a viable plan to meet the enrollment and retention targets established by the SUNY Trustees for students with disabilities, ELLs, and students who are eligible to participate in the federal free and reduced-price lunch ("FRPL") program.
- The proposal provides evidence of public outreach that conforms to the Act and the process prescribed by the SUNY Trustees for the purpose of soliciting and incorporating community input regarding the proposed charter school and its academic program.
- The applicant demonstrates the ability to operate the school in an educationally and fiscally sound manner.

- Approving the proposal is likely to materially further the purposes of the Act, which are to:
  - Improve student learning and achievement;
  - Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are at risk of academic failure;
  - Encourage the use of different and innovative teaching methods;
  - Create new professional opportunities for teachers, school administrators and other school personnel;
  - Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system; and,
  - Provide schools with a method to change from rule-based to performance-based accountability systems by holding charter schools accountable for meeting measurable student achievement results.
- The proposal meets all of the requirements set out in the Act and all other applicable laws, rules, and regulations as well as meets any additional requirements established by the SUNY Trustees as part of their commitment to student achievement.

The Institute reserves the right, in its sole discretion, to discontinue its review if a proposal does not meet these minimum statutory requirements.

For proposed schools intending to locate in a school district where more than five percent of the students residing in the district attend charter schools (these districts are listed in the *Guidance Handbook* under Request No. 2), the Institute will evaluate whether approving the proposal would have a significant educational benefit to the students likely to attend the proposed charter school or whether the school district of location consents to the proposal.

The Institute is interested not only in the potential of proposed schools to navigate the challenges of start-up successfully, but also in whether the school is likely to earn renewal at the end of its initial term of authority to operate. Under the Act, the Institute can only recommend to the SUNY Trustees as a qualified application a proposal it determines rigorously demonstrates the above criteria. If there are more proposals that meet these criteria than available charters, the Institute will use preference scoring to determine which proposals to recommend.

Business Plan Review

Institute staff and, at the Institute's discretion, external experts review applicant groups' business plans in tandem with their proposals to gauge CMO, partner organizations', and education corporations' organizational and fiscal capacity to fulfill their obligations to the proposed school(s) effectively.

PREFERENCE SCORING

Consistent with the Act (Education Law § 2852(9-a)(c)), SUNY's 2018 RFP includes preference criteria to prioritize proposals that the Institute intends to recommend to the SUNY Trustees at the conclusion of the review process.

Preference scoring does not occur until the conclusion of a review process and applies to only the proposals that the Institute determines could result in academically, fiscally, and legally sound charter schools.

The Institute bases preference scoring on 10 criteria for which the proposal can earn credit. In accordance with the Act, SUNY will use the criteria to grant priority to proposals in the event that the number of proposals meeting the SUNY Trustees' requirements exceeds the maximum number of charters available. The 10 preference criteria relate to whether a proposed school is likely to:

1. Increase student achievement and decrease achievement gaps in ELA and mathematics;
2. Increase high school graduation rates for students particularly at risk of not graduating and/or focus on middle school students' academic achievement;
3. Increase the acquisition, adoption, and use of local instructional improvement systems that provide teachers and school leaders with the information and resources they need to inform and improve instructional practices, decision-making, and overall effectiveness;
4. Use high quality assessments designed to measure the learning of critical concepts;
5. Meet the statutory enrollment and retention targets for students with disabilities, students who are ELLs, and students who are eligible to participate in the FRPL program;
6. Conform to the public review process prescribed by the SUNY Trustees for the purpose of soliciting community input regarding the proposed charter school and its educational program;
7. Have the management and leadership capability to overcome start-up problems and establish a fiscally viable school;
8. Partner with low-performing district and charter schools to share best practices and innovations;
9. Gain support from the school district in which the school would locate, and demonstrate intent to establish an ongoing relationship with the school district; and,
10. Locate in a region of the state with limited educational alternatives.

The Institute will rate each criterion on a scale of 0 to 3 degrees of preference. The Institute defines degrees of preference as follows: "0" degrees of preference for a criterion that does not apply to a proposed school; "1" degree of preference if a proposal meets statutory and/or basic Institute expectations for a criterion; "2" degrees of preference if a proposal exceeds basic

expectations for a criterion; and, "3" degrees of preference if a proposal is exemplary/outstanding for a criterion. The Institute gives the most weight (3x) to the first preference criterion, "Student Achievement," as this is the primary goal of strong schools. The Institute also confers additional weight (2x) to other academic criteria, as they are indicative of the development of a strong educational program. Non-academic criteria do not receive additional weighting.

Should the Institute be in the position to recommend more proposals than available charters, the Institute will recommend the SUNY Trustees provide the remaining charters in an order to be determined by each application's preference score.

SUNY PREFERENCE SCORING GUIDANCE

PREFERENCE CRITERIA (0-3 POINTS EACH)	PRIMARY INDICATORS	RELEVANT RESPONSE(S)	WEIGHT
1. Student Achievement: The proposed school has the ability to increase student achievement and decrease achievement gaps in ELA and mathematics. For replicators, student outcomes in ELA and mathematics at existing, related schools will determine the score in this category.	The proposed school has a strong academic program with the potential to raise the achievement of the intended student population.	2, 5	**3**
	The proposed school has a pedagogical approach that is likely to raise student achievement with the target population.	5	
	The proposed school's program has the potential to accelerate the achievement of at-risk students.	7	
	The proposed school's academic program includes a specific focus on STEM or STEAM instruction.	2, 5	
2. High School Success and Middle School Achievement: The proposed school has the ability to increase high school graduation rates for students particularly at risk of not graduating and/or increase middle school	The proposed school will serve high school and/or middle school students at risk of not graduating.	1	**2**
	The proposed school has been specifically designed to meet the needs of high school students at risk of not graduating and/or has explicit programs and strategies for	2, 15	

PREFERENCE CRITERIA (0-3 POINTS EACH)	PRIMARY INDICATORS	RELEVANT RESPONSE(S)	WEIGHT
achievement. For replicators, student academic outcomes and graduation rates (if applicable) will determine the score in this category.	increasing the achievement of young adolescents and preparing them for rigorous high schools.		
	The proposed school has explicit programs and strategies for increasing the graduation rate of its at-risk students and/or increasing the achievement of at-risk students in middle school.	7	
3. Data-Driven Systems: The proposed school will adopt and use systems that provide teachers and school leaders with the information and resources they need to inform and improve instructional practices, decision-making and overall effectiveness. For replicators, SUNY evaluation visit findings will inform the score for this criterion.	The proposed school has a process for reviewing and revising curriculum.	5	**2**
	The proposed school has a well-developed assessment system and explicit plans for using results to improve student achievement.	5	
	The proposed school has clear procedures and resources for identifying and serving at-risk students and evaluating the efficacy of its programs.	7	
	The proposed school has a process for monitoring the effectiveness of the academic program.	5	
	The proposed school has a coherent professional development program with explicit plans to evaluate its efficacy.	8	
	The proposed school has an explicit process for monitoring progress towards achievement of its Accountability Plan goals.	5, 13	

PREFERENCE CRITERIA (0-3 POINTS EACH)	PRIMARY INDICATORS	RELEVANT RESPONSE(S)	WEIGHT
	The proposed school has an explicit process for monitoring progress towards achievement of its mission.	5, 13	
	The proposed education corporation's board has a clearly defined process for monitoring, and holding school leaders accountable for, school performance.	5, 13	
4. High Quality Assessments: The proposed school will implement high quality assessments that measure knowledge and application of concepts through the use of a variety of item types and formats. For replicators, SUNY evaluation visit findings will inform the score for this criterion.	The proposal includes a plan for administering valid and reliable diagnostic, formative, and summative assessments.	5	**2**
	The proposed school's assessment system includes a variety of item types and formats.	5	
	The proposal explains how teachers and instructional leaders will use assessment results to improve instruction and raise student achievement.	5	
	The proposal includes a coherent plan to implement a co-curricular program (i.e., social-emotional learning, mentoring, service learning) and clearly explains how the school intends to assess its effectiveness.	5	
5. Enrollment Targets: The proposal includes a viable plan to meet enrollment and retention targets for	The proposal includes strategies for recruitment and enrollment that will likely achieve statutory targets.	15	**1**

PREFERENCE CRITERIA (0-3 POINTS EACH)	PRIMARY INDICATORS	RELEVANT RESPONSE(S)	WEIGHT
specific sub-populations: students with disabilities, ELLs, and FRPL students.	The proposal includes strategies for student retention that will likely achieve statutory targets.	15	
6. Public Outreach: The applicant has conducted public outreach to solicit community input and addressed comments from the community concerning the educational and programmatic needs of students.	The proposal provides evidence of effective efforts to inform the intended community about the proposed charter school.	3	**1**
	The proposal describes explicit efforts to solicit community input regarding the educational and programmatic needs of students.	3	
	The proposal provides concrete evidence of feedback received from community stakeholders regarding the proposed school and its program.	3	
	The proposal explains how the applicant incorporated that feedback into the proposal.	3	
7. Management and Leadership: The proposal demonstrates the management and leadership techniques necessary to overcome initial start-up problems and establish a thriving, financially viable charter school. For replicators, SUNY evaluation visit findings will inform the score for this criterion.	The proposed education corporation board has the skill sets, structures, and procedures to provide rigorous oversight and support for a start-up organization or additional school(s).	3	**1**
	The proposed education corporation / school has an adequate management structure to support startup and growth.	10, 11	
	Qualifications sought in the proposed school leader explicitly address the needs of a start-up organization.	11	

PREFERENCE CRITERIA (0-3 POINTS EACH)	PRIMARY INDICATORS	RELEVANT RESPONSE(S)	WEIGHT
	The proposed education corporation / school has strategies for recruiting and retaining the number of students necessary for financial viability.	15	
	The proposed education corporation has a budget planning process to maintain a financially viable school.	22	
8. School Partnerships: The proposal has viable plans for partnering with low-performing schools and/or SUNY campuses to share best practices and innovations.	The proposal has identified specific low-performing schools.	1, 14	**1**
	The proposal includes a clear plan for partnering with said schools.	14	

PREFERENCE CRITERIA (0-3 POINTS EACH)	PRIMARY INDICATORS	RELEVANT RESPONSE(S)	WEIGHT
9. District Relationship: The proposed school demonstrates the support of the district in which it will be located and/or the intent to establish an ongoing relationship with the district. For replicators, evidence of the replicating education corporation's, school's or network's collaboration and/or sharing with the district during the last three years will influence the score in this category.	The proposal includes explicit evidence of support from the local district.	14	**1**
	The proposal includes a clear plan with reasonable strategies for establishing an ongoing relationship with the district.	14	
10. Location: The school would be located in a region with limited choice of high performing public schools.	The proposed school would be located in a community with limited choice of high performing public schools.	1	**1**
	The proposal presents a compelling need for the school.	1	

APPLICATION REQUIREMENTS

Applicants submit up to three sets of materials in response to the SUNY Request for Proposals. Information about each required component is included in this section.

- **Letter of Intent:** All applicants must submit a Letter of Intent. Requirements are described in the "Letter of Intent" section of this publication.
- **Proposal:** All applicants must submit a proposal. There are two types of proposals: Standard and Replication. Please refer to the proposal information that follows to determine which type of proposal to complete. All proposals must include a Transmittal and Summary Form.
- **Business Plan:** Not all applicants complete a business plan, and some applicants may have to fill out more than one business plan. The information that follows identifies who must submit a business plan.

Resources

The Institute's "Creation Resources" includes links to multiple documents to provide guidance to applicants (http://www.newyorkcharters.org/request-for-proposals/). The Institute will periodically update this with additional, sometimes critical, guidance. Applicants should check the Creation Resources regularly.

LETTER OF INTENT

All applicants wishing to submit a proposal to the Institute must submit a Letter of Intent with evidence that applicants have planned and initiated a public outreach process in the community that the proposed school would impact.

An applicant seeking to establish more than one charter school and/or who identifies more than one potential geographic location (e.g., school district or CSD) for the proposed charter school(s) must provide evidence demonstrating the public review process has begun in each location.

INTRODUCTION

STANDARD VS. REPLICATION PROPOSAL

To accommodate different types of applicants, the 2018 RFP includes two sets of requests: Standard Requests and Replication Requests. Applicants should review the following list of questions to determine which type of proposal they should submit.

Any applicant answering "No" to any one of these questions must submit a Standard Proposal.

Any applicant answering "Yes" to all three of these questions may submit a Replication proposal.

1. Is a SUNY approved charter school education corporation submitting a proposal to replicate a SUNY approved school that the education corporation already operates? If yes:
2. Did the SUNY Trustees approve the initial application for the replicating school after August 2010? If yes:
3. Would the proposed school replicate all or a vast majority of the academic program components in use at the existing school?

STANDARD REQUESTS

The Standard Proposal Requests address all statutorily required elements of a new school proposal and collect information about the proposed academic program and organizational structure. The information provided becomes part of the approved charter and sets the conditions under which an education corporation may operate a school. Submission of the Standard Proposal assumes that either there is not yet a SUNY approved charter to replicate, or the conditions have changed significantly enough since the Institute reviewed an education corporation's charter that there are likely to be material changes to the charter.

REPLICATION REQUESTS

The Replication Requests address all statutorily required elements of a new school proposal, but acknowledge the following replication specific issues:

- Replicating SUNY approved education corporations already have one or more charters approved by the SUNY Trustees containing exhibits that describe the replicating school's academic program and organizational structure. If there are no material changes to the exhibits, there is no need for applicants to resubmit them. Instead, applicants may respond to some Requests by incorporating by reference the applicable documents on file at the Institute.
- Institute evaluators can rely on qualitative data about the strength of the existing schools collected through the Institute's school evaluation process, and quantitative data collected through the analysis of the replicating school's academic outcomes instead of detailed plans submitted as part of a proposal. Note that this assumes that the proposed school model is not materially different from the model used in one or more schools with authority to operate under an existing education corporation.

- By making the replication option available, SUNY in no way suggests that applicants attempt to take on more schools than they have the capacity to manage. In fact, SUNY's due diligence regarding fiscal and human capital capacity becomes more rigorous when considering the award of multiple charters to one education corporation.

BUSINESS PLAN REQUIREMENT

Applicants who meet any of the following criteria must submit a business plan with their proposal (available at www.newyorkcharters.org/category/creation-resources/):

- Applicants submitting a proposal in conjunction with an organization that would be responsible for managing and/or providing significant portions of the school's academic program; in this case the CMO or partner organization must complete a business plan to be submitted with the proposal.

- Existing SUNY approved education corporations seeking to add one or more new charter schools to the education corporation; in this case, the education corporation must complete and submit a business plan in conjunction with the proposal.

NOTE: SUNY approved education corporations seeking to add one or more new charter schools to an existing education corporation that will contract with a CMO to manage the proposed school(s) must submit two business plans in conjunction with the proposal: one completed by the CMO; and, one completed by the education corporation. If the education corporation's business plan would not differ from the CMO's business plan in any way, the education corporation may not have to submit a business plan. Any applicant who believes this applies to a replication proposal should contact the Institute for guidance.

The Institute reserves the right to request a business plan from any organization that would play a substantial role in the management or operation of the proposed school(s).

FORMATTING PROPOSALS AND BUSINESS PLANS

HOW TO ADDRESS REQUESTS THAT DO NOT REQUIRE A DIRECT RESPONSE

NOTE: Applicants must provide a response to every request, even if no information is required. Examples of how to respond to these requests include:

- Applicants should respond to requests that do not apply with "Request is not applicable."
- For replicators, if a response incorporates other materials by reference, then applicants should respond with "This response is incorporated by reference," and reference the source materials.

DOCUMENT FORMATTING

- Applicants must use the electronic file conventions included in both the RFP and the Business Plan Requirements for response and attachment file names and file types.
- Request headings and numbering must be used.
- Responses should include page numbers at the bottom of the page. The notation should be the response number followed by the page number for that response. For example, the 4th page of the 11th RFP request would be numbered "Response 11-4."
- The Institute does not have specific text formatting requirements. In general, an 11 or 12 point sans-serif font (e.g., Calibri, Arial, etc.) is recommended but not required.

FILE STRUCTURE

- Each electronic copy of the proposal shall consist of files containing individual responses saved as described in the Proposal Electronic File Conventions table.
- Files must be organized as follows:
  - The top level folder should be titled [School Name] [Date (mm_yy)] Charter Proposal. All proposal files should be in this folder.
  - **Do not use any subfolders**. If it is necessary to use more than one file to address a Request, save the files using the following format: R-23b**-01** – Supplemental Docs, R-23b**-02** – Supplemental Docs, etc.
  - Within the top level folder, save all Responses titled and formatted as described in the Proposal Electronic File Conventions table.
  - For each response, use the file name and file type indicated in the Proposal Electronic File Conventions table. Acceptable electronic formats for the files are MS Word®, MS Excel®, or Adobe Acrobat®.

- MS Word® files should contain no tracked changes and the track changes setting should be turned off prior to submission.
- Excel print settings must be set to enable printing to letter-sized paper.
- Scanned Adobe PDF files should be Optimized to minimize the file size.

SUBMITTING MATERIALS TO THE INSTITUTE

Applicants must submit all materials as digital files to the Institute by the deadlines noted in the RFP Timeline (see pages i-ii). It is not necessary to submit a paper copy of the full application. The Institute must receive Transmittal and Summary Forms (available on the Institute website) with either a digital signature or a hard copy of the form with an original applicant signature, postmarked by the proposal deadline. Applicants must upload digital files to a Dropbox folder that the Institute will set up for this purpose. Note that this is the only folder that may be used to submit proposals. Once all of the files are uploaded, please send an email to charters@suny.edu to inform the Institute that the proposal submission is complete.

PROPOSAL ELECTRONIC FILE CONVENTIONS

REQUEST	REQUIRED FILE NAME	FILE TYPE
Transmittal and Summary	R-00a - Transmittal and Summary Form	MS Word®
Replication Checklist (if applicable)	R-00b - Replication Checklist	MS Excel®
Request 1	R-01ac - Community Need and Proposed School Impact	MS Word®
Request 2	R-02ab - Addressing Need	MS Word®
	R-02c - Accountability Plan	MS Word®
Request 3	R-03af - Proposal History	MS Word®
	R-03g - Letters of Justification	MS Word® or Adobe Acrobat®
	R-03h - Founding Team Resumes	MS Word® or Adobe Acrobat®
	R-03i - Board Member Credentials	MS Word® or Adobe Acrobat®
	R-03j - Outreach Evidence	MS Word® or Adobe Acrobat®
Request 4	R-04ab - Enrollment	MS Word®
	R-04c - Statistical Overview	MS Excel®
Request 5	R-05ae - Curriculum and Instruction	MS Word®
	R-05f - Programmatic Audit	MS Word®
Request 6	R-06ac - Calendar and Schedules	MS Word® or MS Excel®
Request 7	R-07ad - Specific Populations	MS Word®

REQUEST	REQUIRED FILE NAME	FILE TYPE
Request 8	R-08ad - Instructional Leadership	MS Word®
Request 9	R-09a - Culture and Discipline	MS Word®
	R-09b - Discipline Policy	MS Word®
	R-09c - Special Education Policy	MS Word®
	R-09d - Dress Code	MS Word®
Request 10	R-10ab - School Management and Leadership	MS Word®
Request 11	R-11ac - Personnel	MS Word®
	R-11d - Personnel Policies	MS Word®
Request 12	R-12a - Partner Organizations	MS Word®
	R-12b - Partner Commitment	MS Word® or Adobe Acrobat®
Request 13	R-13ac - Governance	MS Word®
	R-13d - By-Laws	MS Word®
	R-13e - Code of Ethics	MS Word®
	R-13f - Complaint Policy	MS Word®
Request 14	R-14 - District Relations	MS Word®
Request 15	R-15abd - Student Demand	MS Word®
	R-15c - Evidence of Demand	MS Word® or Adobe Acrobat®
	R-15e - Evidence of Support	MS Word® or Adobe Acrobat®
	R-15f - Admissions Policy	MS Word®

REQUEST	REQUIRED FILE NAME	FILE TYPE
Request 16	R-16ac - Facilities	MS Word®
	R-16d - Facilities Documents	MS Word® or Adobe Acrobat®
Request 17	R-17 - Food Services	MS Word®
Request 18	R-18 - Health Services	MS Word®
Request 19	R-19 - Transportation	MS Word®
Request 20	R-20 - Insurance	MS Word®
Request 21	R-21ad - Fiscal Soundness	MS Word®
	R-21e - Budget Template	MS Excel®
	R-21f - Letters of Commitment	MS Word® or Adobe Acrobat®
	R-21g - Non-SUNY Financials	MS Word® or Adobe Acrobat®
Request 22	R-22 - Action Plan	MS Excel®
Request 23	R-23a - Supplemental Narrative	MS Word®
	R-23b - Supplemental Attachments	MS Word® or Adobe Acrobat®
Business Plan (If Applicable)	Refer to the Business Plan Requirements for file naming conventions for business plan attachments.	

LETTER OF INTENT REQUIREMENTS

ALL applicants must submit a Letter of Intent containing the information described below by the deadline noted in the RFP Timeline (see pages i-ii). It is not necessary to submit a Transmittal and Summary Form with the Letter of Intent.

Applicant Information:

- Name.
- Contact information.
- Information demonstrating the applicant is a parent, teacher, school administrator, or resident of the community where the charter school is proposed to be located. This information may be listed in the resume or separately. For replication requests, the current board chair may be listed as the applicant.
- Current resume and biographical statement.
- Existing education corporations need only provide:
  - Name of the board chair; and,
  - Contact information for the board chair.

Founder Information:

- Provide a list of a minimum of five proposed board members with a current resume and brief biographical statement for each.
- Existing education corporations need only provide the names and contact information for the existing trustees of the education corporation.
- Provide a list of the remaining founding team members – e.g., excluding those listed as applicants and board members – and provide a current resume and brief biographical statement for each.

CMO / Partner Information:

- Name and address of proposed CMO and/or partner organization(s), if applicable.

School Information:

- Proposed school name (which must, according to the Act, contain the words “Charter” and “School”);
- Proposed or current education corporation name (must contain “Charter” and “School,” and may be the same as the school name);
- Proposed school location (district or New York City CSD(s));

- Approximate date that the school would start instruction (i.e., August, 2018);
- Planned grades and enrollment in the 1st year of operation;
- Planned grades and enrollment in the 5th year of operation; and,
- School description: A brief description of the school model, especially any unique design elements that might require specific expertise in the review process.

Initial Facility Plans:

- A brief description of space the applicant has considered; and,
- Indication of intent to seek public facility space. If the applicant intends to seek public facility space in New York City, the applicant should provide a contingency plan in the event that public space is unavailable. Applicants seeking to co-locate in New York City Department of Education ("NYCDOE") facilities should contact the NYCDOE with questions and may wish to review the information posted here: schools.nyc.gov/community/charters/contacts/charterresources.htm.

Description of Academic Performance

Applicants associated with established schools must provide an analysis of how the school(s) being replicated provides a high quality academic program to students, especially through the lens of SUNY's accountability metrics. Please see the accountability resources for information about SUNY's Accountability Plan and the renewal resources for information about SUNY's charter renewal benchmarks (also available at: www.newyorkcharters.org/category/operational-resources).

Analysis of Community Outreach

Per Education Law § 2852(9-a)(b)(ii), the SUNY Trustees may not consider any proposal that does not reflect a meaningful public review process designed "to solicit community input regarding the proposed charter school and to address comments received from the impacted community concerning the educational and programmatic needs of students." Provide a summary and analysis of community outreach conducted to date as well as plans for further outreach in the future, but before the submission of the proposal.

Minimum Community Outreach Requirements

Successful proposals must provide evidence of the following three criteria:

1. The community, which is not limited to a school district or CSD in New York City (it may be much broader), was informed of the proposed school in a timely fashion.

To meet this criterion, the applicant at minimum must make the public aware of the following:

- An application will be submitted to the SUNY Trustees to open a new charter school;
- The approximate date that the school would commence instruction (e.g., August, 2018);
- Intended location;
- Target population;
- Proposed grades and enrollment;
- Mission;
- Description of academic program;
- That the applicant group is actively soliciting comments on the charter proposal, its educational program, and student programmatic needs; and,
- The manner in which members of the public can submit comments (e.g., at a meeting, by email, in writing, etc.).

2. The community had meaningful opportunities for input.
3. There was a thoughtful process for considering community feedback and incorporating it into the final proposal.

Evidence of Community Outreach and Input

Letters of Intent must include concrete evidence that potential applicants have made progress toward the above three criteria. While community outreach may not be complete by the Letter of Intent deadline, the Institute will determine which groups to invite to submit a full proposal based on the evidence and strength of progress toward each of the criteria.

NOTE: The Institute must reject a Letter of Intent for lack of evidence that the applicants have commenced the community outreach process.

Evidence of Outreach and Community Input

The Institute does not dictate the methods applicants must use to inform the community. Activities might include, for instance, discussions with community

stakeholders (e.g., local superintendents or other district staff, school boards, politicians, community leaders, Community Education Councils and Community Boards in New York City, media figures and editorial boards, parents, parent organizations, etc.), public awareness campaigns, mail or email campaigns, or coverage in local media. Evidence of outreach could include:

- Dated correspondence with community stakeholders that clearly includes a request for comments and provides directions for submitting them. Note: if community outreach includes a form letter, submit a single copy of the form letter, a list of the parties that received the letter, and samples of evidence that the letters were actually received (for example email receipts or replies to the letters);
- Invitations or documentation of room reservations for events or meetings with stakeholders, sign-up sheets, etc. (invitations should include directions to submit comments for those who cannot attend);
- Marketing materials with information about how to provide feedback;
- Copies of media coverage, e.g., articles, blog posts, television spots — again all material should solicit comments; and,
- Proposal information posted on a website inviting feedback, and documentation of the feedback.

LETTERS OF INTENT SUBMISSION:

Applicants must upload Letter of Intent digital files to a Dropbox folder that the Institute will set up for this purpose. Note that this is the only folder that may be used to submit Letters. Once all of the files are uploaded, please send an email to charters@suny.edu to inform the Institute that the Letter of Intent submission is complete. Please contact the Institute to request a Dropbox folder at least one week prior to the Letter of Intent deadline.

PROPOSAL TRANSMITTAL AND SUMMARY FORM

ALL applicants must submit a signed Transmittal and Summary Form with their proposal.

The Institute accepts digital and handwritten signatures. If a handwritten signature is used, applicants should include a scanned copy of the signed form with their proposal, and ensure the Institute receives the paper copy of the transmittal form, bearing the original signature, postmarked by the proposal submission deadline. The Transmittal and Summary Form is available on the Institute's website at: http://www.newyorkcharters.org/request-for-proposals/.

NOTE: Please ensure the enrollment provided on the Transmittal and Summary Form matches the enrollment provided in Response 4.

What to Submit:

Submit the completed electronic copy of the Proposal Transmittal and Summary Form as a Microsoft Word® file named: **R-00a - Transmittal and Summary Form**

STANDARD REQUESTS

Established SUNY authorized education corporations incorporated after August 2010 may use the Replication Requests. All other applicants must complete these Standard Requests.

NOTE: Some applicants must also complete one or more business plans. Refer to the Business Plan Requirement section of the Introduction for more information.

SCHOOL ESTABLISHMENT

1. Community Need and Proposed School Impact

(a) Community Description and Need

Provide an analysis of the community and target population for the school including:

- A description of the community from which the proposed school intends to draw students;
- Community demographics;
- A description of the specific population of students the proposed school intends to serve;
- The applicant's rationale for selecting the community;
- Performance of local schools in meeting the community's need; and,
- How the proposed school would provide a needed alternative for the community.

(b) Programmatic Impact

Describe the programmatic impact the proposed charter school would have on existing public and nonpublic schools in the same geographic area as the proposed school location. Responses should include:

- A table listing the existing educational options and grades served available to the target population including all district, charter, and private schools in the geographic area;
- Information demonstrating a thorough analysis of existing educational options for the community and target population;
- Analysis of how the proposed school's enrollment plan would impact the enrollment and programmatic viability of the public and non-public schools; and,
- Analysis of the provision of novel or different programs or instructional approaches compared to those currently in place in the targeted community.

(c) Fiscal Impact

Complete the fiscal impact table in the budget template and include a copy of it with this response. Discuss the fiscal impact of the school on other public and non-public schools in the area including:

- Enrollment expectations;

- Per Pupil Allocation assumptions;
- Dollar amount the proposed charter school anticipates receiving from each district in per pupil funding;
- Other projected revenue the proposed charter school anticipates receiving from the district (special education, grant, etc.);
- Projected budget for the school district of location (please note the source and year for this figure); and,
- Yearly projected impact as a percentage of each sending district's budget (for districts projected to send at least 10 students).

What to Submit:

Submit the narrative response to Request 1 as a Microsoft Word® file named:
R-01ac - Community Need and Proposed School Impact

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2. Addressing the Need

(a) Mission

Provide the mission statement for the proposed charter school.

(b) Key Design Elements

Provide a clear and concise overview of the proposed charter school's key design elements, i.e., those aspects of the school critical to its success. Provide an analysis of any research, evidence of effectiveness, or examples of existing programs, which support the selection of these elements. The response should include a brief discussion of how the school will determine if it is effectively executing its key design elements in a way that is aligned with its mission. This should not exceed five pages in length.

(c) Draft Accountability Plan

Complete the Accountability Plan template available on the Institute's website at: http://www.newyorkcharters.org/reporting-requirements/accountability-plan-draft/. The web page includes additional detail to assist the applicant in drafting the required SUNY academic Accountability Plan. This Response should serve as a **draft** based on the applicant's understanding of the Institute's accountability requirements and align with the proposed school model. Institute staff will work with successful applicants in the school's first year of operation to finalize the plan.

What to Submit:

- Submit the narrative response to Request 2(a-c) as a Microsoft Word® file named:
  R-02ab - Addressing Need
- Attach a draft accountability plan as a Microsoft Word® file named:
  R-02c - Accountability Plan

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3. Proposal History Including Community Outreach

(a) Applicant Information

Indicate whether each applicant is a parent, teacher, administrator, and/or community resident as required by the Act. Provide a brief biographical description for the applicant(s) including relevant background and experience. Include applicant resume(s) as Response 3(h) - Founding Team Resumes.

(b) Proposal History

Describe how the applicant team formed and the relationship of its members to each other. Clearly describe the process that the founding group used to develop the proposal. Discuss any assistance the founding group received from outside advisors, for example, support organizations, or consultants (even if these outside advisors are not active members of the founding group).

(c) List of Founding Team Members

Provide a brief biography for any founding team member added since the Letter of Intent submission and use the Founding Team Members table to list the active members of the founding group, including the applicant(s), who developed this

proposal and/or will be involved in the proposed school, if approved. Do not include proposed board members on this list.

Attach the founding team members' resumes as Response 3(h)-Founding Team Resumes.

FOUNDING TEAM MEMBERS (OTHER THAN BOARD MEMBERS)

	NAME	RELEVANT EXPERIENCE/SKILLS AND ROLE IN FOUNDING GROUP	PROPOSED ROLE(S) IN SCHOOL (IF ANY)
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

(d) Board Members

- Provide a brief narrative describing the methods used to recruit and select board members.
- Attach resumes for any board member added since the Letter of Intent Submission with Response 3(i) - Board Member Credentials.
- Use the Proposed Board Members table to identify a minimum of five proposed board members. In circumstances where one or two persons affiliated with a CMO will serve on the education corporation board, a total of at least six or seven trustees must be identified when the proposal is submitted. Refer to the Guidance Handbook for more details. **Proposed board members should intend to serve the school through its first charter term, if approved.**
- Under the heading "Position on the Board," please note any leadership and/or affiliations that proposed board members would hold. For example: "Board Chair," "Board Member – CMO Representative," etc.

- Under the heading "Committee Affiliations (if any)," please note any committees on which a proposed trustee would serve.
- Include any currently vacant seats that the board would fill at a later date, and specify the date. For example, if the board intends to add the head of the school's Parent Teacher Organization as an *ex-officio* member after PTO elections in December of the 1st year, that member should appear in the table below as: Name - TBD; Position on the Board – PTO Representative; Committee Affiliations – TBD; and Area of Expertise and/or Additional Role at School – Parent; and, indicate whether role would be "Voting," or non-voting and/or "*Ex-Officio*."
- **NOTE:** Paid employees of the school including administrators and teachers generally may not serve as voting members of the board, except perhaps in limited circumstances. Please see the Guidance Handbook for further information.

PROPOSED BOARD MEMBERS

TRUSTEE NAME	POSITION ON THE BOARD (OFFICER OR CONSTITUENT REPRESENTATIVE)	COMMITTEE AFFILIATIONS (IF ANY)	EXPERTISE AND/OR ROLE AT SCHOOL (PARENT, STAFF, ETC.)	VOTING	EX-OFFICIO
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

(e) Description of Community Outreach Efforts

NOTE: Community outreach is a minimum statutory requirement. For further information about this requirement, refer to the Guidance Handbook and to the Letter of Intent section of the RFP.

Explain:

- The methods used to inform stakeholders in the intended community about the proposed charter school;
- The strategies used to solicit community input regarding the educational and programmatic needs of students and the plan to meet those needs;
- The form and nature of feedback received from community stakeholders and the process for incorporating that feedback into the submitted proposal; and,
- The extent to which, if at all, the proposal incorporates community input regarding the educational and programmatic needs of students.

(f) Withdrawn, Rejected, and Concurrent Proposals (SUNY and/or Other Authorizers)

- Indicate whether this proposal was previously withdrawn from or rejected by the SUNY Trustees. If yes, provide:
  - The name of the proposed charter school(s) when previously submitted;
  - The date(s) of the previous submission(s); and,
  - A summary of what has changed in the proposal since its previous submission(s) and the reasons therefore.
- Indicate whether the applicant and/or founding team has previously applied for a charter from a charter entity other than the SUNY Trustees, e.g., the Board of Regents. If yes, provide:
  - The name of the charter entity;
  - The name(s) of the proposed school(s) and the date(s) when the application(s) were submitted;
  - The status of the application(s);
  - If any members of the founding group withdrew an application for a substantially similar school from consideration by a charter entity or if such an entity ever denied such an application, provide the reasons for the withdrawal or denial. If the charter entity provided any formal written documentation to explain or justify the decision to not move the application forward (resulting in an applicant withdrawal or denial of the application), attach the document as part of this Response. If the application was granted, but the charter school is no longer in existence, please provide an explanation; and,

- Describe any changes made to the application following the withdrawal or denial of the application evident in this proposal.

(g) Letters of Justification for Previously Denied Applications

If a charter entity has provided any formal documentation to explain a decision to not move an application for a substantially similar school forward (resulting in an applicant withdrawal or denial of the application), attach the document(s) as part of this Response.

(h) Founding Team Resumes

Submit a resume for each founding team member added after the Letter of Intent submission.

(i) Board Member Credentials

- Submit a resume for each board member added after the Letter of Intent submission.
- Board Members Request for Information Forms: Each proposed board trustee must complete, sign, and attach the "Request for Information from Prospective Charter School Trustees" ("RFI") form available on the Institute's website at: http://www.newyorkcharters.org/reporting-requirements/board-members-new/.

(j) Outreach Evidence

This response should include ample and concrete evidence that the applicants conducted the described community outreach.

NOTE: Community outreach is a minimum statutory requirement. For further information about this requirement, refer to the Guidance Handbook.

What to Submit:

- Submit the narrative response to Request 3(a-f) as a Microsoft Word® file named: **R-03af - Proposal History**
- Attach any letters of justification as Microsoft Word® or Adobe® Acrobat files named: **R-03g - Letters of Justification**
- Attach founding team resumes as Microsoft Word® or Adobe® Acrobat files named: **R-03h - Founding Team Resumes**
- Attach board member resumes and RFI Forms as Microsoft Word® or Adobe® Acrobat files named: **R-03i - Board Member Credentials**

- Attach any evidence of community outreach as Microsoft Word® or Adobe® Acrobat files named: **R-03j - Outreach Evidence**

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4. School Enrollment

(a) In a narrative response, describe the following aspects of the school's enrollment plan including:

- The extent to which the proposed charter school's grade configuration aligns with the school district of location and how any misalignment may impact the school;
- Any differences in eligible or minimum age in the same grades between the proposed charter school and district schools;
- The pattern of growth over the charter term including anticipated student attrition, the rationale for the attrition rate, and plans to replace or limit the intake of students;
- A statement about any growth that the applicants may seek in a future charter period if the school is renewed; and
- A statement regarding whether the school might seek to apply for a full-day universal pre-K program. (Note, pre-K applications are handled by the school district of location or NYSED and cannot be submitted until the charter is approved.)

(b) Complete the student enrollment table provided in the budget template and include a copy of it here.

(c) Applicants associated with one or more currently operating public or private school(s) should complete the Statistical Overview – Existing Schools chart available at: http://www.newyorkcharters.org/request-for-proposals/.

What to Submit:

- Submit the response to Request 4(a-b) as a Microsoft Word® file named: **R-04ab - Enrollment**
- If applicable, submit the Statistical Overview – Existing Schools chart as a Microsoft Excel® file named: **R-04c - Statistical Overview**

ACADEMIC SUCCESS

5. Curriculum and Instructional Design

(a) Curriculum Selection and Processes

Summarize the school's curriculum, by subject, and the rationale for all curriculum decisions including:

- Research-based evidence of effectiveness, particularly in meeting the needs of the school's target population, including proper citations;
- Discussion of how the school's curriculum is aligned to New York State standards;
- An explanation of how the curriculum aligns with the school's educational philosophy and furthers its specific mission and unique themes, if applicable;
- How teachers will know what to teach and when to teach it including the curriculum resources that will support instructional planning (e.g., curriculum maps, scope and sequences, pacing guides, etc.) and who will be responsible for creating or selecting these resources; and,
- The processes and procedures the school will use to review, evaluate, and revise the curriculum to ensure its effectiveness for all students, alignment to state standards, and alignment from grade to grade including who will be responsible for these processes and how teachers will be involved.

(b) Assessment System

Describe the diagnostic, formative, and summative assessments the school will use to evaluate student knowledge and skills. This response should:

- Describe each assessment's purpose, design, format, and rationale for its selection;
- Describe key considerations in the selection or creation of any assessments not yet identified;
- Describe how the school will collect and analyze assessment results;
- Explain how the school will ensure assessment results are valid and reliable;
- Describe who will be responsible for administering assessments and collecting and analyzing the results; and,
- Explain how school leaders and teachers will ensure student work products resulting from instruction indicate student preparation for success on state assessments;

- Explain how the following stakeholders will have access to and be able to use assessment results:
  - Teachers;
  - School leaders;
  - The education corporation's board of trustees; and,
  - Students and parents; and,
- Describe how the school will inform parents and students about academic achievement and progress including the timing, frequency, and nature of the feedback.

(c) Instructional Methods

Describe the pedagogical approach the school will use to implement its curriculum including:

- The instructional methods or techniques to be employed in the school including any specific requirements for implementing this pedagogical approach, e.g., co-teaching or aides, technology, physical space, approaches to classroom management, approach to checks for understanding, etc.;
- Research or existing models that support the use of these instructional methods, especially considering the school's target population and curricular choices outlined in Response 5(a); and,
- How these instructional methods will achieve the school's mission and support implementation of any unique elements of the school's design.

(d) Course or Subject Overview

Provide course descriptions by subject for each grade level the school will serve within the initial five years of operation, accounting for both core and non-core subject areas. This should include, at minimum:

- A general description of the content and skills that would be addressed in the course; if known;
- The curricular programs (e.g., Singapore Math, FOSS, etc.) that would be used in each course;
- Essential course specific assessments (e.g., the state's 3-8 assessments/Regents exams, end of course portfolios or performances, etc.); and,

- If serving students in 12th grade, provide an outline of course sequences leading to graduation.

(e) Promotion and Graduation Policy

Explain the school's policies for promoting students from one grade to the next including any early promotion. Include any provisions related to retention of students for a specified number of absences including any equating of tardies to absences. Address when and how the school will inform students and parents about promotion and graduation policies and decisions.

If the school will offer high school grades within the proposed charter term:

- Describe the types of diplomas the school will offer along with the credit and other requirements for each;
- Explain how students will meet the requirements set forth by New York State for the granting of each relevant type of diploma; and,
- Include any additional specific graduation requirements and the rationale for their selection.

(f) Programmatic Audits

Describe a plan of annual programmatic audits of the implementation and effectiveness of the school's education program. Programmatic audits should include an evaluation of the effectiveness of the school's academic program, governance, and operations. Note that the programmatic audit is not simply a cost/benefit audit as conducted by some school districts. The plan should include, but is not limited to, the:

- Purpose and objectives;
- Areas to be audited;
- Schedule of events;
- Responsible persons, which may include outside consultants;
- Description of written end product;
- How and to whom such written end product will be disseminated; and,
- Any plans to hire outside consultants to perform such audits.

What to Submit:

- Submit the response to Request 5(a-e) as a Microsoft Word® file named:
  R-05ae - Curriculum and Instruction
- Submit the response to Request 5(f) as a Microsoft Word® file named:
  R-05f - Programmatic Audit

6. Calendar and Schedules

(a) School Calendar

- Provide a copy of the school's proposed calendar for its first year of operation that clearly articulates:
  - Total number of days of instruction for the school year including whole and half days;
  - Total number of hours of instruction for the school year including and not including additional instructional time such as tutoring;
  - First and last day of classes;
  - Organization of the school year (i.e., semesters, trimesters, quarters, etc.);
  - All planned holidays and other days off, as well as planned half days; and,
  - Dates for summer school, orientation, and other activities outside of the core academic calendar, if planned.
- Provide a narrative to explain any aspects of the calendar that are not evident on the 1st year calendar or where further explanation is necessary.

(b) Sample Student Schedule

For each division of the school (e.g., lower elementary, upper elementary, middle, and high), provide the following for a typical week of instruction:

- A narrative describing the typical school day (including the approximate start and dismissal times and any regular variations; for example, one day a week early dismissal for teacher professional development), components of the school day devoted to core academics; components of the school day devoted to before or

after school electives; and, remediation or other non-core academic components of the proposed school design;

- A table that outlines the minimum number of weekly minutes the school will devote to core academic subjects in each grade, i.e., ELA, mathematics, science, and social studies, and the total number of all instructional minutes the school would offer per week (exclusive of lunch, recess, study hall, etc.); and,
- A sample student schedule for a typical week.

(c) Sample Teacher Schedule

For each division of the school provide a sample teacher schedule for a typical week of instruction including:

- Length of teachers' work day;
- Time devoted to core teaching assignments, planning, and other activities; and,
- A brief scenario describing a typical teacher day and week.

What to Submit:

Submit the response to Request 6 as a Microsoft Word® file named:

R-06ac - Calendar and Schedules

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7. Specific Populations

(a) Struggling Students

Discuss the school's methods and strategies for identifying and serving students who are struggling academically and at risk of academic failure including:

- How the school will determine and identify which students are struggling including within the context of a Response to Intervention ("RTI") program. The applicant should clearly define the term "struggling student" as it would be applied in the school;
- The strategies, programs, and resources (including personnel) the school will devote to assisting struggling students both within general education classrooms and in other settings, e.g., planning time, small group instruction, tutoring, targeted assistance, technology, staff and consultants, etc.;

- Any research or evidence that supports the appropriateness of the proposed approach; and,
- The process that the school will use to evaluate the efficacy of the program and ensure that the school is meeting the needs of these students.

(b) Students with Disabilities

Discuss the school's methods and strategies for identifying and serving students with disabilities in compliance with all federal laws and regulations. Please refer to Appendix B – Assurances Regarding the Provision of Special Education Services when creating this response as, if approved, the final charter will incorporate the assurances found in this document. Include:

- A statement agreeing to abide by all of the assurances found in Appendix B of this RFP – Special Education Assurances.
- The process for identifying students with disabilities (child find), especially within the context of the school's RTI process;
- The resources, personnel (including administrative responsibilities), direct and related services the school is likely to provide both within general education classrooms and in other settings (e.g., collaborative team teaching ("CTT"), Special Education Teacher Support Services ("SETSS"), speech therapy, physical therapy, occupational therapy, counseling, planning time, instructional materials, technology, professional development, staff and consultants, etc.);
- The services or settings that will be provided by the school district of the student's residency or through a third party contract (pursuant to the Act);
- Any research or evidence that supports the appropriateness of the school's approach to serving students with disabilities;
- The process for coordination between general education teachers and special education teachers or service providers;
- The process that will be used to monitor the achievement and progress of students with disabilities;
- The process that will be used to evaluate the efficacy of the program and ensure that the needs of these students are being met; and,
- Specific professional development for identifying, supporting, and evaluating the progress of special education students including the implementation of RTI and behavioral intervention plans ("BIPs") in the classroom.

(c) English Language Learners

Discuss the school's methods and strategies for identifying and serving ELLs in compliance with all federal laws and regulations including:

- The process for identifying students whose first language is not English and the methods for determining the scope of assistance that these students may need including how the school will ensure that they are not inappropriately identified as students with special education needs;
- The approach, resources, and personnel (including qualifications and reflecting associated administrative responsibilities) the school will use to meet the needs of ELLs (both within general education classrooms and in other settings);
- The research and evidence that supports the appropriateness of this approach;
- The process for coordination between general education teachers and staff serving ELLs and professional development for general education teachers serving ELLs;
- The process that will be used to monitor the achievement and progress of ELLs including exit criteria;
- The process that will be used to evaluate the efficacy of the program, instructors, and ensure that the needs of ELL students are being met;
- How the school will make all necessary materials available to parents of ELLs in a language that they can understand; and,
- How the school will make after school and other extra-curricular programming accessible to ELLs.

(d) Gifted and Advanced Students

Discuss the school's methods and strategies for identifying and serving students who are academically advanced and/or gifted and at risk of not being adequately served including:

- How the school will identify advanced and/or gifted and talented students; and,
- Strategies and programs the school will use within general education classrooms and in other settings to accelerate learning for advanced and gifted and/or talented students.

What to Submit:

Submit the response to Request 7(a-d) as a Microsoft Word® file named:
R-07ad - Specific Populations

8. Instructional Leadership

(a) Instructional Leadership Roles

Describe instructional leadership in the school over the first five years of operation including:

- Specific roles and responsibilities of the personnel who would provide instructional leadership in the proposed school;
- The process and criteria for identifying and selecting instructional leaders, including how such criteria aligns with the school's educational philosophy and mission; and,
- How instructional leaders will monitor the effectiveness of the academic program and at-risk students' academic performance.

(b) Teacher Support and Supervision

Describe the school's approach to on-going individual teacher supervision and support including, but not limited to: coaching and feedback systems and supports to ensure high quality instructional planning and implementation.

(c) Professional Development

Describe how the school's professional development program will assist teachers in meeting students' academic needs and school goals including:

- An overview of the frequency and format of professional development;
- Who will be responsible for leading and providing professional development;
- How the school will identify professional development topics;
- How the school's professional develop plans support the school's mission, key design elements, and the target and special populations' needs;
- How the professional development program will meet the needs of all teachers, including novice teachers, teachers new to the school, highly effective teachers, and teachers of all subjects; and,

- The process for evaluating the efficacy of the professional development program.

(d) Teacher Evaluation and Accountability

Describe how the school will evaluate teachers and hold them accountable for student achievement, including:

- An explanation of how expectations for teacher performance and student achievement will be established, communicated to, and instilled in, staff; and,
- A description of the school's process and criteria for evaluating teacher performance and holding teachers and leaders accountable for student achievement.

What to Submit:

Submit the response to Request 8(a-d) as a Microsoft Word® file named:
R-08ad - Instructional Leadership

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9. School Culture and Discipline

(a) Explain how the school will establish and maintain a culture that supports learning and achievement including:

- The school's general approach to school culture and rationale for this approach;
- How the school will maintain a safe and orderly environment; and,
- If the charter school would implement a dress code policy, describe the policy and the rationale for its selection. Include a description of how the cost of any uniform would be subsidized for parents unable to afford it.

(b) Discipline Policy (for general education students);

(c) Special Education Discipline Policy (in conformity with the federal Individuals with Disabilities Education Act ("IDEA") and regulations; and,

(d) Dress Code Policy.

What to Submit:

- Submit the response to Request 9(a) as Microsoft Word® file named: **R-09a - Culture and Discipline**
- Attach the school's Discipline Policies for general education students as a Microsoft Word® file named: **R-09b - Discipline Policy**
- Attach the school's Discipline Policies for special education students as a Microsoft Word® file named: **R-09c - Special Education Policy**
- Attach the school's Dress Code as a Microsoft Word® file named: **R-09d - Dress Code**

ORGANIZATIONAL VIABILITY

10. School Management and Leadership

(a) Organizational Chart

Provide organizational charts for the 1st and 5th years of operation clearly showing reporting structures between the school leader(s), the board of trustees, and staff. If the charter school intends to contract or partner with an entity for management or educational services, the organizational charts should also reflect that relationship.

(b) School Leadership and Management Structure

Include a narrative explaining the lines of reporting and accountability, the rationale for choosing this structure, and the roles of any management or partner organizations. The narrative should:

- Describe the management practices and procedures, i.e., how the school will set priorities and make key organizational decisions;
- Outline the evaluation procedures for staff in management positions; and,
- Describe recruitment plans for the school leader including:
  - The process and criteria the school will use to select the school leader;
  - Who has been, or will be involved in the selection process; and,
  - The role of any CMO or partner organization (if any) in the selection process.

What to Submit:

Submit the response to Request 10 as a Microsoft Word® or Adobe Acrobat® file named:

R-10ab - School Management and Leadership

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11. Personnel

(a) Staffing Chart and Rationale

Complete the table provided in the budget template to list all instructional and non-instructional staff positions during the first five years of operation and include a copy of

the table in this response. Provide a narrative that explains the rationale for the staffing structure and numbers.

(b) Qualifications and Responsibilities

Provide a list of qualifications and responsibilities for each position including all instructional and administrative positions.

(c) Staff Recruitment and Retention

NOTE: If a business plan submitted in conjunction with this proposal fully addresses this request, applicants may reference the business plan response in lieu of addressing these questions in full in the proposal.

Describe plans to recruit and retain staff, particularly high quality teachers including:

- The processes and policies to recruit and hire teachers and other staff; and,
- The strategies for retaining high quality teachers.

(d) Personnel Policies

Submit a copy of the proposed school's personnel policies.

What to Submit:

- Submit the response to Request 11(a-c) as a Microsoft Word® file named: **R-11ac - Personnel**
- Attach Personnel Policies as a Microsoft Word® file named: **R-11d - Personnel Policies**

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12. Partner Organizations

(a) Partner Information

- Explain the due diligence process used to select the partner(s), and its role in the development of this proposal.
- Describe any partner organizations that will have a significant relationship with the proposed school. Include the following information in relation to the partner organization:
  - The name of the partner organization(s);
  - The name, address, phone number, and e-mail of a contact person;

– A description of the nature and purpose of the relationship;

– Any contract or monetary arrangements; and,

– Names of proposed school board members affiliated with the organization(s).

NOTE: Applicants submitting a proposal in conjunction with a CMO do not need to include information about the CMO in this response. CMOs should submit a business plan in conjunction with the proposal. Refer to the Application Requirements section for information about submitting a business plan.

Not all non-CMO partner organizations are required to submit a business plan with the school proposal. Please refer to the Business Plan Requirements section in the Introduction for further information and contact the Institute with any questions.

The business plan requirements may be downloaded from the Institute's website: http://www.newyorkcharters.org/request-for-proposals/.

(b) Partner Commitment

For each new proposed partnership, provide a letter of intent or commitment from a bona fide representative of the partner organization(s) indicating the terms and extent of the organization's involvement with the charter school.

If the school would provide compensation to the partner(s) for any goods or services (i.e., a lease or fee), provide a copy of the term sheet or draft contract and include an explanation about how such services would be at or below fair market value.

What to Submit:

- Submit the response to Request 12(a) as Microsoft Word® file named: **R-12a - Partner Organizations**
- Attach the letter(s) of commitment from the partner organization(s) as a Microsoft Word® or Adobe® Acrobat file named: **R-12b - Partner Commitment**

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13. Governance

(a) Education Corporation Board Roles and Responsibilities

Describe the roles and responsibilities of the education corporation's board of trustees including:

- Selecting school leader(s) (and partner or management organizations, if any);
- Monitoring school performance including fiscal performance; and,
- Evaluating school leaders (and partner or management organizations, if any) and holding them accountable for achievement of the school's mission and goals.

(b) Education Corporation Board Design

Describe the rationale for the proposed design of the education corporation's board of trustees including:

- Number of trustees;
- Officer positions;
- *Ex-officio* members (voting and non-voting);
- Standing committees or committees with the full authority of the board (if any);
- Delegation of authority to any committees, officers, employees, or contractors;
- Information to be received from the CMO, partner, school leadership, staff or contractors as applicable;
- Frequency of board and committee meetings;
- Procedures for publicizing and conducting monthly school board meetings in accordance with the Act and the NY Open Meetings Law;
- Trustee recruitment and selection process and criteria;
- New trustee orientation process; and,
- Board/trustee training and development.

(c) Stakeholder Participation

Explain how parents and school staff, including teachers, will provide input and participate in the governance of the education corporation.

(d) By-laws

Provide a draft of the proposed education corporation's governing by-laws.

(e) Code of Ethics

Provide a draft of the proposed education corporation's code of ethics.

The Code of Ethics must include a comprehensive and formal conflict of interest policy with specific procedures for implementing the policy and assuring compliance with the policy. The Code of Ethics and conflict of interest policy (which may be one document) must be written to apply not only to trustees, but also to officers and employees of the school in conformity with the NY General Municipal Law. Please see the Guidance Handbook for more details.

(f) Complaint Policy

Provide a draft of the proposed school's complaint policy. The complaint policy must include procedures for handling complaints including from staff, parents, employees, and contractors.

What to Submit:

- Submit the response to Request 13(a-c) as Microsoft Word® file named: **R-13ac - Governance**
- Attach Board By-laws as a as Microsoft Word® file named: **R-13d - Bylaws**
- Attach Code of Ethics as a as a Microsoft Word® file named: **R-13e - Code of Ethics**
- Attach Complaint Policy as a as a Microsoft Word® file named: **R-13f - Complaint Policy**

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14. District and School Relations

(a) Provide strategies for establishing and maintaining an ongoing relationship with the local school district including any foreseen opportunities or challenges.

(b) Provide a description of low-performing schools in the area where the proposed charter school intends to be located and explain how the charter school might partner with those schools to share best practices and innovations.

What to Submit:

Submit the response to Requests 14(a-b) as a Microsoft Word® file named:

R-14 - District Relations

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15. Student Demand, Community Support, Recruitment, and Retention

(a) General Student Population

Provide a narrative description of student demand. Explain how it will enable the school to meet its proposed enrollment.

(b) Target Population Enrollment

NOTE: Presenting a plan to recruit and retain target populations is a minimum statutory requirement. For further information, refer to the Guidance Handbook.

Explain how the school will meet or exceed the enrollment and retention targets established by the SUNY Trustees for students with disabilities, ELLs, and FRPL students. The response should:

- Cite the proposed school's enrollment and retention targets as determined through the enrollment and retention calculator found here:

  www.newyorkcharters.org/operate/existing-schools/enrollment-retention/;

- Articulate the recruitment strategies the school will employ to attract each target population to the school (including outreach to parents in the community for whom English is not their primary language);

- Describe any at-risk admissions factors, set-asides, or "preferences" the school would offer to increase the likelihood of enrolling targeted students;

  Note that including preferences beyond one extra weight (ticket) in the lottery may make the proposed school ineligible to receive federal Charter School Program ("CSP") grant funding. See Appendix A and the *Guidance Handbook* for further information; and,

- Provide a brief explanation of the efforts, resources, structures, or programs that the school will employ to retain these students and how the school will monitor the efficacy of such efforts including disaggregation of student performance data for each subgroup.

(c) Evidence of Student Demand

Describe and provide evidence of the demand for the school (e.g., petitions that clearly indicate signers have students of age to enroll in the school and would consider enrolling them in the school). If using waitlists as evidence of demand, provide an estimate based on experience of how many waitlist entries it takes to fill a seat.

NOTE: If evidence of student demand overlaps with evidence of community support, it is not necessary to duplicate documents. Please clearly describe how any specific evidence of community support also explicitly or implicitly demonstrates student demand.

(d) Community Support

Describe support for the proposal from community stakeholders or others including an analysis of both the depth of support and opposition to the school.

(e) Evidence of Community Support

Submit examples, documents, etc. that provide evidence of support.

(f) Admissions Policy

Describe the admissions policy for the school including any at-risk designations or set-asides, and how the school intends to apply the statutory preferences for returning students, siblings, students residing in the school district or CSD of location of the charter school, and employees of the education corporation or CMO (up to a 15% set aside) in accordance with the Act.

Further Institute guidance relating to school admissions, including a new employee and CMO employee preference, is available at: http://www.newyorkcharters.org/applications-admissions-materials/.

What to Submit:

- Submit the response to Requests 15(a-b) as a Microsoft Word® file named:
  R-15abd - Student Demand
- Attach evidence of student demand as a Microsoft Word® or Adobe® Acrobat file named:
  R-15c - Evidence of Demand
- Submit the response to Requests 15(d-e) and attach evidence of community support as a Microsoft Word® or Adobe® Acrobat file named:
  R-15e - Evidence of Support
- Attach the school's admissions policy as a Microsoft Word® file named:
  R-15f - Admissions Policy

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16. Facility

(a) Facility Needs

Describe the facility needs of the proposed school for each year of the charter period including any unique features necessary to implement the school design and academic program including:

- The desired location of the school facility;
- The number of general education classrooms required each year;
- Any additional classroom space required for special education or ELL services, labs, specialty classes, and intervention or enrichment programs;
- Space requirements for administrative functions, food services, a nurse's office, and physical education; and,
- If the applicants intend to offer a residence program for students, describe the facility requirements to support this program, overnight staffing, and include specific and detailed information regarding the number of residence rooms, configuration, restrooms, food service, and other facility-related needs.

(b) Facility Selection

Describe the efforts to date to secure a facility for the school including:

- If the applicants have identified a facility, a description of the facility and how it meets the school's needs including its location and whether it is new construction, part of an existing public or private school building, or must be renovated for use;
- How the proposed facility will be able to meet NYSED (outside of NYC), or New York City Department of Buildings School Use ("G"), and state sanitary specifications by commencement of the first year of operation;
- If the applicants have not identified a facility, explain the plans for securing a suitable facility and preparing it for use by the time the school would open (including assuring that it meets specifications). Also, explain any contingency planning including the associated costs;
- If an applicant seeks to be located in any public school facility as a primary option, he or she must clearly state these plans and indicate that a facility has *not* been located *unless* all necessary governmental approvals for the facility have been obtained;
- If co-located space is the primary facility plan and the budget template has been completed under that assumption but the applicant would also investigate other

options, discuss the alternative plans in a narrative. If the Institute deems it necessary, a budget reflecting the secondary assumptions may be requested; and,

- If another organization is assisting the applicants in obtaining facilities, provide information about such organization.

(c) Facility Related Conflicts of Interest

If the charter school education corporation or its CMO or partner organization would own or lease a facility, provide a description of the ownership or lease arrangement indicating specifically any potential conflicts of interest and arrangements by which the education corporation would manage or avoid such conflicts. Note that in cases where there is a potential conflict, the Institute will likely require a fair market valuation of the cost of the facility supported by independent appraisers. Additionally, no education corporation trustee may have an ownership interest in a facility.

(d) Additional Facility Information

Provide Information such as blueprints, maps, certified estimates, etc., as well as documentation of any commitment (e.g., a deposit, written assurance, lease, etc.) to use a particular facility, as part of this response.

NOTE: If a facility has already been identified, include certification from an architect that:

- The proposed facility can meet NYSED or NYC specifications, as applicable, by the date the school would commence instruction; and,
- The cost of bringing the facility into compliance with the specifications. These costs must be accounted for in the proposed start-up budget.

What to Submit:

- Submit the response to Request 16(a-c) as a Microsoft Word® file named: **R-16ac - Facilities**
- Attach supporting documents as Microsoft Word® or Adobe® Acrobat files named: **R-16d - Facility Documents**

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17. Food Services

Describe the plans for food services the charter school will provide.

What to Submit:

Submit the response to Request 17 as a Microsoft Word® file named: **R-17 - Food Services**

18. Health Services

Describe the plans for health services the charter school will provide.

What to Submit:

Submit the response to Request 18 as a Microsoft Word® file named: **R-18 - Health Services**

19. Transportation

Describe the transportation arrangements for students including arrangements for students who would not qualify for public school transportation under Education Law § 3635. Also describe any supplemental transportation arrangements planned with sending school districts. Include a discussion of any transportation for Saturday school, test preparation, or any transportation that does not align with district options.

What to Submit:

Submit the response to Request 19 as a Microsoft Word® file named: **R-19 - Transportation**

20. Insurance

Describe the insurance coverage the charter school education corporation will carry for the school including the name of the insured and amounts of insurance for liability, property loss, and personal injury and any school owned or leased vehicles or other property. Please include the costs for annual premiums in the proposal budget(s).

What to Submit:

Submit the response to Request 20 as a Microsoft Word® file named: **R20 – Insurance**

21. Fiscal Soundness

(a) Budget Narrative

Discuss in narrative form how the start-up budget plan, the first-year operational budget and cash flow, and the five-year budget plans are fiscally sound and that sufficient start-up funds would be available to the proposed school. Provide the rationale for, or source of, the assumptions upon which the budgets rest, noting specifically which expenses rely on funding from soft money and when the funding for these expenses will transfer to recurring revenue streams, and explain how the budgets support the implementation of the academic program described in the proposal. Please note that schools that include at-risk designations, "preferences," or set-asides in their admissions policies (with the exception of one extra weight in the lottery) may not be eligible for federal CSP grant funding.

(b) Financial Planning

Explain the process the school will use to develop its annual budget including:

- Who will be involved;
- How needs will be identified and weighed;
- The timeline for creating and approving budgets; and,
- Procedures for monitoring and modifying budgets and on what interval.

(c) Fiscal Audits

Describe the school's plans for at least annual independent fiscal audits conducted by a certified public accountant or certified public accounting firm licensed in New York State. Please note that specific assurances as to fiscal audits are included in the attached Assurances Regarding the Provision of Fiscal Audits and Dissolution.

(d) Dissolution Procedures

Provide a brief narrative of the procedures that the school would follow, in addition to the SUNY Closure Plan, in the event of closure and dissolution. Please note that specific

assurances as to dissolution are included in Appendix B: Assurances Regarding the Provision of Fiscal Audits and Dissolution.

(e) Budget Template

Complete the 2018 RFP Budget Template which can be downloaded from: http://www.newyorkcharters.org/request-for-proposals/.

Newly formed applicant groups should submit one budget for each proposed school.

Applicants should submit a budget that reflects the most likely facility cost scenario when the school is to begin operation. If a proposal includes a budget that assumes a district provided facility, and applicants later secure a private facility, the Institute will require a revised budget.

(f) Letters of Commitment

Attach letters of commitment for any funding from private contributions, grant funds, or other philanthropic sources included in the school budget. List the amounts and the anticipated uses for the funding.

(g) Non-SUNY Financials

This request pertains only to applicants associated with one or more private or charter schools that SUNY does not authorize. All other applicants should indicate, "Request is not applicable" in response to this Request.

Attach the following documents covering the last five years for each private or charter school that SUNY did not authorize including any out of state school that is currently associated with a replicating applicant:

- IRS Form 990s;
- Audited financial statements; and,
- Management or Advisory Letters from the independent auditor (if applicable).

Note that this request seeks school level information about individual schools. Applicants seeking to replicate a under a larger network should submit a business plan completed by the network in conjunction with the proposal, which requests similar information at the network level. See the ***Business Plan Overview and Requirements for Applicants*** located at: http://www.newyorkcharters.org/request-for-proposals/. If information responsive to this Request is contained in a business plan, reference the business plan in this Response.

What to Submit:

- Submit the response to Requests 21(a-d) as a Microsoft Word® file named: **R21ad - Fiscal Soundness**
- Attach the Budget Template as a Microsoft Excel® file named: **R-21e - Budget Template**
- Attach Letters of Commitment as a Microsoft Word® or Adobe® Acrobat file named: **R-21f - Letters of Commitment**
- Attach Non-SUNY Financials as an Adobe® Acrobat file named: **R-21g - Non-SUNY Financials**

22. Action Plan

Provide a detailed action plan outlining the steps the founding group will undertake to ensure a successful start-up. In a well-organized chart, the action plan should include:

- All projected key steps in the pre-opening period (from SUNY approval through the commencement of instruction) including, but not limited to, hiring personnel, setting up organizational, legal and financial structures, securing funding, and selecting or developing critical aspects of the school's academic program including the curriculum;
- The start date and projected completion date of each task; and,
- The person(s) responsible for each task.

What to Submit:

Submit the response to Request 22 as a Microsoft Word® or Microsoft Excel® file named: **R-22 - Action Plan**

SUPPLEMENTAL INFORMATION

23. Supplemental Narrative

(a) If there is any additional information that would help the Institute and SUNY Trustees evaluate the proposal, please describe it here and provide a rationale for its inclusion. If no supplementary information is necessary, please indicate that this Request is not applicable.

(b) Supplemental Attachments

Submit attachments, documents, etc., discussed in response to part (a) above. If no supplemental documents are necessary, please indicate that this Request is not applicable.

What to Submit:

- Submit the response to Request 2(a) as a Microsoft Word® file named: **R-23a - Supplemental Narrative**
- Attach Supplemental and Support Documents as a Microsoft Word® or Excel, or Adobe® Acrobat file(s) named: **R-23b - Supplemental Attachments**

REPLICATION REQUESTS

Application questions (requests) for all those seeking to replicate an existing SUNY authorized charter school that was chartered after August 2010.

PROPOSAL REQUESTS FOR APPLICANTS SEEKING TO REPLICATE AN EXISTING SUNY AUTHORIZED CHARTER SCHOOL

WHO MAY USE THE REPLICATION REQUESTS?

Any education corporation that was authorized by the SUNY Trustees after August 2010, and is seeking to operate one or more new schools — whether under their existing education corporation or by creating a new education corporation — is eligible to use the Replication Requests.

NOTE: Applicants who propose a significantly different academic model for the proposed new school than the replicating school should not use the Replication Requests and should instead use the Standard Requests even if the school would be within an existing education corporation.

INCORPORATING BY REFERENCE

Replicating applicants may choose to incorporate certain responses by reference to the terms of operation of an existing charter agreement, or a prior application (new or renewal), instead of providing a full response to each request. The Replication Proposal Checklist ("Checklist") helps replicating applicants easily and accurately incorporate by reference. The Checklist also simplifies the process by allowing replicating applicants to omit responses from their proposals where such responses are simply referencing an existing charter without any modification or where a response is optional or only applicable to some applicants.

Applicants proposing changes to an existing program may find it helpful to refer to the Standard Requests instructions for the Institute's current expectations and guidance.

While the information provided in this section outlines the requirements of each Request, the *Guidance Handbook: A Resource for Applicants Responding to the 2018 SUNY Request for Proposals* (Guidance Handbook) includes detailed overall guidance and specific instructions related to Requests.

REQUESTS

Please respond to each request in its entirety. If any section of a request is not applicable, please include that section in the application along with a response indicating it is not applicable.

REPLICATION PROPOSAL CHECKLIST

Complete the Replication Proposal Checklist found here: http://www.newyorkcharters.org/request-for-proposals/.

Carefully complete each column per the instructions below.

Column A

- For each relevant request, indicate if the proposal response incorporates an existing document by reference or not. Note that applicants may only incorporate materials that SUNY Trustees have already approved.
- Applicants who do not incorporate a response by reference should select "No" and move to the next request on the Checklist. In this case applicants should provide a complete response to the request.

Column B

- If the response applies to all schools in the education corporation (effectively revising the terms of operation of the existing schools), select "All schools."
- If the response applies only to the proposed school(s) and not to other schools in the education corporation, select "Proposed School."
- Applicants establishing a new education corporation should select "N/A" (not applicable).

Column C

For each relevant request, indicate if the proposal response incorporates an existing document by reference with revisions ("Yes"), with no revisions ("No"), or if the proposal includes an entirely new response ("N/A").

- For the given request, incorporating by reference with no revisions indicates that the approach in place at the replicating school would be used at the proposed school. Applicants who incorporate by reference with no modifications should not submit a response to the request.
- Incorporating by reference with revisions suggests that the proposed school would use a substantially similar approach as the replicating school, but would apply some small differences. For example, the applicant may incorporate the replicating school's special education program, except to add one special education setting that is not part of the replicating school's original charter. The corresponding response should only include a description of the proposed revision.

Column D

- Input the title of the part of the original, renewal, merger, or revision application being incorporated by reference. For example, if the applicants choose to incorporate by reference the special education services of a school approved by the SUNY Trustees under the January 2011 RFP, the corresponding information to be supplied should read, "Attachment 13(a) – Students with Disabilities, January 2011 Smith Charter School Terms of Operation as amended to date" that explains the special education services for the school including any later material or non-material revisions.
- Applicants incorporating by reference should be careful to provide a response that includes all of the information required in the relevant 2018 RFP Request. If SUNY approved a proposal that did not include information required in the 2018 RFP, then supplement the response incorporated by reference, or submit a new, full response.
- Since renewal applications do not include all of the information required for a new school proposal, it may be necessary to reference the original charter if the replicating school has been renewed. If the Institute approved a material revision to the replicating school's charter, it would be helpful for the applicant to include the date(s) of the original approval, the renewal, and of the material revisions, as applicable. For example, "Response 12 as amended by the charter revision of March 2013."
- Applicants do not need to note non-material revisions, but a best practice would be to draft those changes into the response and indicate that it would be applicable to the entire charter school education corporation as amended.

Column E

- Indicate the year that SUNY approved the relevant section of the charter. Typically, this would be the date that the SUNY Trustees approved the replicating school's original charter, renewal charter, a merger, or a material revision.

What to Submit:

Submit the completed electronic copy of the Replication Proposal Checklist, which may be downloaded from http://www.newyorkcharters.org/request-for-proposals/ as a Microsoft Excel® file named: **R-00b - Replication Checklist**

SCHOOL ESTABLISHMENT

1. Community Need and Proposed School Impact

(a) Community Description and Need

Provide an analysis of the community and target population for the school including:

- A description of the community from which the proposed school intends to draw students;
- Community demographics;
- A description of the specific population of students the school intends to serve;
- The applicants' rationale for selecting the community;
- Performance of local schools in meeting the community's need; and,
- How the proposed school would provide a needed alternative for the community.

(b) Programmatic Impact

Describe the programmatic impact the proposed charter school would have on existing public and nonpublic schools in the same geographic area as the proposed school location. Responses should include:

- A table listing the existing educational options and grades served available to the target population including all district, charter, and private schools in the same geographic area;
- Information demonstrating a thorough analysis of existing educational options for the community and target population;
- Analysis of how the proposed school's enrollment plan would impact the enrollment and programmatic viability of the public and non-public schools in the same geographic area; and,
- Analysis of the provision of novel or different programs or instructional approaches compared to those currently in place in the targeted community.

(c) Fiscal Impact

Complete the fiscal impact table included in the budget template and include a copy of it with this response. Discuss the fiscal impact of the school on other public and non-public schools in the area including:

- Enrollment expectations;

- Per Pupil Allocation assumptions;
- Dollar amount the proposed charter school anticipates receiving from each district in Per Pupil Funding;
- Other projected revenue the proposed charter school anticipates receiving from the district (special education, grant, etc.);
- Projected budget for the school district of location (please note the source and year for this figure); and,
- Yearly projected impact as a percentage of each sending district's budget (for districts project to send at least 10 students).

What to Submit:

Submit the narrative response to Request 1 as a Microsoft Word® file named:
R-01ac - Community Need and Impact

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2. Addressing the Need

(a) Mission

If the proposed school is adopting the same mission as the replicating school, incorporate the missions by reference.

If the mission statement of the proposed school is different from the current mission statement of the replicating school, provide the mission statement and an explanation of why the mission is different. Additionally, if applicable, indicate if the proposed mission statement would apply to all schools in the education corporation.

(b) Key Design Elements

If the proposed school is adopting the replicating school's Key Design Elements, incorporate the Key Design Elements by reference.

If the Key Design Elements of the proposed school are different from the current Key Design Element of the replicating school, provide the Key Design Elements and an explanation of why they are different. Additionally, if applicable, indicate if the proposed Key Design Elements would apply to all schools in the education corporation. This response should not exceed five pages in length.

(c) Draft Accountability Plan

Complete the Accountability Plan template available on the Institute's website at: http://www.newyorkcharters.org/reporting-requirements/accountability-plan-draft/. The web page includes additional detail to assist the applicant in drafting the required SUNY academic Accountability Plan. This Response should serve as a **draft** based on the applicant's understanding of the Institute's accountability requirements and align with the proposed school model. Institute staff will work with successful applicants in the first year of the school's operation to finalize the plan.

What to Submit:

- Submit the narrative response to Requests 2(a-c) as a Microsoft Word® file named:
  R-02ab - Addressing Need
- Attach a draft accountability plan as a Microsoft Word® file named:
  R-02c - Accountability Plan

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3. Proposal History

(a) Applicant Information

Include the name of the replicating Education Corporation board chair as the nominal applicant.

(b) Proposal History

Newly forming education corporations should describe how the team formed and the relationship of its members to each other. Clearly describe the process used to develop the proposal. Discuss any assistance the group received from outside advisors, for example, support organizations or consultants (even if these outside advisors are not active members of the founding group).

SUNY education corporations seeking authority to operate additional schools may indicate "not applicable."

(c) Application Team Members

Provide a brief description of team members involved in preparing this proposal and their roles. Do not include information about current or proposed board members.

(d) Board Members

Complete the following table for all members of the current/proposed education corporation board, including any currently vacant seats that the board would fill by the end of the first year of operation (e.g., a seat for an ex-officio parent representative).

Add an asterisk (*) next to the names of any board members of an existing education corporation the Institute has not yet approved. By including such members here, it means those members would only be approved if the application is approved. If an existing SUNY authorized education corporation wants to add members regardless of whether a new school is approved, please use the forms found at: http://www.newyorkcharters.org/reporting-requirements/board-members-new/ and do not include the names here. (The proposal may have to be updated later with approved education corporation trustees.)

For replicating organizations seeking to create a new charter school education corporation:

- A minimum of five members must be identified when the proposal is submitted.
- In circumstances where persons affiliated with a CMO will serve on the education corporation board, at least six or seven trustees must be identified when the proposal is submitted. Please see the Guidance Handbook for more details.
- Paid employees of the school may generally not serve as voting members of the board including administrators and teachers, except perhaps in limited circumstances. Please see the Guidance Handbook for further information.

PROPOSED BOARD MEMBERS

TRUSTEE NAME	POSITION ON THE BOARD (OFFICER OR CONSTITUENT REPRESENTATIVE)	COMMITTEE AFFILIATIONS (IF ANY)	AREA OF EXPERTISE AND/OR ADDITIONAL ROLE AT SCHOOL (PARENT, STAFF, ETC.)	VOTING	*EX-OFFICIO*

(e) Description of Community Outreach Efforts

NOTE: Community outreach is a minimum statutory requirement. For further information about this requirement, refer to the Guidance Handbook and to the Letter of Intent section of the RFP.

Explain:

- The methods used to inform stakeholders in the intended community about the proposed charter school;
- The strategies used to solicit community input regarding the educational and programmatic needs of students and the plan to meet those needs;
- The form and nature of feedback received from community stakeholders and the process for incorporating that feedback into the submitted proposal; and,
- The extent to which, if at all, community input regarding the educational and programmatic needs of students was incorporated into the final proposal.

(f) Withdrawn, Rejected, and Concurrent Proposals (SUNY and/or Other Authorizers)

- Indicate whether this proposal was previously withdrawn from or rejected by the SUNY Trustees. If yes, provide:
  - The name of the proposed charter school(s) when previously submitted;
  - The date(s) of the previous submission(s); and,

  - A summary of what has changed in the proposal since its previous submission(s) and the reasons therefore.

- Indicate whether the applicant and/or founding team has previously applied for a charter from a charter entity other than the SUNY Trustees. If yes, provide:
  - The name of the charter entity;
  - The name(s) of the proposed school(s) and the date(s) when the application(s) were submitted;
  - The status of those applications;
  - Describe any changes made to the application following the withdrawal or denial of the application evident in this proposal; and
  - If any members of the founding group withdrew an application for a substantially similar school from consideration by a charter entity or if such an entity ever denied such an application, provide the reasons for the withdrawal or denial. If the application was granted, but the charter school is no longer in existence, please provide an explanation.

(g) Letters of Justification for previously denied applications

If a charter entity has provided any formal written documentation to explain or justify a decision to not move an application for a substantially similar school forward (resulting in an applicant withdrawal or denial of the application), attach the document as part of this Response.

(h) Founding Team Resumes

SUNY replicators may indicate "not applicable."

(i) Board Member Credentials

- Submit a brief biographical statement for any newly proposed trustees that were not included in the Letter of Intent.
- Submit a resume for any newly proposed trustees that were not included in the Letter of Intent.
- Complete, sign, and submit a Request for Information Form ("RFI") for each proposed board member who is not currently on a SUNY approved charter school education corporation board (as identified with an asterisk (*) in the table above). The RFI form is available at: http://www.newyorkcharters.org/reporting-requirements/board-members-new/.

(j) Evidence of Outreach

NOTE: Community outreach is a minimum statutory requirement. For further information about this requirement, refer to the Guidance Handbook.

This response should include ample and concrete evidence that the applicants conducted the described community outreach.

What to Submit:

- Submit the narrative response to Request 3(a-f) as a Microsoft Word® file named: **R-03af - Proposal History**
- Attach any letters of justification as Microsoft Word® or Adobe® Acrobat files named: **R-03g - Letters of Justification**
- Attach founding team resumes as Microsoft Word® or Adobe® Acrobat files named: **R-03h - Founding Team Resumes**
- Attach board member resumes and Request for Information forms, as Microsoft Word® or Adobe® Acrobat files named: **R-03i - Board Member Credentials**
- Attach any evidence of community outreach as Microsoft Word® or Adobe® Acrobat files named: **R-03j - Outreach Evidence**

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4. School Enrollment

(a) In a narrative response, describe the following aspects of the school's enrollment plan:

- The extent to which the school's grade configuration aligns with the school district of location and how any misalignment may impact the school;
- Any differences in eligible or minimum age in the same grades between schools;
- The pattern of growth over the charter term including anticipated student attrition, the rationale for the attrition rate, and plans to replace or limit the intake of students;
- Whether the presented education corporation enrollment would require any revisions to currently chartered enrollment;
- A statement about any growth that the applicants may seek in a future charter period if the school is renewed; and,

- If the intent is for a school to offer any grades not already offered by a school within the replicating education corporation, please provide the rationale for the enrollment plan.

(b) Complete the student enrollment table provided in the budget template and include a copy of it here.

(c) Complete the Statistical Overview – Existing Schools chart for any currently operating public or private school(s). The chart is available at: http://www.newyorkcharters.org/reporting-requirements/board-members-new/.

What to Submit:

- Submit the response to Request 4(a-b) as a Microsoft Word® file named: **R-04ab - Enrollment**
- If applicable, submit the Statistical Overview – Existing Schools chart as a Microsoft Excel® file named: **R-04c - Statistical Overview**

ACADEMIC SUCCESS

5. Curriculum and Instructional Design

If the proposed school is adopting the replicating school's academic program, incorporate the program by reference. If applicable, note any changes to the original model and indicate if these changes pertain to the proposed school only, or would modify the terms of the entire education corporation. Describe any changes under the relevant headings below:

(a) Curriculum Selection and Process;

(b) Assessment System;

(c) Instructional Methods;

(d) Course or Subject Overview;

(e) Promotion and Graduate Policy; and,

(f) Programmatic Audit.

NOTE: that applicants who propose a significantly different academic model for the proposed new school than the replicating school should not use the Replication Requests, and should instead use the Standard Requests.

What to Submit:

- Submit the response to Requests 5(a-e) as a Microsoft Word® file named:
  R-05ae - Curriculum and Instruction
- Submit the response to Request 5(f) as a Microsoft Word® file named:
  R-05f - Programmatic Audit

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6. Calendar and Schedules

If the proposed school is adopting the replicating school's calendar and schedule, incorporate the calendar and schedule by reference, note the dates of the first and last day of classes for the first year of operation, and include an assurance that the school will provide at minimum the statutorily required amount of instructional time. If applicable, note any changes to the original schedule and indicate if these changes pertain to the

proposed school only, or would modify the terms of the entire education corporation. Describe any changes under the relevant headings below:

(a) School Calendar;

(b) Sample Student Schedule; and,

(c) Sample Teacher Schedule.

What to Submit:

Submit the response to Request 6 as a Microsoft Word® file named:

R-06ac - Calendar and Schedules

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7. Specific Populations

If the proposed school is adopting the replicating school's programs to address the needs of generally at-risk students, special education students, ELLs, and advanced and/or gifted students, incorporate the programs by reference. If applicable, note any changes to the original the model under the relevant headings below and indicate if these changes pertain to the proposed school only, or would modify the terms of the entire education corporation.

(a) Struggling Students;

(b) Students with Disabilities;

(c) English Language Learners; and,

(d) Gifted and Advanced Students.

What to Submit:

Submit the response to Requests 7(a-d) as a Microsoft Word® file named:
R-07ad - Specific Populations

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8. Instructional Leadership

If the proposed school is adopting the same instructional leadership and professional development models as the replicating school, incorporate the programs by reference. If applicable, note any changes to the original model and indicate if these changes pertain to the proposed school only, or would modify the terms of the entire education corporation. Describe any changes under the relevant headings below:

(a) Instructional Leadership Roles;

(b) On-going Teacher Supervision and Support;

(c) Professional Development; and,

(d) Teacher Evaluation and Accountability.

What to Submit:

Submit the response to Requests 8(a-d) as a Microsoft Word® file named:
R-08ad - Instructional Leadership

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9. School Culture and Discipline

If the proposed school is adopting the same approach to school culture, and using the same discipline, special education discipline, and dress code policies as the replicating school, incorporate these by reference. If applicable, note any changes to the original model or policies under the relevant headings below and indicate if they pertain to the proposed school only, or would modify the terms of the entire education corporation.

(a) School Culture and Discipline;

(b) Discipline Policy (general education);

(c) Special Education Policy; and,

(d) Dress Code Policy.

What to Submit:

- Submit the response to Request 9(a) as Microsoft Word® file named: **R-09a - Culture and Discipline**
- Attach the school's Discipline Policies for general education students as a Microsoft Word® file named: **R-09b - Discipline Policy**
- Attach the school's Discipline Policies for special education students as a Microsoft Word® file named:**R-09c - Special Education Policy**
- Attach the school's Dress Code as a Microsoft Word® file named: **R-09d - Dress Code**

ORGANIZATIONAL VIABILITY

10. School Management and Leadership

(a) Organizational Chart

Provide organizational charts for the 1st and 5th years of operation showing clear reporting structures between the school leader(s), the board of trustees, and staff. If the charter school intends to contract or partner with an entity for management or educational services, the organizational charts should also reflect that relationship.

(b) School Leadership and Management Structure

- Include a narrative explaining the lines of reporting and accountability, the rationale for choosing this structure, and the roles of any management or partner organizations.
- Describe the management practices and procedures, i.e., how the school will set priorities and make key organizational decisions.
- Outline the evaluation procedures and processes for staff in management positions.
- Describe recruitment plans for the school leader including:
  - The process and criteria the school will use to select the school leader;
  - Who has been, or will be involved in the selection process; and,
  - The role of any CMO or partner organization (if any) in the selection process.

What to Submit:

Submit the response to Request 10(b) as a Microsoft Word® or Adobe Acrobat® file named:
R-10ab – School Management and Leadership

11. Personnel

(a) Staffing Chart and Rationale

Complete the table provided in the budget template to list all instructional and non-instructional staff positions in the school during the first five years of operation and include a copy of the table in this response. Provide a narrative that explains the rationale for the staffing structure and numbers.

If the applicant is an existing SUNY authorized education corporation and proposes to operate additional school(s), please provide a second, clearly labeled chart indicating the aggregated staffing for the entire education corporation.

(b) Qualifications and Responsibilities

If the proposed school is adopting the same qualifications and responsibilities as the replicating school for all instructional and administrative staff, incorporate this Response by reference. If any of the positions in the proposed school or education corporation (if relevant) would have new qualifications or responsibilities, explain the changes as appropriate.

(c) Staff Recruitment and Retention

NOTE: If the business plan submitted in conjunction with this proposal fully addresses this request, applicants may reference the business plan response in lieu of addressing these questions in full in the proposal.

If the proposed school is adopting the same staff recruitment and retention policies and procedures as the replicating school, incorporate the staff recruitment and retention policies and procedures by reference. If any of the policies or procedures in the proposed school or education corporation (if relevant) would be different, explain the changes as appropriate.

(d) Personnel Policies

If the proposed school is adopting the same personnel policies as the replicating school, incorporate the personnel policies by reference. If the school would use new personnel policies, attach the new policies and indicate if these changes pertain to the proposed school only, or would modify the terms of the entire education corporation.

What to Submit:

- Submit the response to Requests 11(a-c) as a Microsoft Word® file named: **R-11ac - Personnel**
- Attach Personnel Policies as a Microsoft Word® file named: **R-11d - Personnel Policies**

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12. Partner Organizations

(a) Partner Information

If the proposed education corporation or school, as applicable, would have the same partnership relationship(s) as the existing corporation or replicating school, incorporate this section by reference, *but also provide a letter of support or resolution from the partner organization stating that its role would be the same with respect to the new school (see part (b) below)*. If the proposed or existing education corporation would have any new partnership(s) that will have a significant relationship with the proposed school, for each partner organization, provide the following:

- The name of the partner organization(s);
- The name, address, phone number, and e-mail of a contact person for the partner organization(s);
- A description of the nature and purpose of the education corporation's relationship with the organization(s) as it relates to the proposed school;
- Any contract or monetary arrangements between the education corporation and the partner organization(s) as it relates to the proposed school; and,
- The names of current or proposed board members affiliated with the organization(s).

The Institute, at its sole discretion, may determine that the partner organization must submit a business plan. The business plan requirements may be downloaded from the Institute's website: http://www.newyorkcharters.org/request-for-proposals/.

Please contact the Institute with any questions related to this request.

(b) Partner Commitment

- For each new proposed partnership, provide a letter of intent or commitment from a bona fide representative of each partner organization(s) indicating that the organization(s) will be involved in the charter school and the terms and extent of its involvement.
- For each partnership incorporated by reference above, provide a letter of support or resolution of the partner organization stating that its role would be the same with respect to the new school.
- If the school would provide compensation to the partner(s) for any goods or services (i.e., a lease or fee), provide a copy of the most recent executed agreement and any new proposed agreement. Include an explanation about how such services would be at or below fair market value.

What to Submit:

- Submit the response to Request 12(a) as Microsoft Word® file named: **R-12a - Partner Organizations**
- Attach the letter(s) of commitment from the partner organization(s) as a Microsoft Word® or Adobe® Acrobat file named: **R-12b - Partner Commitment**

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13. Governance

(a) Education Corporation Board Roles and Responsibilities

- Proposed New Education Corporation: If the proposed education corporation would have the same board roles and responsibilities as the replicating education corporation, incorporate the board roles and responsibilities by reference. If any aspect of the proposed education corporation board roles and responsibilities would be different from the replicating education corporation, complete this Response accordingly.
- Existing Education Corporation: If the existing SUNY authorized education corporation proposes to operate an additional school, and the governance structure would not change, incorporate this section by reference.

If the existing SUNY authorized education corporation proposes to operate an additional school, and the governance structure would change, then a full response must be supplied that would include how the roles and responsibilities will change to address the governance of more than one school including any new procedures or committee structures. In such cases, describe the roles and responsibilities of the education corporation's board of trustees.

The response should explain the role of the board in:

- Selecting school leader(s) (and partner or CMOs, if any);
- Monitoring school performance; and,
- Evaluating school leaders (and partner or management organizations, if any) and holding them accountable for achievement of the school's mission and goals.

(b) Education Corporation Board Design

- If the proposed education corporation would have the same education corporation board design as the replicating school, incorporate the board roles and responsibilities by reference. If any of the following aspects of the proposed education corporation Board Design would be different from the replicating school's education corporation, describe the difference and provide the rationale for the relevant sections of this response.
- If the proposed new school would be governed by the existing education corporation board, and there would be any new committee structures, officers, or trustees describe those differences.
- Describe the rationale for the proposed design of the education corporation's board of trustees including:
  - Number of trustees;
  - Officer positions;
  - *Ex-officio* members (voting and non-voting);
  - Standing committees or committees with the full authority of the board (if any);
  - Delegation of authority to any committees, officers, employees, or contractors;
  - Information to be received from the CMO, school leadership, staff, or contractors as applicable;

- Frequency of board and committee meetings;
- Procedures for publicizing and conducting school board meetings in accordance with the Act and the NY Open Meetings Law;
- Trustee recruitment and selection process and criteria;
- New trustee orientation process; and,
- Board/trustee training and development.

(c) Stakeholder Participation

If stakeholders are able to participate in school governance in the same manner as the replicating school, incorporate this section by reference. If there are any differences, explain how parents and school staff, including teachers, will be able to provide input and participate in the governance of the school.

(d) By-laws

Proposed new education corporation:

In cases where a new education corporation is being formed to operate the proposed school, provide the by-laws for the proposed education corporation.

Existing Education Corporation:

Only provide by-laws as indicated below if there would be changes to the by-laws of the education corporation as a result of being granted authority to operate the additional school(s).

NOTE: By-laws must conform to the applicable provisions of the NY Education, General Municipal, and Not-For-Profit Corporation Laws. By-laws that have not been reviewed or updated since changes to the Act in 2010 or changes to the Not-For-Profit Corporation Law in 2014 should be reviewed and, if necessary, submitted in full.

(e) Code of Ethics

- Proposed new education corporation: If the proposed education corporation would have the same Code of Ethics as the replicating education corporation, please note that, but also include the Code of Ethics with the name of the proposed education corporation. Note that changes in the Not-For-Profit Corporation Law in 2014 may necessitate changes to the Codes of Ethics regarding conflicts of interest. See the Guidance Handbook for more information.
- Existing Education Corporation: If there are no changes to the Code of Ethics, please state that fact and incorporate the response by reference. If any aspect of

the Code of Ethics would be different from the replicating school, complete this Response accordingly.

  - The Code of Ethics must conform to the applicable provisions of the General Municipal Law that have applied to charter schools since 2010 and the 2014 changes to the Not-For-Profit Corporation Law in 2014, which require certain conflicts of interest provisions. Applicants may not incorporate by reference a Code of Ethics that does not fully reflect the applicable General Municipal and Not-For-Profit Corporation Law provisions; rather, they must submit a full, up to date Code of Ethics.

- Attach the Code of Ethics of the education corporation. The Code of Ethics must include a comprehensive and formal conflict of interest policy with specific procedures for implementing the policy and assuring compliance therewith in accordance with the Not-For-Profit Corporation Law. The Code of Ethics and conflict of interest policy must be written to apply not only to trustees, but also to officers and employees of the school in conformity with the General Municipal Law.

(f) Complaint Policy

The complaint policy must include procedures for handling complaints including from contractors, staff, employees, and parents.

What to Submit:

- Submit the response to Request 13(a-c) as Microsoft Word® file named: **R-13ac - Governance**
- Attach Board By-laws as a as Microsoft Word® file named: **R-13d - Board Bylaws**
- Attach Code of Ethics as a as a Microsoft Word® file named: **R-13e - Code of Ethics**
- Attach Complaint Policy as a as a Microsoft Word® file named: **R-13f - Complaint Policy**

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14. District and School Relations

(a) Provide strategies for establishing and maintaining an ongoing relationship with the local school district including any foreseen opportunities or challenges.

(b) Provide a description of low-performing schools in the area where the proposed charter school intends to be located and explain how the charter school might partner with those schools to share best practices and innovations.

What to Submit:

Submit the response to Requests 14(a-b) as a Microsoft Word® file named:

R-14 - District Relations

15. Student Demand, Community Support, Recruitment and Retention

(a) General Student Population

Provide a narrative description of student demand. Explain how it will enable the school to meet its proposed enrollment.

(b) Target Population Enrollment

NOTE: Presenting a plan to recruit and retain target populations is a minimum statutory requirement. For further information about this requirement, refer to the Guidance Handbook.

Explain how the proposed school will meet or exceed the enrollment and retention targets established by the SUNY Trustees for students with disabilities, ELLs, and FRPL students. The response should:

- Cite the proposed school's enrollment and retention targets as determined through the enrollment and retention calculator found here:

  www.newyorkcharters.org/operate/existing-schools/enrollment-retention/.

- Articulate the recruitment strategies the school will employ to attract each target population to the school (including outreach to parents in the community for whom English is not their primary language).

- Describe any at-risk admissions factors, set-asides, or "preferences" the school would offer to increase the likelihood of enrolling targeted students.

  Note that including preferences beyond one extra weight (ticket) in the lottery may make the proposed school ineligible to receive federal Charter School Program ("CSP") grant funding. See Appendix A and the *Guidance Handbook* for further information.

- Provide a brief explanation of the efforts, resources, structures, or programs that the school will employ to retain these students and how it will monitor the efficacy of such efforts including disaggregation of student performance data for each subgroup.

(c) Evidence of Student Demand

Describe and provide evidence of the demand for the school (e.g., petitions that clearly indicate signers have students of age to enroll in the school and would consider enrolling them in the school). If using waitlists as evidence of demand, provide an estimate based on experience of how many waitlist entries it takes to fill a seat.

NOTE: If evidence of student demand overlaps with evidence of community support, it is not necessary to duplicate documents. Please clearly describe how any specific evidence of community support also explicitly or implicitly demonstrates student demand.

(d) Community Support

Describe support for the proposal from community stakeholders or others including an analysis of both the depth of support and opposition to the school.

(e) Evidence of Community Support

Submit examples, documents, etc. that provide evidence of support.

(f) Admissions Policy

If the proposed school is adopting the same admissions policy as the replicating school, incorporate the policy by reference. If applicable, note any changes to the original model or policies and indicate if these changes pertain to the proposed school only, or would modify the terms of the entire education corporation. Describe or attach any changes and attach the updated Admissions Policy.

Further Institute guidance relating to school admissions, including a new employee and CMO employee preference, is available at: http://www.newyorkcharters.org/applications-admissions-materials/.

What to Submit:

- Submit the response to Requests 15(a-b) as a Microsoft Word® file named:
  R-15abd - Student Demand
- Attach evidence of student demand as a Microsoft Word® or Adobe® Acrobat file named:
  R-15c - Evidence of Demand
- Submit the response to Requests 15(d-e) and attach evidence of community support as a Microsoft Word® or Adobe® Acrobat file named:
  R-15e - Evidence of Support

- Attach the school's admissions policy as a Microsoft Word® file named:
  R-15f - Admissions Policy

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16. Facility

(a) Facility Needs

Describe the facility needs of the proposed school for each year of the charter period including any unique features necessary to implement the school design and academic program including:

- The desired location of the school facility;
- The number of general education classrooms required each year;
- Any additional classroom space required for special education or ELL services, labs, specialty classes, and intervention or enrichment programs;
- Space requirements for administrative functions, food services, a nurse's office, and physical education; and,
- If the applicants intend to offer a residence program for students, describe the facility requirements to support this program and overnight staffing, and include specific and detailed information regarding the number of residence rooms, configuration, restrooms, food service, and other facility related needs.

(b) Facility Selection

Describe the efforts to date to secure a facility for the school including:

- If applicants have identified a facility, a description of the facility and how it meets the school's needs including its location and whether it is new construction, part of an existing public or private school building, or must be renovated for use;
- How the proposed facility will be able to meet NYSED, or New York City Department of Buildings' School Use ("G") and state sanitary, specifications by commencement of first year of operation;
- If applicants have not identified a facility, explain the plans for securing a suitable facility and preparing it for use by the time the school would open (including assuring that it meets specifications), and, explain any contingency planning including the associated costs;

- If an applicant seeks to be located in any public school facility as a primary option, he or she must clearly state these plans and indicate that a facility has *not* been located *unless* all necessary governmental approvals for the facility have been obtained;
- If co-located space is the primary facility plan and the budget template has been completed under that assumption but the applicant would also investigate other options, discuss those alternative plans in narrative. If the Institute deems it necessary, a budget reflecting the secondary assumptions may be requested; and,
- If another entity or organization is assisting the education corporation with obtaining facilities, please include information about such organization.

(c) Facility Related Conflicts of Interest

If the education corporation or its partners would own or lease a facility, provide a description of the ownership or lease arrangement indicating specifically any potential conflicts of interest and arrangements by which the education corporation would manage or avoid such conflicts. Note that in such cases where there is a potential conflict, the Institute will likely require a fair market valuation of the cost of the facility supported by independent appraisers. Additionally, no education corporation trustee may have an ownership interest in a facility.

(d) Additional Facility Information

Provide Information such as blue prints, maps, certified estimates, etc., as well as documentation of any commitment (e.g., a deposit, written assurance, lease, etc.) to use a particular facility, as part of this response.

NOTE: If a facility has already been identified, include certification from an architect that:

- The proposed facility can meet NYSED or NYC specifications, as applicable, by the date the school would commence instruction; and,
- The cost of bringing the facility into compliance with the specifications. These costs must be accounted for in the proposed budget.

What to Submit:

- Submit the response to Requests 16(a-c) as a Microsoft Word® file named: **R-16ac – Facilities**
- Attach supporting documents as Microsoft Word® or Adobe® Acrobat files named: **R-16d - Facility Documents**

17. Food Services

If the proposed or existing education corporation is adopting the same food services as the replicating school, incorporate the policy by reference. If applicable, note any changes to the original food services.

What to Submit:

Submit the response to Request 17 as a Microsoft Word® file named: **R-17 - Food Services**

18. Health Services

If the proposed or existing education corporation is adopting the same health services as the replicating school, incorporate the health services by reference. If there would be any changes to the health services, describe the plans for health services the charter school intends to provide. Please note that certain immunization requirements have recently changed requiring updates to older health services submissions.

What to Submit:

Submit the response to Request 18 as a Microsoft Word® file named: **R-18-Health Services**

19. Transportation

If the proposed or existing education corporation is adopting the same transportation as the replicating school, incorporate transportation by reference. If there would be any changes to transportation, describe the plans for transportation that the school would provide to students.

What to Submit:

Submit the response to Request 19 as a Microsoft Word® file named: **R-19 – Transportation**

20. Insurance

If the insurance coverage for the proposed school will be the same as for the replicating school, incorporate the description of the coverage by reference and include a statement that an amendment or rider to the existing policy, or a new policy, will be secured for the new site(s) with the same coverage.

NOTE: It is not necessary to have a separate policy for each school within a single education corporation so long as it is clear that the education corporation is operating in multiple sites and each site is covered.

What to Submit:

Submit the response to Request 20 as a Microsoft Word® file named: **R-20 – Insurance**

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21. Fiscal Soundness

(a) Budget

Discuss in narrative form how the start-up budget plan, the first-year operational budget and cash flow, and the five-year budget plans for the new school(s) are fiscally sound and that there would be sufficient start-up funds available to the proposed school. Provide the rationale for, or source of, the assumptions upon which the budgets rest, noting specifically which expenses rely on funding from soft money and when the funding for these expenses will transfer to recurring revenue streams, and explain how the budgets support the implementation of the academic program described or referenced in the proposal.

Existing SUNY authorized charter school education corporations proposing to operate additional school(s), must also submit a separate narrative and budget (using the required template to the extent feasible) for the entire education corporation, including the proposed school(s). Describe any corporate funds that will be used to support the start-up and operation of the proposed school(s) as well as any projected negative fiscal impact on the existing school(s). Also describe annual fundraising targets and strategies that would be used in support of each proposed replication.

Please note that schools using an at-risk admissions factor, “preference,” or set-aside may not be eligible to receive federal CSP funding.

(b) Financial Planning

If the proposed or existing education corporation is adopting the same financial planning process as the replicating school's education corporation, incorporate this information by reference.

If the applicant is an existing SUNY authorized charter school and proposes to operate an additional school, also describe the financial planning capacity, management capacity, and any internal financial controls, polices or procedures at the overall education corporation level especially in relation to the gathering and distribution of financial information from multiple locations and the processing and decision making related to such information including at the education corporation board level. If this information has previously been provided to the Institute, it may be incorporated by reference into the current proposal.

(c) Fiscal Audits

If the proposed or existing education corporation is adopting the same fiscal auditing policies and procedures as the replicating school's education corporation, incorporate the policies and procedures by reference. Please note that specific assurances as to fiscal audits are included in the attached Assurances Regarding the Provision of Fiscal Audits and Dissolution.

Note that fiscal audit procedures must provide specific procedures for conducting independent audits of combined financial statements for the education corporation and all of its schools.

(d) Dissolution Procedures

Provide a brief narrative of the procedures that the school would follow, in addition to the SUNY Closure Plan, in the event of closure and dissolution. Please note that specific assurances as to dissolution are included in Appendix B: Assurances Regarding the Provision of Fiscal Audits and Dissolution.

Proposed new education corporation: If replicating applicants seeking to create a new education corporation are adopting the same dissolution procedures as the original education corporation, incorporate the procedures by reference. If applicable, note any changes to the original model or procedures. Please note that dissolution reserve funds are now required to be set aside commencing with the first year of instruction.

Existing Education Corporation: Replicating applicants proposing to add school(s) to an existing education corporation may incorporate the dissolution procedures by reference, but must also provide specific procedures for closing one or more, but not all of the schools operated by the education corporation, i.e., where the education corporation will still operate one or more schools post school closure. Please note that

dissolution reserve funds are now required to be set aside commencing with the first year of instruction, and the requirements for multiple schools are different than for a single school. Please consult the Guidance Handbook.

(e) Budget Template

The 2018 RFP Budget Template is located at http://www.newyorkcharters.org/request-for-proposals/.

School Budget

Applicants should submit one budget that reflects the most likely facility cost scenario when the school is to begin operation. If a proposal includes a budget that assumes a district provided facility and applicants later secure a private facility, the Institute will require a revised budget.

Education Corporation Budget

Submit a separate Budget Template for the overall education corporation; e.g., to include the new school(s) and all existing schools. If the proposed school would create a new corporate/legal structure, then an education corporation budget is not required,

(f) Letters of Commitment

Provide letters of commitment for any funding sources from private contributions, grant funds, or other philanthropic sources included in the school budget. List the amounts and the anticipated uses for the funding.

(g) Non-SUNY Financials

This request pertains only to applicants associated with one or more private or charter schools that SUNY does not authorize. All other applicants should indicate, “Request is not applicable” in response to this Request.

Attach the following documents covering the last five years for each private or charter school that SUNY did not authorize including any out of state school currently associated with a replicating applicant:

- IRS Form 990s;
- Audited financial statements; and,
- Management of Advisory Letters from the independent auditor (if applicable).

Note that this request seeks school level information about individual schools. Applicants seeking to replicate a under a larger network should submit a business plan completed by the network in conjunction with the proposal. If a business plan submitted with the proposal will contain the requested information, note this in response to this Request and do not include the information here.

What to Submit:

- Submit the response to Requests 21(a-d) as a Microsoft Word® file named: **R-21ad - Fiscal Soundness**
- Attach the Budget Template as a Microsoft Excel® file named: **R-21e - Budget Template**
- Attach Letters of Commitment as a Microsoft Word® or Adobe® Acrobat file named: **R-21f - Letters of Commitment**
- Attach Non-SUNY Financials as an Adobe® Acrobat file named: **R-21g - Non-SUNY Financials**

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22. Action Plan

Applicants may include an action plan if they believe it will provide information necessary to demonstrate the capacity of the founding group to open the school. Otherwise, please indicate, "No action plan included."

What to Submit:

Submit the response to Request 22 as a Microsoft Word® or Excel® file named: **R-22 - Action Plan**

SUPPLEMENTAL INFORMATION

23. Supplemental Information

(a) Supplemental Narrative

If the applicant has any additional information that would be helpful to the Institute and the SUNY Trustees in their evaluation of the proposal, please describe it here and provide a rationale for its inclusion. If no supplementary information is necessary, please indicate that this Request is not applicable.

(b) Supplemental Attachments

If applicable, include supplemental and support documents in support of the narrative.

What to Submit

- Submit the response to Request 23(a) as a Microsoft Word® file named:

  R-23a - Supplemental Narrative

- Attach Supplemental and Support Documents as a Microsoft Word® or Adobe® Acrobat file named: **R-23b - Supplemental Attachments**

Appendices

Appendix A - Charter Schools Program (CSP) Grant Priorities Information

Appendix B - Assurances

CHARTER SCHOOL APPLICANT ELIGIBILITY INFORMATION FOR FEDERAL CSP GRANTS

The Charter Schools Program ("CSP") is a federally funded program designed to increase the number of high quality charter schools throughout the country by supporting new charter schools during the three-year startup phase. NYSED is the sole administrator of the CSP grant in New York State; however, grant funds are available to all applicants, regardless of authorizer. After the SUNY Trustees approve a charter request, NYSED will contact applicants about the CSP grant. Applicants should be aware that NYSED will require additional information in order to allow access to the grant funds.

Note that while any school that the SUNY Trustees approve is likely to receive CSP funds, the following factors may cause the school to be ineligible:

- Applicants who offer admissions set-asides, absolute preferences, or separate lotteries for at-risk students.

  Charter schools receiving CSP grants may weight admission lotteries as long as they only weight for one of the following subgroups: English language learners, students with disabilities, or students who are economically disadvantaged. Schools incorporating an at-risk preference into their lottery may only do so using the NYSED Weighted Lottery Generator. Additional information is available in the Guidance Handbook and in the Institute's Lottery Guidance, available at www.newyorkcharters.org/applications-admissions-materials/. The U.S. Department of Education's 2013 interpretation of federal non-regulatory guidance, may preclude applicants from offering certain admissions preferences to at-risk students while receiving funds from the CSP grant. The Institute expects that the U.S. Department of Education will permit weighted lotteries under certain conditions (one extra weight in the lottery for an at-risk designation) in the near future. The recently passed Every Student Succeeds Act may also influence this interpretation.

- Applicants partnering with a CMO that has received federal replication grant funds.

  Pursuant to an opinion by the U.S. Department of Education, certain schools seeking to partner with a CMO that has been awarded federal replication grant funds may be ineligible for supplemental CSP Grant funds.

Applicants should direct all questions about CSP grants to NYSED. Further information about the CSP Grant Program is available at: www.p12.nysed.gov/psc/funding/201619csppinewapp.html

STANDARD CSP GRANT AND SUPPLEMENTAL FUNDING

Applicants potentially qualify for two types of CSP grants:

APPENDIX A: CHARTER SCHOOLS PROGRAM GRANT PRIORITIES

Standard CSP Grant

The standard grant award is $550,000, which is distributed over three years. Applicants may include this base $550,000 award in their proposed budgets, but should closely review the restrictions on these funds and be sure to propose using them appropriately. Failure to do so may result in the Institute finding that the proposed school is not likely to operate in a fiscally sound manner.

Supplemental CSP Funding

Applicants may be eligible for supplemental CSP funding for an amount up to $250,000 based on whether a school satisfies either of two priorities: the Underserved Student Populations Priority or one of the Authorizer Program Design Priorities. Note that applicants may only receive supplemental funding once even if they meet more than one priority. While there are multiple Authorizer Program Design Priorities, the maximum total supplemental funding award remains $250,000. For example, if an applicant receives the full standard grant of $550,000, they could qualify for supplemental funding of up to $250,000 once.

Applicants may not include Supplemental CSP Funding in their proposed budget even if they believe that they would qualify for the funding.

SUPPLEMENTAL CSP GRANT ELIGIBILITY CRITERIA

The supplemental CSP grant priorities are:

- **Underserved student populations priority** (supplemental funding of $125,000)**.** NYSED will provide up to $125,000 supplemental CSP grant funding to those charter schools that have met one or more of the enrollment targets for students with disabilities, ELLs, or students who are eligible for the FRPL program, as prescribed by the SUNY Trustees and as required by Education Law § 2852(9-b) by the October Basic Education Data System (BEDS) student data reporting date in their first year of operation.

- **Authorizer program design priority** (supplemental funding of $250,000). At SUNY's recommendation, NYSED will provide $250,000 in supplemental CSP grant funding to charter schools that meet one or more of the following design priorities.

(a) **Applicants that would lease or purchase the proposed facility for a minimum of 3 years of operation.** The proposal must include a draft lease or purchase agreement or lease OR applicants must forward a draft lease or purchase agreement or lease to the Institute by April in the same year in which the school would open.

(b) **Applicants that include at least one or more key design elements incorporating the arts (visual arts, music, theatre, dance or other related) into the school design**. The proposal must

support the implementation of the arts as a key design element, for example through adequate staffing, funding, facilities plans, curricular materials, strategic partnerships, etc. Applicants that simply offer classes in the arts will not qualify for this authorizer preference. The arts must be a key component of the academic program design.

(c) **Applicants who partner with a persistently low performing district school to phase out that low performing school while establishing the proposed school**.

(d) Applicants replicating an existing SUNY authorized charter school that meets the following academic performance criteria at the time of proposed school approval:[2]

Replicating a Single K-8 School: The replicating school has achieved a 0.3 effect size[3] in ELA and mathematics in two of the previous three years based on the Institute's regression analysis of New York State assessment data.

If the replicating school does not have three years of state testing data, it could qualify if the Institute's school evaluation findings indicate that the replicating school is on track to successfully meet the SUNY qualitative charter renewal benchmarks by the end of the charter term. The benchmarks are available at: www.newyorkcharters.org/suny-renewal-benchmarks/.

Replicating a High School: Replicating high schools must meet all of the following requirements to be eligible for supplemental funding:

- At least 75% of students in the 2nd year of a cohort (typically the 10th grade) have passed three or more Regents examinations in two of the three previous school years for which data is available;
- At least 75% of the students in the most recent graduation cohort must have graduated by the end of their 4th year in the cohort; and,
- The school must have procedures and systems in place to assist students in gaining admittance into college, track the matriculation of students into college,[4] and support students as they transition to college.[5] If the replicating

[2] Note that once the Trustees approve a replication, the Institute will use the most recent data available to assess an applicant's eligibility for supplemental funding.

[3] Charter schools authorized by the SUNY Trustees have in their Accountability Plans a measure of student performance on the state ELA and mathematics exams called Effect Size that compares the school's achievement to that of similar public schools statewide. It reflects the difference between a school's attained and predicted performance in each tested grade, relative to other schools with similar economically disadvantaged statistics and tested grades. The Institute conducts a regression analysis to compare predicted and actual school performance. An effect size of 0.3 demonstrates the school is performing higher than expected to a meaningful degree.

[4] Examples may include high rates of completion of college entrance requirements, such as the Free Application for Federal Student Aid, individual applications for college entrance and systems to monitor student matriculation.

high school does not yet have a graduating cohort, it could qualify if the qualitative data collected during the Institute's school evaluation visits indicates that the replicating school is on track to meet these criteria.

Should the SUNY Trustees approve a single existing SUNY authorized school for replication, the Institute will notify the applicant of its status related to this requirement prior to moving final paper work to NYSED for finalization of the charter and in relation to processing CSP paperwork.

Replicating as Part of a Network of Schools:[6] The network's record of student achievement must have met the standard for a single school listed above. If a network includes one or more schools that do not have three years of applicable data, those schools must demonstrate meeting the criteria during each of the years for which data is available.

At the Institute's discretion, schools that do not meet the above criteria but who have a unique mission or specifically target at-risk students, may also be eligible for supplemental CSP funding.

[5] Examples may include structured alumni programs that provide formal support structures for graduates, formal dialogue between school staff and college advisors regarding the academic performance of admitted students, etc.

[6] The definition of a "network" for this purpose is broader than, but includes, the Institute's definition of an Educational Service Provider as set forth in SUNY's Charter Agreement. While CMOs and educational management organizations (EMOs) (other than for-profit organizations) would be included, shared service groups, and schools under common governance or affiliation, schools under a common licensing agreement may all be considered as one network. If a network had particular branding, strands or sub-organizational units, each one of those could also be considered a network. At this time, only schools operated in New York State will be considered part of a network.

ASSURANCES REGARDING THE PROVISION OF SPECIAL EDUCATION SERVICES

The Education Corporation provides the following assurances regarding the provision of special education and other services to students to be enrolled in the proposed charter school.

- The Education Corporation will adhere to all provisions of federal law relating to students with disabilities including the IDEA, Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and Title II of the Americans with Disabilities Act ("ADA") which are applicable to it.
- The Education Corporation will, consistent with applicable law, work with Local Educational Agency ("LEA") school districts to ensure that all students with disabilities that qualify under the IDEA:
    - Have available to them a free, appropriate, public education ("FAPE");
    - Are appropriately evaluated;
    - Are provided with an Individualized Education Program ("IEP");
    - Receive an appropriate education in the least restrictive environment (LRE);
    - Are involved in the development of and decisions regarding the IEP, along with their parents; and,
    - Have access to appropriate procedures and mechanisms, along with their parents, to resolve any disputes or disagreements related to the school's or school district's provision of FAPE.
- The Education Corporation will employ, at a minimum, a properly certified individual as the school's special education coordinator, whose responsibilities will include coordinating with Committees on Special Education ("CSEs"); providing information to and obtaining information from CSEs as needed throughout the year; determining if entering students have IEPs; and working with CSEs and school districts to ensure that all required special education and related services are being provided and that all IEPs are appropriate in the context of the charter school setting. The Education Corporation may permit the special education coordinator to take on additional administrative duties to the extent that they do not interfere with the coordinator's responsibilities to ensure the school's compliance with the IDEA, Section 504, and Title II of the ADA.
- The Education Corporation will make available, as required by law, a student's regular and special education teachers (and other required school personnel) for meetings convened by such student's CSE, and provide such teachers and personnel with copies of the student's IEP.

- The Education Corporation will ensure that parents of children with special needs are informed of how their children are progressing on annual IEP goals and in the general curriculum at least as frequently as parents of regular education children.
- The Education Corporation will abide by the applicable provisions and regulations of the IDEA and the Family Educational Rights Privacy Act (FERPA) as they relate to students with disabilities including, but not limited to, having procedures for maintaining student files in a secure and locked location with limited access.
- The school's special education coordinator will retain such data and prepare such reports as are needed by each disabled student's school district of residence or NYSED in order to permit such entities to comply with federal law and regulations.
- The Education Corporation will comply with its obligations under the Child Find requirements of IDEA including 34 C.F.R. § 300.111, and will provide appropriate notification to parents in connection therewith as applicable, including notifying them prior to providing a child's name to a CSE for potential evaluation.
- The Education Corporation will not convene its own CSE, make IDEA evaluations of children suspected of being disabled, create IEPs, reevaluate or revise existing IEPs, or conduct due process hearings. The Education Corporation understands that these responsibilities are left solely to the CSE of the student's district of residence and will implement IEPs as written.
- Appropriate Education Corporation personnel will attend such training and technical assistance seminars regarding the education and servicing of special education students as is required by the SUNY Trustees including those sponsored by the NYSED.

ASSURANCES REGARDING THE PROVISION OF FISCAL AUDITS AND DISSOLUTION

The Education Corporation provides the following assurances regarding the provision of fiscal audits and dissolution of the Education Corporation.

FISCAL AUDITS

- The Education Corporation will provide for an annual independent fiscal audits conducted by a certified public accountant or certified public accounting firm licensed in New York State.
- The Education Corporation will ensure such consolidated audited financial statements include:
    - A statement of income and expenditures and a balance sheet for the most recent fiscal year for each school of the Education Corporation for which the Education Corporation has received approval to operate. A separate income and expenditure statement and balance sheet should be included for each approved school or site in a start-up phase, and for schools or sites for which opening has been delayed;
    - A statement of income and expenditures and a balance sheet for the most recent fiscal year for any central or regional back office component;
    - A statement of income and expenditures and a balance sheet for the most recent fiscal year for any other distinct component of the Education Corporation;
    - A consolidated statement of income and revenues and a consolidated balance sheet for the Education Corporation; and,
    - A federal single audit report, if applicable.
- An Education Corporation with the authority to operate multiple schools must provide specific procedures for conducting independent audits of consolidated financial statements for the Education Corporation and all of its schools.

DISSOLUTION PROCEDURES

The Education Corporation will:

- Create a communication plan for students, families, and staff. The communication plan shall take into account timing to ensure students are able to take advantage of other school choice options that may be available.
- Provide the Institute with the parent names and addresses of all students enrolled in the school, at the time, by grade to enable the Institute to communicate directly with families regarding the process as necessary.

- Transfer all student records, testing materials, etc. to the school district of location of the charter school and make available a copy of such records to each student's parent or legal guardian.
- Designate one or more trustees and/or employees to assist in the closure of the school, from an operational and financial perspective.
- Transfer the Education Corporation's fixed assets (if any, after the payment of all debts) in accordance with the law at the time of dissolution.
- Provide the procedures that the school would follow in the event of the closure and dissolution of the Education Corporation including for the transfer of students and student records, execution of a SUNY Closure Plan, and for the disposition of school assets.
- Establish an escrow account, in the case of a single-school education corporation, of no less than $75,000 to pay for legal, final audit, and other wind up expenses associated with a dissolution should it occur. The budget shall reflect this commitment and include funding of $25,000 increments in the school's first three years of instruction. (Note that a separate reserve fund does need to be established and be reflected separately in the financial statements and notes to the financial statements.)
- In the case of an education corporation operating multiple charter schools, the Education Corporation must follow the dissolution reserve fund provisions in its charter agreement and reserve the appropriate amount of funds accordingly.

The Education Corporation understands that the above provisions largely apply to an education corporation operating one charter school, and that the above provisions must be modified in the case where the Education Corporation operates multiple charter schools and some, but not all, of those schools close.

New York State Education Department

2018 Request for Proposals (RFP) and Charter School Application Kit

Standard Version:
For New Operator Applicant Groups to Establish New Charter Schools

The Regents of The University of the State of New York
Charter School Office
89 Washington Avenue
Albany, New York 12234
(518) 474-1762
Email: charterschools@nysed.gov
Website: http://www.p12.nysed.gov/psc/
Application Submission Portal: https://nysed-cso.fluidreview.com/

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INTRODUCTION

LEGISLATIVE HISTORY

In 1998, the New York State Legislature established the opportunity for the creation of new, performance-based public schools, including conversions[1] of existing traditional public schools, through the charter process. In May of 2010, the State Legislature increased the number of charter schools that may be authorized under the law, created a clear pathway for existing education corporations to operate multiple charter schools, and required charter entities to solicit new charter school applications through a competitive Request for Proposals (RFP) process. Additional changes to the Charter Schools Act were made in 2014, 2015 and 2016.

Accordingly, the Department has updated the *Request for Proposals (RFP) to Establish New York State Charter Schools Authorized by the Board of Regents* for the 2018 application cycle. **The RFP and Application Kit has been further differentiated this year: applicant groups who are new operators wishing to open a new charter school will use the standard version, and existing education corporations wishing to replicate an existing charter school authorized by the Board of Regents will use the replicator version.** Both kits contain information about the charter process and provide requests for applicant groups to address when constructing applications for new public charter schools, and evaluation criteria that reviewers will use to rate the applications. Applicants are encouraged to direct any questions about which application they should prepare to the Charter School Office (CSO) staff well in advance of the Letter of Intent due date.

While the RFP and Application Kit reference the New York State Charter Schools Act[2] (the "Act") and other relevant statutory citations, it is <u>not</u> a guide to charter school law and other laws that govern the operation of public charter schools. It is the sole responsibility of the applicant to fully understand and address the requirements of all relevant laws and to present a coherent and viable school design that both complies with the laws and is likely to improve student learning and achievement in New York State.

CHARTER SCHOOL FACTS AND TERMS

Tuition-Free Public Schools

Charter schools are secular, tuition-free public schools that operate as independent education corporations. New York's charter school legislation offers students, families, and educators more choices in public education, allows schools autonomy and flexibility in how they operate, and requires performance-based accountability standards.

[1] N.Y. Education Law §2851(3)(c)
[2] N.Y. Education Law Article 56

Authorizers
Charter schools are created by application to a designated charter entity (also known as a charter school authorizer). The Board of Regents of The University of the State of New York (Board of Regents) is a designated charter entity under State law. The Board of Regents has directed the Commissioner of Education and the New York State Education Department (NYSED) to develop and issue this RFP, to conduct an application review process on its behalf, and to recommend action on charter school applications.

Applicant Group
The term "applicant group" includes those actively participating in the planning of the application to establish the proposed charter school; those individuals who will comprise the initial board of trustees; and those individuals (if any) who will become school employees.

Key Design Elements
Key design elements are those general aspects of the school that are innovative or unique to the school's mission and goals, are core to the school's overall design, and critical to its success. They may be elements of the education or organizational plan and may include a specific content area focus; unique student populations to be served; specific educational programs or pedagogical approaches; unique calendar, schedule, or configurations of students and staff; and/or innovative organizational structures and systems. The Charter Schools Act allows, to the extent consistent with Federal Law, "the establishment of a single-sex charter school or a charter school designed to provide expanded learning opportunities for students at-risk of academic failure or students with disabilities and English language learners."

Charter Schools Authorized by the Board of Regents
As of January 2018, the Board of Regents has authorized 87 charter schools serving approximately 38,000 students across New York State:

- 62 charter schools in the New York City Metro Area and Long Island – Manhattan (11); Brooklyn (18); Bronx (21); Queens (4); Staten Island (3); Hempstead (1); Mount Vernon (1); Newburgh (1); Yonkers (1); and Riverhead (1).
- 7 charter schools in the Capital District and Central New York – Albany (2); Syracuse (4); and Utica (1); and
- 20 charter schools in Western New York – Buffalo (8); Greece (2); Kenmore-Tonawanda (1); Lackawanna (1); Niagara-Wheatfield (1); and Rochester (7).

The grade levels served by these charter schools in the 2017-2018 school year are:

- 13 serving kindergarten through grade 12;
- 20 serving only elementary grades;
- 20 serving elementary and middle grades;
- 7 serving middle grades;
- 25 serving high school grades; and
- 2 serving ungraded students.

Among the portfolio of Board of Regents authorized charter schools are schools with a particular focus on: English language learners ("ELLs"); unique learning needs of students on the autism spectrum; four charter schools serving overaged-under and under-credited students; career and technical education (CTE) programs; the arts; the socio-emotional development of students through intensive coaching or community development; environmental/ecology programs; single gender schools; and intensive foreign language instruction. **The variety of school models within the Board of Regents charter portfolio speaks to its deep commitment to innovation in education.**

Furthermore, the expectation for all Board of Regents-authorized charter schools is a strong demonstrated commitment to fostering high quality independent options for all students, including ELLs, students with disabilities, and economically disadvantaged students. Successful applicants will demonstrate thorough consideration of each category of students throughout all programmatic elements.

Governance

Charter schools are overseen by a governing board of trustees. High performing charter schools are characteristically governed by a board with a mixture of backgrounds and expertise relevant to a public, not-for-profit educational organization. While boards that do not possess each of the following skill sets are not explicitly precluded from authorization, CSO staff strongly encourage applicants to be thoughtful in sourcing potential trustees with relevant experience to oversee and govern the school during the incubation, start up and ongoing operation phases.
Such experience optimally includes:

- K-12 teaching;
- School administration;
- Legal expertise;
- Real estate and facilities;
- Financial management, budgeting and accounting;
- Fundraising and development;
- Community engagement;
- Family involvement; and
- Charter school experience.

Autonomy

Charter schools operate with substantial autonomy and flexibility in comparison to traditional public schools. Charter school operators have the opportunity and responsibility to decide the best ways to allocate resources, such as time, people and money, to best meet the needs of their students within the bounds of New York State's Charter Schools Act, and are free of some of the legal and regulatory constraints that apply to other public schools**. In exchange for this increased autonomy, charter schools are held to specific performance standards, as discussed in more detail in the following section.**

Accountability: Charter School Performance Framework

Performance-based accountability is a central component of charter school policy in New York State, and all charter schools must apply to renew their charter contract at least every five years. The Charter Schools Act requires that schools have clear, measurable academic performance standards under which they will operate and be evaluated. In addition, schools must be financially accountable and comply with the same health and safety, federal special education laws, civil rights, and student assessment requirements applicable to other public schools. In November 2012, the Board of Regents endorsed the use of a Charter School Performance Framework for Regents-authorized charter schools. The Framework, which is organized into three broad performance areas—Educational Success, Organizational Soundness, and Faithfulness to the Charter and Law—outlines ten key benchmark categories as well as specific performance indicators for each category. The State Education Department and the Board of Regents use the Performance Framework to evaluate school performance over time and to inform all charter renewal decisions. Although the Framework is a comprehensive lens for charter school performance evaluation, they are not all given equal weight; student academic achievement (Benchmark 1: Student Performance) is the most important factor when determining whether to renew or to revoke a charter. All Benchmark 1 growth and achievement measures are based on New York State assessments or Regents examinations for all tested subjects at all applicable grade levels. Charter schools are encouraged to refer to the Framework on a continuing basis to align their charter goals and to evaluate the overall health and viability of the school throughout the charter term. All Board of Regents-authorized charter schools will also report on their progress towards meeting the Performance Framework benchmarks in annual reports as well as during formative mid charter term site visits. **All charter applicants are expected to demonstrate familiarity with the** Performance Framework **and its measures, at both the application and capacity interview stage, if applicable.**

OVERVIEW OF THE APPLICATION PROCESS

Education Law §2851(1) states "An application to establish a charter school may be submitted by teachers, parents, school administrators, community residents or any combination thereof." An application for a new charter school must be submitted by one or more of these eligible individuals. The term "applicant group" includes those actively participating in the planning of the application to establish the proposed charter school; those individuals who will comprise the initial board of trustees; and those individuals (if any) who will become school employees. Organizations and entities cannot serve as applicants for charter school education corporations, though, if eligible, not-for-profit entities with federal tax-exempt status under Internal Revenue Code §501(c)(3), museums, colleges, universities, and educational institutions can submit a proposal in conjunction with eligible applicants.

The NYSED charter school application process is designed to ensure that any charter school application presented to the Board of Regents for consideration demonstrates that the applicant group:

1. Possesses a clear understanding of the New York State Charter Schools Act and what it means to comply with the Act;
2. Proposes a school that is clearly aligned with the purpose and objectives of the Act;
3. Has conducted outreach to inform the community about the charter school proposal and solicited and incorporated input from the community;
4. Proposes a coherent and practical design for the proposed school; and
5. Demonstrates the necessary capacity, experience, skill, and will to manage the challenging and dynamic process of opening and operating public charter schools.

To assess application quality, NYSED will review and evaluate Letters of Intent and invited Full Applications against the criteria outlined in this RFP. NYSED may conduct a Capacity Interview with members of the applicant group, including the initial proposed board of trustees. In addition, NYSED will invite and consider the comments of the public related specifically to the proposed school. At the conclusion of the process, NYSED will prepare a formal recommendation to the Board of Regents.

Whether the application is from a new or existing education corporation, all application submissions must address the statutorily required elements to establish new charter schools, as outlined in the 2018 RFP and Application Kit. Any additional requirements are noted throughout the application.

Some applications may not meet the required criteria to advance through each state of the application, i.e., letter of intent, full application, capacity interview. NYSED reserves the right, and sole discretion, to end the review of an application that does not meet the minimum statutory requirements in whole or in part. Such applicants will be considered terminated. The Board of Regents have the final decision-making authority for all applications.

Please note: Due to the competitive nature of the process, NYSED cannot extend an opportunity for applicant groups to address any deficiencies at any stage of the process during a single application cycle. All decisions are final and made at the sole discretion of NYSED and/or the Board of Regents. There is no appeal of an adverse determination at any stage of the process.

Unsuccessful applicants will receive feedback on the most significant deficiencies in their application after the active RFP round has concluded so that they may revise and resubmit their application by the due date of a subsequent application round or cycle. **For a list of common application deficiencies, please refer to** Frequently Asked Questions (FAQ)**. Also see the list of common pitfalls at the end of this document.**

Public Outreach

N.Y. Education Law Section 2852(9-a)(b)(ii) states that the Board of Regents shall not consider any applications that do not rigorously demonstrate that the applicant has conducted public outreach, in conformity with a thorough and meaningful public review process prescribed by the Board of Regents**.** Applicants should record and present evidence of their attempts to engage with each of the following groups:

1. **Students, families, and community members (please do not submit petitions);**
2. **Existing district and charter schools;**
3. **Community based organizations and stakeholders; and**
4. **Elected and/or appointed officials.**

The public review process should include, but is not limited to, the following components:

1. **Informing the community about the proposed charter school, including the intended location, the target student population, the grades to be served, and a description of the educational program(s) to be offered**. This should include reasonable notice to stakeholders in the community, and may be achieved through several means, including but not limited to: community letters and flyers, news and/or web articles, advertisements, community meetings, meetings with stakeholders, and other means employed by the applicant;
2. **Providing stakeholders in the community the opportunity to submit comment on the proposed charter schoo**l. This may be achieved through the means listed above, the provision of an email or website for comment submission, as well as other means employed by the applicant;
3. **At least one public meeting with stakeholders in the community in the school district in which the proposed charter school is to be located.** Reasonable public notice should be provided to community stakeholders; and
4. **Addressing comments received from the impacted community concerning the educational and programmatic needs of students**. This may be achieved through discussions at community and stakeholder meetings, interviews, written responses to written comments received, as well as other means employed by the applicant.

Charter Application Cycles

In the *2018 Request for Proposals* (RFP), the State Education Department will provide two opportunities for applicants to submit applications to establish new charter schools to open in 2019. The Department's online portal for submission of application materials will open for the submission of required materials as outlined below and in the **Application Review Process and Timeline** section of the RFP and Application Kit.

2018 Application Cycle[3]			
Submission Rounds	Letter of Intent Due	Full Application Due	Regents Action
Round 1 Charter School Applications	February 8	March 14	June 11-12
Round 2 Charter School Applications	July 9	August 16	November 5-6

Applicant groups seeking to establish new charter schools and existing education corporations seeking to replicate an existing, high quality school model must submit a Letter of Intent in either Round 1 or Round 2. If a Letter of Intent meets the appropriate statutory requirements, and is thereby accepted, the applicant group will be invited to submit a full application to the Board of Regents for review.

Applicant groups whose Letter of Intent is not accepted into the Full Application stage of either Round 1 or Round 2 may begin the process again with the submission of a Letter of Intent in a future round. Simultaneous submissions to multiple authorizers are permitted at the Letter of Intent stage only. If an applicant group is invited to submit a full application to the Board of Regents and to the Trustees of the State University of New York, the applicant group must formally withdraw from the process of one authorizer to participate in the process of the authorizer with whom they wish to complete the application process. (Note: Applicant groups may withdraw for this or any other reason at any time prior to a determination by the Board of Regents, without prejudice).

The CSO anticipates that formal action by the Board of Regents to approve/reject applications and issue charters will occur in June for Round 1 submissions, and in November for Round 2 submissions. Applications submitted in either Round 1 or Round 2 must address the requests and criteria set forth in this *2018 Request for Proposals to Establish Charter Schools Authorized by the Board of Regents and Charter School Application Kit.* Charter schools that are authorized by the Board of Regents in 2018 should plan to open for instruction in the fall of 2019.[4]

[3] This timeline is subject to change at the discretion of NYSED and/or the Board of Regents. Any adjustments will be communicated via the CSO website as early as possible.

[4] Board of Regents-authorized charter schools can request a planning year after authorization if needed but the applicant group should aim to commence instruction in the fall of 2019.

Plagiarism
Applicants seeking authorization to utilize public funds to educate public school students must be held accountable to the highest standards of academic integrity. The reproduction of content from other charter applications, or sources in response to requests that require original narrative (e.g., the education plan), will result in the immediate disqualification of the application from consideration, evaluation, or advancement for action to the Board of Regents. Accommodation is provided for applications replicating existing charter schools and application sections where boilerplate information is reasonable for inclusion, such as by-laws, discipline policies, etc.

The following provides a more detailed explanation of each phase of the application process:

Phase I: Letter of Intent

All applicants—new applicant groups or existing education corporations seeking to replicate—must submit a Letter of Intent. The Letter of Intent is designed to solicit basic school design information about the applicant group, school mission and model, and target population. The Letter of Intent requires applicant groups to address questions that directly align to some, but not all, of the requirements stated in the Act. Applicants invited to the next phase will be required to address all the requirements stated in the Act in the Full Application.

In the Letter of Intent, the applicant must provide:

- If a previous application was denied by NYSED or the Board of Regents only, include changes the applicant group has made to the LOI and plan to make to the full application since an LOI or application was last submitted;
- A brief description of the mission and school design;
- A description of the proposed student population (including plans to meet enrollment and retention goals for target populations);
- Proposed grade levels and the number of students to be enrolled, initial evidence of community outreach efforts and community support;
- A proposed location and/or proposed facility; and
- Background information about the applicant group and anticipated members of the Board of Trustees.

The Letter of Intent for new operator applicant groups may not exceed 6 pages, excluding all attachments, and must be submitted to the NYSED Charter School Office **by 3:00 p.m. EST on the due date specified in the timeline for the applicable RFP cycle.** Please see Submission Instructions for full details, and refer to the FAQ located on the NYSED website for additional information.

NYSED staff will review all submitted Letters of Intent to ensure that each Letter of Intent is complete, provides thorough and robust information, and is likely to address the rigorous standards in the Full Application. Letters of Intent that are incomplete and do not provide all the

requested information and reflect the formatting instructions will not be accepted, and applicant groups will not be invited to submit Full Applications in that round. The information provided in the Letters of Intent will be used by NYSED staff to plan and coordinate peer review panels with appropriate expertise to evaluate Full Applications.

Phase II: Full Application

All applicant groups invited to submit a full application to establish a new charter school are expected to fully address the set of requests and evaluation criteria that directly align to the requirements and priorities stated in the Charter Schools Act. These applications allow the Department to assess the will, skill, and capacity of the proposed board to launch and sustain a quality public charter school in New York State and demonstrate educational alignment and operational compliance with the requirements and educational priorities of the Act. This information becomes part of the approved charter and sets the conditions under which an education corporation may operate a school.

Applicant groups must submit the applications by **3:00 p.m. EST on the due date specified on the timeline for the applicable RFP cycle.** The application narrative to establish a charter school may not exceed **75 pages** and the required attachments may not exceed **an additional 75 pages**, with certain exceptions outlined in the attachment information. Upon submission, NYSED staff will screen the Full Applications for compliance with submission requirements.

Please note: Applications will not be evaluated or advanced for action by the Board of Regents if they:

- ***Exceed the established page limits;***
- ***Omit sections;***
- ***Do not follow formatting requirements;***
- ***Plagiarize or duplicate the narrative[5] from the submission of another applicant group or source; and/or***
- ***Are received after the established deadline.***

Please see Application Submission Instructions and the FAQ document for full submission details.

All Letters of Intent and Full Applications will be posted at the NYSED Charter School Office website at Starting a Charter School. Personal information will be redacted; however, designated public contact information for each submission will be posted separately.

Evaluation of Applications: Review panels (referred to as peer reviewers) with expertise in charter school operations, and when appropriate, knowledge that is relevant to the proposed school design, will evaluate Full Applications. Each reviewer will independently evaluate and rate how well the applicant group's responses address the evaluation criteria articulated in each

[5] This does not apply to replications of existing schools or boilerplate attachments for by-laws, code of ethics, etc.

section of the application. Reviewers will rate the response to each criterion as **Meets the Standard, Approaches the Standard, or Does Not Meet the Standard**, as defined in the sample evaluation rubric in Appendix A. The review panelists will develop a summary rating for each application section, as well as for the Full Application.

Note Regarding Criminal Background Check/Fingerprint Scan: All members of the applicant group will be required to undergo criminal background checks via fingerprint scans. After submission of the Full Application, but prior to the Capacity Interview, NYSED will contact the members of the applicant group to arrange for the required fingerprint scans. The result of the background check may be shared with senior managers at the Department and/or the Board of Regents if a concern is noted. **The inability or unwillingness of any member of the applicant group to promptly undergo the required criminal background checks via fingerprint scans within the timeframe requested in advance of the Board of Regents meeting shall be grounds for denying a charter recommendation.**

Phase III: Capacity Interview

Applications that are considered to substantially meet the evaluation criteria and demonstrate the required skills to operate a high-quality charter school will be invited to a Capacity Interview. NYSED officials conduct the Capacity Interview foremost to assess the capacity of the applicant group to effectively launch and oversee the proposed charter school. NYSED staff use the interview to evaluate the applicant group and initial board members' understanding of academic and operational accountability as well as the characteristics of the community where the proposed school will be located. The interview also provides the applicant group (and specifically the proposed board of trustees) with the opportunity to present and elaborate on the information provided in the Full Application, and respond to any technical questions that may have been generated by peer reviewers during the application review process as well as other questions that may have emerged during the public hearing and comment process. Please see the applicable RFP timeline for the dates during which NYSED anticipates it will conduct the Capacity Interviews.

Phase IV: Request for Modifications[6]

For applicant groups that the Department is recommending to the Board of Regents for authorization, the Department may require that applicant groups make technical modifications to their applications following the Capacity Interviews. Such requests would be made to technically align the information contained in the Full Application with the NYSED initial charter agreement template and/or comply with relevant laws and regulations. Please see the applicable RFP timeline for the dates during which NYSED will request modifications and during which applicants will submit responses. Other than modifications of a technical nature as determined by the Department, applicants are not given the opportunity to substantially revise or augment their application once it has been submitted.

[6] N.Y. Education Law § 2852(3)(a)

Phase V: NYSED Recommendation for Approval or Denial of the Application

Based on the review of the Full Application and Capacity Interview as well as information collected by NYSED during a public comment process, NYSED will determine whether to recommend approval of the charter application to the Board of Regents. Applications that do not meet the rigorous standards required will not receive a recommendation for Board of Regents approval. An application that is recommended to the Board of Regents for approval will provide a detailed and complete school design plan that:

- Demonstrates the ability to operate the school in an educationally and fiscally sound manner;
- Is likely to improve student learning and achievement and materially further the purposes of the Act;
- Includes clear strategies to meet or exceed enrollment and retention targets for students with disabilities, students who are English language learners, and economically disadvantaged students;
- Provides evidence of public outreach that conforms to the process prescribed by the Regents for soliciting and incorporating community input regarding the proposed charter school;
- Meets all requirements set forth in the Charter Schools Act as well as all other applicable laws, rules, and regulations; and
- Would have a significant educational benefit to the students expected to attend the proposed charter school.

In addition to all the above, the applicant group and proposed board of trustees must demonstrate appropriate knowledge, capacity, and ability to effectively create, maintain, and oversee a high-quality charter school. For applications that meet all these conditions, NYSED will recommend that the Board of Regents approve the application and issue a charter. If the number of applications meeting the evaluation criteria in this RFP exceeds the total maximum number of charters available or the maximum available within New York City in this RFP cycle, the application will also be reviewed and scored by NYSED on the eight priority objectives set forth in the Charter Schools Act,[7] outlined in Appendix C, to determine which charters will be recommended.

If recommended for approval, NYSED will provide the applicants and proposed board members with an opportunity to review the terms and conditions of the initial charter agreement (contract) between the proposed school and the Board of Regents, and to sign said agreement. This will occur in preparation for the Board of Regents meeting at which the Regents will act to approve or deny new charters. Please see the applicable RFP timeline for specific dates. **The inability or unwillingness of the proposed board chair to promptly sign the initial charter agreement within**

[7] N.Y. Education Law § 2852(9-a)(c)(i-viii)

the timeframe requested in advance of materials being advanced to the Board of Regents meeting shall be grounds for denying a charter recommendation.

If the application is not recommended for approval by the Board of Regents, NYSED will provide the applicant group with a summary of the areas in which the application is deemed deficient. In some cases, the applicant group may be encouraged to address deficiencies discovered during the application review process and re-submit the application in a subsequent application cycle.

Phase VI: Board of Regents Action to Approve or Deny the Application

Although informed by NYSED evaluations and recommendations, all final charter issuance decisions are made by the Board of Regents. At the Board of Regents meetings in June and November 2018, the Regents will act to approve or deny recommended charter school applications, and in the case of those approved, issue a provisional charter (i.e., a certificate of incorporation) for the school. In the case of those charter applications that are denied, the decisions are final and may not be appealed.

Withdrawal of Applications: Applications that do not demonstrate a clear plan and compelling capacity to launch and sustain a quality public charter school in New York State will not be recommended to the Board of Regents for approval and will not be permitted to proceed in the application process. Prior to a determination by the Board of Regents, applicants may choose to withdraw an application at any time (i.e., during any phase) for any reason. NYSED has sole discretion in moving applications from phase to phase (e.g., Letter of Intent, Full Application, Capacity Interview) and may stop review of the application at any point in the process. Applicant groups are encouraged to withdraw applications that NYSED will not move forward in the review process and will not recommend to the Board of Regents for approval. There is no penalty for doing so and the decision to withdraw will not affect consideration of subsequent applications.

Some applications may not meet the required criteria to advance through the application process at various stages of the process. NYSED reserves the right, and sole discretion, to end the review of an application that does not meet the minimum statutory requirements in whole or in part. Such applicants will be considered terminated. The Board of Regents have the final decision-making authority for all applications. Applications that advance to the capacity interview stage of the process will be recommended by the Department, not recommended, or have the option of withdrawing their application.

Please note: At no point does progress to a certain stage of the process ensure a positive recommendation.

Federal Charter Schools Program (CSP) Planning and Implementation Grant[8]: New York's 2011-2016 $113 million federal Charter School Program (CSP) grant allows new eligible charter schools to apply for a CSP Planning and Implementation sub-grant with a base amount of $550,000 over a three-year period (planning year, implementation year 1, and implementation year 2). NYSED

[8] Subject to grant availability.

is seeking approval to extend the grant period to support the start-up and implementation of new schools authorized in 2018. More information on the status of CSP funding will be communicated to planning teams throughout the new school process. Consistent with the priorities articulated in New York's CSP grant, NYSED encourages applications for new charter schools with certain specific key design features that may qualify for enhanced CSP funding of up to $800,000 total. These would include schools specifically designed to:

- Serve high-need student groups such as students with disabilities, students who are English language learners, students who are over-age, under-credited or at risk of not graduating from high school, and students who are at-risk of academic failure because they would otherwise be served by a low-achieving district school;
- Serve students who live in underserved rural communities;
- Promote racial, ethnic and linguistic diversity;
- Improve productivity and effectiveness using technology (including blended instructional programs); and
- Replicate existing high-quality charter school models.

Using the 2018 application kit, all applicants are simultaneously applying for a public-school charter and a CSP Grant (assuming such funds are available), as the eligibility requirements of the grant application are integrated into the overall application process for a public school charter. NYSED will further evaluate the applications recommended for charter issuance by the Board of Regents to determine eligibility to receive, based upon the availability of funds, an enhanced federal Charter Schools Program (CSP) Planning and Implementation Grant. See Appendix D for full details.

Opening the School for Instruction: The issuance of the charter by the Board of Regents does not indicate final authorization to open the school. The Full Application does **not** require applicants to create all the documents that the school will need once it becomes operational (e.g., full curriculum or the human resources handbook). During the start-up (or pre-opening) phase of the school, NYSED will work closely with the charter school's proposed board and school leaders to establish key policies and ready the school program and facility to serve students. This work will be guided by the terms of the charter agreement and the *Pre-Opening Procedures for New York State Charter Schools Authorized by the Board of Regents* (which may be found on the Department website at Regents Oversight Plan). New charter schools will be authorized to open for instruction only upon the issuance of a *Consent to Commence Instruction* letter issued by the Department.

SUBMISSION INSTRUCTIONS

Format	**Both** the Letter of Intent and the Full Application must be submitted via upload to the Charter School Office web portal in .PDF format suitable for reproduction on 8 1/2 x11 inch paper showing: • One-inch margins • 12-point or larger font size using Times New Roman or Calibri font • Page numbers in the bottom right hand corner of each page Full Applications must include a table of contents identifying page numbers for each section and all attachments.
Page Limits	The **Letter of Intent is limited to 6 pages of text**, excluding all attachments. The **Full Application is limited to no more than 75 pages**, excluding the Application Summary, Certification and Assurances Statement, and the required attachments. **Attachments are limited to 75 pages**, with certain exceptions outlined in the attachment information. Brevity, specificity, and clarity are strongly encouraged. **(Please do not submit petitions; however, keep for your own records).**
Submit Via Web Portal Only **-----** **Do Not Submit Via Email, Postal or Special Delivery Mail**	All submissions for both the Letter of Intent and Full Application must be submitted via upload to https://nysed-cso.fluidreview.com. Note: The Letter of Intent and Full Application, when submitted to the State Education Department, will be made available to the public. **Successful submission of the Letter of Intent and Full Application using the web portal will automatically generate an email to the applicant. If a confirmation email is not received, the applicant should conclude that the submission was not received.**
Deadlines	All application materials must be submitted via upload to the Charter School Office web portal at https://nysed-cso.fluidreview.com by **3:00 PM** on the specified due date. **It may take one hour or longer for all materials to successfully upload via the web portal. Applicants are strongly encouraged to upload and submit all materials the day before the deadline.** Materials submitted via email or by postal or special delivery carriers will not be accepted.

PLEASE NOTE: FAILURE TO COMPLY WITH THESE SUBMISSION INSTRUCTIONS WILL AUTOMATICALLY DISQUALIFY THE APPLICATION FROM FURTHER CONSIDERATION.

2018 APPLICATION REVIEW PROCESS AND TIMELINE[9]

2018 Application Review Process Activity	Timeline	
Draft 2018 Request for Proposals (RFP) and Application Kit posted for comment at the NYSED-CSO website at Starting a Charter School	DRAFT RFP and Application Kit—by December 26, 2017	
Final 2018 Request for Proposals (RFP) and Application Kit posted on the NYSED-CSO website at Starting a Charter School.	FINAL RFP and Application Kit—January 22, 2018	
The Department will solicit applications from charter applicant groups or existing operators seeking to open new charter schools in 2019 during Round 1 and Round 2 of the competitive Request for Proposals (RFP) process.	**Applications from New Operator Applicant Groups and Existing Education Corporations Seeking to Open New Charter Schools**	
	Review/Approval Round 1	**Review/Approval Round 2**
Phase I: Letter of Intent Submission is by upload to https://nysed-cso.fluidreview.com. Letters of Intent that do not provide all requested information and meet submission requirements will not be accepted.	Deadline February 8 3:00 p.m.	Deadline July 9 3:00 p.m.
Phase II: Full Application Submission is by upload to http://nysed-cso.fluidreview.com. Each Full Application submitted (by invitation only) must adhere to page and formatting limitations and must be uploaded before 3:00 p.m. EST. The Certification and Assurances Statement must include the electronic signature of a designated member of the applicant group.	Deadline March 14 3:00 p.m.	Deadline August 16 3:00 p.m.
Public Comment The public may submit comments on applications by email to charterschools@nysed.gov or by mail to NYSED Charter School Office, 89 Washington Ave., Albany, NY 12234.	Throughout the review process	

[9] This timeline is subject to change at the discretion of NYSED and/or the Board of Regents.

2018 Application Review Process Activity	Timeline	
Public Hearings Public hearings on charter school applications must be conducted by the districts of location within 30 days of notification of receipt of an application by the NYSED Charter School Office.	April – May	August – October
Evaluation of Full Application The Full Application will be screened by NYSED for completeness before being accepted and sent for full evaluation by review panels. (*Incomplete applications will not be accepted*).	March - April	August - September
Background Checks via Fingerprint Scans NYSED will contact the applicant group members to arrange for the required fingerprint scans. All members of the applicant group must be available to undergo a finger scans.	April	September
Phase III: Capacity Interviews NYSED conducts interviews with invited applicant groups and proposed boards of trustees.	April 16-30	September 10-24
Phase IV: Request for Modifications Following the capacity interviews, NYSED may request that applicant groups/proposed boards make technical modifications to charter applications.	May	October
Phase V: Charter Agreement Calls NYSED and the proposed boards of the charter schools recommended for Board of Regents approval preview/discuss the terms and conditions of the proposed charter agreement with the Board of Regents.	June	November
Phase VI: Board of Regents Action The Board of Regents will review recommendations from staff and vote to approve or deny the application at its regularly scheduled meeting. Only those applicant groups whose applications are approved by the Board of Regents will be issued a charter. Prior to action by the Board of Regents,	June 11-12	November 5-6

2018 Application Review Process Activity	Timeline	
applicant groups will be informed of the department's recommendation. This timeline is subject to change at the discretion of NYSED and/or the Board of Regents.		
Reviewer Feedback to Applicants NYSED prepares written recommendations to the Board of Regents and provides applicants not recommended for Board of Regents approval with comments and summative feedback from reviewers.	After Regents Action	After Regents Action

The remainder of this Application Kit is dedicated to the specific requests that charter school applicant groups and existing operators must address to apply for a charter school to the Board of Regents for consideration. All necessary forms, requirements, and deadlines related to the initial application process are contained within this Application Kit. Local school districts or applicant groups interested in converting an existing public school into a charter school should contact the **NYSED Charter School Office at (518) 474-1762**.

Please note: The Board of Regents will only approve applications that clearly demonstrate a strong capacity for establishing and operating a high-quality charter school. This standard requires a sound educational program, organizational plan and financial plan; and a strong governing board with the demonstrated capacity to implement the proposal effectively and in compliance with State and Federal laws. The Department and staff look forward to reviewing your proposal to launch a new, high-quality, public charter school in New York State.

Letter of Intent

Standard Version:
For New Operator Applicant Groups to Establish New Charter Schools

LETTER OF INTENT TO APPLY

All applicant groups seeking to establish a charter school authorized by the Board of Regents to open in 2018 must submit a Letter of Intent, not to exceed 6 pages in length (excluding any summary pages and attachments) by the due date specified for the selected 2018 RFP round. Department staff review all Letters of Intent to assess whether the requested information is complete and indicates the applicant group is likely to meet the rigorous standards required in the Full Application. A Letter of Intent that does not thoroughly address all the information requested below will not be moved forward in the application process and the applicant group will not be invited to submit a Full Application during that application cycle. Unsolicited applications will not be accepted or reviewed under any circumstances.

Requests:

I. Applicant Group Information[10]

a. **Applicant Group:** Using Table 1, provide the name, contact information, current employment, the current or prospective role, and the relevant experience, skills, and/or qualifications in the proposed school for all members of the applicant group, which includes initial proposed board of trustees and any proposed school employees.

b. **Public Contact:** Please provide a phone number and/or email address to which public inquiries about the proposed charter school may be addressed. This contact information will be public and available on the NYSED Charter School Office website.

c. **Application History:** Identify whether any member of the current applicant group has ever applied to this or another charter entity to open this proposed school or another charter school, either in New York State or outside of New York State. Indicate the date on which the application(s) was/were submitted and to which charter entity; briefly describe the outcome of the charter entity's decision; and provide a concise description of significant modifications made in this LOI and application (if applicable).

Required Attachments:

❒ **Table 1**: **Application Group Information**.

❒ **Attachment 5a**: For each member of the applicant group submit the following:

- **New Applicant and Prospective School Trustee Background Information Form**: Include a signed Statement of Assurance and a signed Statement of Intent which is included at the bottom of the Assurance statement. See Background Information Sheet at Starting a Charter School.

[10] N.Y. Education Law § 2851(2)(m)

- **Resume or Curriculum Vitae:** Provide a resume that includes all experience and expertise relevant to the founding, managing and governing of a charter school.
- **Education Credentials:** If an individual has a high school diploma, GED or equivalent, an undergraduate or graduate degree from a higher education institution or a transcript, please provide a copy such documentation from their highest level of education attained.
  - If an individual has education credentials but cannot provide such documentation, please submit a signed and notarized letter stating the highest level of education obtained and the reason why the documentation cannot be provided.
  - **Note:** Individuals <u>are not required</u> to have any of the above referenced education credentials to serve on a charter school's Board of Trustees. To the extent available, such documentation is used for identity verification.

Note Regarding Criminal Background Check/Fingerprint Scan: Proposed members of the Board of Trustees will be required to undergo criminal background checks via fingerprint scans.[11] If advanced to the Capacity Interview phase, NYSED will provide the planning team with specific background check/fingerprint information. **The inability or unwillingness of any member of the applicant group to promptly undergo the required criminal background checks via fingerprint scans within the timeframe requested in advance of the Board of Regents meeting shall be grounds for denying a charter recommendation.**

II. Proposed Charter School Information

a. **Proposed school name** (must include the words "charter school" in the name);

b. **Proposed school mission statement**;

c. **Proposed school location** that at minimum identifies school district or community school district in New York City and may also specify a specific neighborhood or community within that district. Indicate whether the applicant group is requesting to be co-located in public school district facilities;

d. **Target population/community served:** Briefly describe the school's target population and the community that the school intends to serve;

e. **Planned grades and enrollment, using the required chart below to indicate grades, ages, and enrollment** for each of year of the initial charter term;

[11] N.Y. Education Law § 2852(4)

Projected Enrollment Table Over the Charter Term[12]						
Grades	**Ages**	**2019-20**	**2020-21**	**2021-22**	**2022-23**	**2023-24**
K						
1st						
2nd						
3rd						
4th						
5th						
6th						
7th						
8th						
9th						
10th						
11th						
12th						
Ungraded						
Totals						

f. **Proposed management and/or partner organization(s):** If the proposed school will be affiliated with a charter management organization or a significant partner organization, describe the organization(s) and the rationale for their selection;

g. **Replication:** If the proposed school will replicate an existing school model, provide a brief description of the model school's success and discuss why replication of the model school is needed or provides a high-quality option for the intended population of students or community; and

h. **School overview:** A brief description of the design of the proposed school, including key design elements and any additional innovative design elements that might require specific expertise to evaluate during the review process.

III. Enrollment and Retention Strategies

a. Describe the school's strategies to recruit and enroll its students, specifically:
   i. Those identified in the school's mission;
   ii. Students with disabilities;
   iii. English language learners; and
   iv. Economically disadvantaged students.

b. Describe the school's strategies to retain its students, specifically:
   i. Those identified in the school's mission;

[12] N.Y. Education Law § 2851(2)(p)

ii. Students with disabilities;
iii. English language learners; and
iv. Economically disadvantaged students.

IV. Public Outreach and Community Support

a. Describe the public outreach conducted to date to solicit community input regarding the proposed school using the attached **Table 2**.

b. Describe your initial assessment of parent interest in and/or demand for your proposed charter school, which will allow the school to reach its anticipated enrollment. Include in your response a description or analysis of any data you have collected to support the initial assessment of interest.

Required Attachments:

- ❒ **Table 2**: **Public Outreach Information**.
- ❒ **Attachment 2a**: **Initial Samples of Public Outreach;** Provide **ONE** sample of evidence from **EACH** of the following categories that supports the applicant group's outreach attempts:
    1. The group has informed the community about the proposed charter school, including the intended location, the target student population, the grades to be served, and a description of the educational program(s) to be offered;
    2. Stakeholders in the community were given the opportunity to provide input into the design of the proposed charter school; and
    3. At least one public meeting with stakeholders in the community in the school district in which the proposed charter school is to be located. Reasonable public notice should be provided to community stakeholders.

  Samples of evidence may include, but are not limited to: a public meeting flyer with sign-in sheet and signatures; minutes of discussions with community parents, stakeholders or organizations and feedback obtained; public awareness campaigns (emails, social media postings, media, etc.) with documented results; and/or surveys distributed with statistical analysis. For a more complete list of sample evidence, refer to the Public Outreach section of the Full Application. ***Please do not submit petitions; keep for your own records.**

Please be aware that the Board of Regents will not consider an application if the applicant group does not sufficiently demonstrate that the extensive public outreach process described above has been conducted. Since public outreach activities are expected to be ongoing throughout the application review process, additional information about public outreach activities is expected in the full application and at the capacity interview with additional input provided throughout the NYSED public comment period.

V. Proposed Board Chair Signature and Date

The last page of the Letter of Intent must be signed and dated by the proposed board chair of the new school before uploading the document into the portal.

Please be advised that the submitted Letter of Intent (and all other charter school application material) is a public record, and NYSED will post all Letters of Intent received on its website. Personal contact information of all members of the applicant group will be redacted from the document, but all other information will become public.

Table 1: Applicant Group Information

Table 1 is not counted toward the page limits

*__Minimum of 5__ members of applicant group must be designated as Trustees

Applicant Group Member Name/Phone/ Email Address	Current Employment	Relevant Experience/Skills and Role on Applicant Group (key words)	Proposed Role(s) in School (e.g., trustee, employee, none)	Proposed Position on the Board (e.g., officer, trustee, or constituent representative)
John Smith (555) 555-5555 email@gmail.edu	NYU Education Professor	Curriculum Development Education Plan Committee	Trustee	President

Table 2: Public Outreach Information

Table 2 is not counted toward the page limits

Add more rows and/or rotate page as necessary

Date(s) of Outreach (mm/dd/yy)	Target Stakeholder Group	Description of the Outreach	Location of Outreach	Input Obtained	Action Taken on Input	Number of Attendees
01/16/2017 meeting date	Families of students with disabilities, community members	Sent flyers to community based organizations serving children and families with special needs. Hosted a meet/greet to introduce team and solicit feedback on application.	ABC Community Center 1000 Avenue A NYC CSD 5	Need for family partners	Add a family liaison to the staff who is bi-lingual	22 families of students in grades Pre-Kindergarten and Kindergarten

FULL APPLICATION
Evaluation Criteria

<u>Standard Version</u>:
For New Operator Applicant Groups to Establish New Charter Schools

FULL APPLICATION SUMMARY

Proposed Charter School Name[13]			
Application History			
Proposed Board Chair Name			
Proposed Board Chair Email Address			
Proposed Board Chair Telephone Number			
Public Contact Name			
Public Contact Email Address			
Public Contact Telephone Number			
District of Location			
Opening Date			
Proposed Charter Term[14]	5-year term		
Proposed Management Company or Partner Organizations			
Projected Enrollment and Grade Span for Indicated Years	**Year**	**Grades**	**Enrollment**
	1		
	2		
	3		
	4		
	5		
Mission Statement:			

Please complete the table above and provide a two-page summary of the proposed school. Include a discussion of the mission; objectives; key design elements; other unique characteristics of the program (if any); identification of student communities to be served or targeted; curriculum and instructional features; plan for instructional staffing and leadership/management design; plans for relationships with management or other partner organizations; and any other relevant information.

The Application Summary is intended to provide the public with a concise description of the proposed school and may be shared to respond to public inquiries and used for documents prepared for the consideration of the Board of Regents. **Please limit the Summary to two pages**. This section of the application will not count against Full Application page limitations. The Application Summary will not be formally evaluated by peer reviewers, but the information provided must be consistent with information provided elsewhere in the Full Application.

[13] N.Y. Education Law § 2851(2)(k)
[14] N.Y. Education Law § 2851(2) (p). Typically, the charter term requested should be five years of operation.

CERTIFICATION AND ASSURANCES STATEMENT

Proposed Charter School Name:	
Proposed School Locations (District):	
Name of Exiting Ed. Corporation (If applicable):	

I hereby certify that the applicant group/prospective Board of Trustees have all read Article 56 of the New York State Education Law, and understand the relationship between a charter school and the authorized chartering entity as defined in that statute. By submitting a charter school application to the Board of Regents, the applicant group/prospective Board of Trustees understands that the Board of Regents is the authorized chartering entity with the authority to approve our application to establish the proposed charter school and enter into a charter agreement setting forth the terms and conditions under which the Board of Trustees will operate the charter school. The applicant group/prospective Board of Trustees also understands that this charter school application serves as the first component of an application for a federal Charter Schools Program (CSP) Planning and Implementation Grant. We understand that if the charter application is approved and a charter is issued by the Board of Regents, the school is qualified to receive a CSP grant, pending available funding and final approval of additional materials – including budget materials - by NYSED and by the New York State Office of the Comptroller. We agree to complete all required budget information and assurances according to forthcoming instructions and a revised timeframe to be issued by NYSED.

I hereby certify that the information submitted in this application is true to the best of my knowledge and belief; and further I understand that, if awarded a charter, the proposed school shall be open to all students on a space available basis, and shall not discriminate or limit the admission of any student on any unlawful basis, including on the basis of ethnicity, race, creed, national origin or ancestry, gender, sexual orientation, disability, intellectual ability, measures of achievement or aptitude, athletic ability, age, religion, proficiency in the English language or a foreign language, or academic achievement. I understand that the Charter Schools Act allows, to the extent consistent with Federal law, "the establishment of a single-sex charter school or a charter school designed to provide expanded learning opportunities for students at-risk of academic failure or students with disabilities and English language learners."[15]

The applicant group also makes the following assurances pursuant to Section 7221b of the United States Code (USC), which will be incorporated into, and made a part of, the Charter School's charter, if granted, and be binding on the Charter School itself:

- An assurance that the charter school will annually provide the Secretary of the U.S. Department of Education and the State Education Department such information as may be required to

[15] N.Y. Education Law § 2854(2)(a)

determine if the charter school is making satisfactory progress toward achieving the objectives described in this application; [16]

- An assurance that the charter school will cooperate with the Secretary of the U.S. Department of Education and the State Education Department in evaluating the program assisted;[17] and
- That the charter school will provide such other information and assurances as the Secretary of the U.S. Department of Education and the State Education Department may require.[18]
- That the school will follow any additional procedures required by NYSED to ensure an orderly closure and dissolution process, including compliance with the applicable requirements of Education Law §§2854(2)(t), 219 and 220 and any Closing Procedures specified by NYSED.

I, *Enter name of Proposed Board Chair*, hereby certify that the information submitted in this Full Application to establish *Enter Name of Proposed Charter School* is true to the best of my knowledge and belief, realizing that any misrepresentation could result in disqualification from the application process or revocation after issuance of the charter.
Signature of Proposed BOT Chair:
Date:

[16] 20 USC § 7221b(b)(3)(J)
[17] 20 USC § 7221b (b)(3)(K)
[18] 20 USC § 7221b (b)(3)(N)

I. MISSION, KEY DESIGN ELEMENTS, ENROLLMENT, AND COMMUNITY

A. MISSION STATEMENT, OBJECTIVES AND GOALS

General Overview: Charter schools should be mission-driven organizations designed to accomplish the objectives established in Education Law §2850(2):

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.

A school's mission statement provides the foundation for the entire charter application and for the full term of the school's charter. All elements of the school design should align with and support achievement of the proposed mission. Schools must also determine how they will evaluate and be held accountable for achievement of their mission. Schools must present the goals they intend to use to measure student achievement, the overall educational program, and the key components of the school design in alignment with the mission. Charter renewal recommendations will ultimately be based on progress toward and achievement of the benchmarks in the Charter School Performance Framework as well as the school's mission-specific goals. Applicant groups should keep in mind that at renewal, as set forth in the New York State Charter School Performance Framework Benchmark 1: Student Performance, the school is expected to meet or exceed growth and progress/achievement goals based on the New York State assessments (elementary and middle school) or Regents examinations (high school), as well as college and career readiness measures.

Requests:

1. Present the school's mission statement.
2. Explain how the school will materially further one or more of the objectives specified in the Charter Schools Act.
3. Present the school's mission-specific goals and explain the rigor and ambitiousness of those goals. At a minimum these must include academic performance goals, but may also include operational, governance, financial or other types of goals. Schools proposed to serve non-state testing grades, i.e., grades K-2, must include specific academic performance goals for those grades.

Evaluation Criteria:

A response that meets the standard will**:**

1. Present a concise mission statement, which establishes clear and measurable outcomes that are desired as a result of implementing the school program.
2. Present a mission statement that defines the purpose and key values of the proposed charter school and informs the public about the students the school intends to serve[19].
3. Present a mission that is consistent with high academic standards set forth in the Charter School Performance Framework.
4. Present a mission that is reflected throughout all sections of the application.
5. Clearly demonstrate how the proposed school will further at least one of the objectives specified in Education Law §2850(2).
6. Present measurable goals that reflect the school's mission, including academic performance goals, particularly for grades K-2 if applicable, and provide compelling rationale for the rigor and ambitiousness of those goals, including evidence and/or data.

B. KEY DESIGN ELEMENTS

General Overview: Key design elements are those aspects of the school that are innovative or unique to the school's mission and goals, are core to the school's overall design, and critical to its success. They may be elements of the education or organizational plan and may include a specific content area focus; unique student populations to be served; specific educational programs or pedagogical approaches; unique calendar, schedule, or configurations of students and staff; and/or innovative organizational structures and systems. The Charter Schools Act allows, to the extent consistent with Federal Law, "the establishment of a single-sex charter school or a charter school designed to provide expanded learning opportunities for students at-risk of academic failure or students with disabilities and English language learners." [20] The key design elements should fit together into a cohesive school design that is supported by the proposed budget. While it is important to provide a rationale for the key design elements that is grounded in research and precedent, applicants may also present and refer to supporting information in subsequent sections that focus on specific aspects of the school, e.g., curriculum and instruction, culture or management and staffing. Approved schools will be accountable for implementation of the key design elements included in their charter (see Charter School Performance Framework Benchmark 8).

Requests:

1. Provide a list and description of the proposed school's key design elements.
2. Describe the rationale for selecting these key design elements and provide any supporting research, evidence of effectiveness or examples of existing programs that serve a similar target student population that support the use of these key design elements in this school.

[19] N. Y. Education Law § 2851(2)(a)
[20] N. Y. Education Law § 2854(2)(a)

3. If applicable, provide a request and justification for waivers of any federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any state or local rules, generally applicable to public schools, that the applicant proposes to be waived or otherwise do not apply to the school.[21]

Evaluation Criteria:

A response that meets the standard will:

1. Provide a concise (generally no more than 3 pages) description of critical and/or unique features that are core to the school's overall design.
2. Demonstrate clear alignment with the school's mission and all aspects of the full application, including educational, organizational, and fiscal plans.
3. Present evidence of success if drawing on existing models and/or present research or other information that demonstrates the efficacy of each proposed design element if it does not have a precedent.
4. Demonstrate how the key design elements will serve the diverse needs of all students.

C. COMMUNITY AND STUDENTS TO BE SERVED

General Overview: The characteristics and demographics of the community to be served are essential factors that inform the design of a successful charter school, ultimately driving support for student enrollment and community involvement in the school. At a minimum, applicants must demonstrate knowledge of any community school district (CSD) in which the school will be located and from which it will draw students. Applicants may also highlight narrower communities or neighborhoods within a CSD or discuss plans for drawing students from across multiple CSDs. Likewise, the academic program must reflect the needs of the specific target student population to be served.

Successful charter schools are typically embedded in their community and leverage community assets to help start and sustain the school. Community support may involve student recruitment, the academic program, professional development, facility assistance, fundraising or any other aspect of the school design. Applicant groups should cultivate community support and provide evidence of specific commitments in their charter application.

Requests:

1. Describe the community to be served by the proposed school.
2. Describe the educational options in the community, including the number, type and academic performance of local public and private schools. Provide academic data about the sending district's performance for the grade levels the proposed school will serve, including relevant NYS assessment outcomes and graduation rates, if applicable.

[21] 20 USC § 7221b(b)(3)(G)

3. Describe the target student population to be served within the proposed school community, including the anticipated percentages of students with disabilities, English language learners, and economically disadvantaged students.
4. Describe the needs of the community that will be met by the proposed school.
5. Explain the rationale for selecting the school community and target population.
6. Explain how this school will enhance or expand educational options, including whether the educational program or innovative methods to be used by the proposed school differ from the district or districts from which the charter school is expected to enroll students.
7. Provide an assessment of the depth and commitment of community support and/or opposition within the proposed sending district(s)/region for the proposed school. Explain how community assets will be leveraged and any challenges presented by opposition will be overcome.

Attachments:

- ❑ **Required Attachment 2c: Evidence of Community Support;** Provide letters of support or other evidence of community support for the proposed school. Support must reflect the specific proposed school and should not be merely support for charter schools or education reform in general.
- ❑ **Optional Attachment 2d: Evidence of District Support for Restart/Turnaround;** Proposed charter schools that are intended to operate as a restart or turnaround school or to provide an option for students who are at risk of academic failure because they reside in a community served by a school that is persistently low-achieving must provide a Letter of Support from the school district.

Evaluation Criteria:

A response that meets the standard will**:**

1. Demonstrate clear knowledge of the community and understanding of its needs. At minimum this must include an analysis of the CSD in which the proposed school will be located, including demographics of the community and description of local schools.
2. Demonstrate clear knowledge of the target student population and understanding of its needs.
3. Present a compelling rationale for selecting the school community and target student population and explain the applicant group's ability to serve this community.
4. Demonstrate how the proposed school increases options and innovation in the community.
5. Demonstrate concrete community support that will help to open and sustain the school, i.e., specific commitments rather than general overtures of support.
6. Identify any known opposition and demonstrate capacity to successfully overcome it.
7. Include a letter of support from the school district if the proposed charter school is intended to operate as a restart or turnaround school or is intended to provide an option for students who are at risk of academic failure because they reside in a community served by a school that is persistently low-achieving.

D. APPLICANT GROUP HISTORY AND CAPACITY

General Overview: The applicant group consists of those participating in the planning of the application to establish the proposed charter school, those individuals who will comprise the initial board of trustees, and those individuals who will become school employees. The applicant group must include at least one qualified applicant (teachers, parents, school administrators, community residents) and at minimum five proposed members of the school's board of trustees.

Requests:

1. Identify and provide a brief description of each member of the applicant group.
2. Describe the process by which the applicant group formed, any pre-existing relationships among members, how the school design and application were developed, and how public outreach was conducted.
3. Identify the primary author(s) of the final application. Provide the names of any paid consultants or organizations that were involved in the development, fiscal planning or writing of the application.

Required Attachments:

- ❒ **Table 1: Applicant Group Information;** If any applicant group members have been added between the Letter of Intent and Application phases, please update and resubmit Table 1 to reflect the additional members.

Evaluation Criteria:

A response that meets the standard will:

1. Present an applicant group that includes one qualified applicant and a minimum of five proposed board members.
2. Provide all requested information about applicant group members in Table 1.
3. Present an applicant group that possesses the range of expertise necessary for successful founding of a charter school.
4. Demonstrate applicant group involvement in and ownership of the charter school proposal, including development of the application and public outreach.

Note Regarding a Criminal Background Check/Fingerprint Scan: All members of the applicant group are required to undergo criminal background checks via fingerprint scans.[22] NYSED will contact any members of the applicant group added after submission of the Letter of Intent to arrange for the required fingerprint scans.

[22] N.Y. Education Law § 2852(4)

E. PUBLIC OUTREACH

General Overview: N.Y. Education Law Section 2852(9-a)(b)(ii) states that the Board of Regents shall not consider any applications that do not rigorously demonstrate that the applicant has conducted public outreach, in conformity with a thorough and meaningful public review process prescribed by the Board of Regents. Applicants should record and present evidence of their attempts to engage with each of the following groups:

1. **Students, families, and community members;**
2. **Existing district and charter schools;**
3. **Community based organizations and companies; and**
4. **Elected or appointed officials.**

The public review process should include, but is not limited to, the following components:

1. **Informing the community about the proposed charter school, including the intended location, the target student population, the grades to be served, and a description of the educational program(s) to be offered**. This should include reasonable notice to stakeholders in the community, and may be achieved through several means, including but not limited to: community letters and flyers, news and/or web articles, advertisements, community meetings, meetings with stakeholders, and other means employed by the applicant;
2. **Providing stakeholders in the community the opportunity to submit comment on the proposed charter schoo**l. This may be achieved through the means listed above, the provision of an email or website for comment submission, as well as other means employed by the applicant;
3. **At least one public meeting with stakeholders in the community in the school district in which the proposed charter school is to be located.** Reasonable public notice should be provided to community stakeholders; and
4. **Addressing comments received from the impacted community concerning the educational and programmatic needs of students**. This may be achieved through discussions at community and stakeholder meetings, interviews, written responses to written comments received, as well as other means employed by the applicant.

Applicants were asked to complete and submit *Table 2: Public Outreach Information* with their Letter of Intent to demonstrate initial public outreach. The full application should demonstrate fulfillment of all four components. **However, public outreach can and should continue after submission of the application and additional evidence may be presented during the capacity interview and through the public comment process.**

Requests:

1. Describe who participated in public outreach on behalf of the founding group.
2. Provide a summary of public outreach activities.
3. Describe any notable public input that significantly shaped the school design.

Required Table and Attachments:

- ❑ **Table 2: Public Outreach Information;** Resubmit Table 2 from the Letter of Intent and update the information contained therein to include outreach conducted to date.
- ❑ **Attachment 2b: Evidence of Public Review Process;** This attachment should provide a sampling of documentary evidence related to the public review process. Attachments should be limited to documents that provide meaningful and relevant information about the community outreach and public input. Please do not submit photocopied form letters of support or petitions containing signatures and addresses. Include any evidence that the school informed the community about the proposed charter school and invited comments and input, and provide evidence that comments/input were addressed. Examples of evidence may include, but are not limited to:
    - Attendance lists from meetings and events;
    - Public meeting flyer with sign-in sheet and signatures;
    - Minutes or summaries of public meetings and meetings with stakeholders (school boards, school district administrators, elected officials, community leaders, parent organizations, etc.);
    - Surveys distributed and resulting statistical analysis;
    - Public awareness campaigns (emails, social media postings, media, etc.) with documented results;
    - Responses sent to members of the public who submitted comments/input concerning the proposed charter school;
    - Copies of received letters or emails;
    - Invitations sent for meetings and events; and
    - Media announcements or articles.

Evaluation Criteria:

A response that meets the standard will:

1. Demonstrate that the community has been well-informed about the proposed charter school, including the intended location (whether in private or public building space), the target student population, the grades to be served, and a description of the educational program(s) to be offered.
2. Demonstrate that the public had adequate opportunity to comment on the proposed school.
3. Include evidence that the applicant group held at least one public meeting with stakeholders in the community in the school district in which the proposed charter school is to be located, and that reasonable public notice was provided to community stakeholders.
4. Demonstrate that the applicant group was responsive to comments received from community stakeholders and ensured that those comments were considered and addressed in the school proposal.

Please be aware that the Board of Regents will not consider an application that does not sufficiently demonstrate that the public review process described above has been thoroughly

conducted. Since public outreach activities are expected to be ongoing throughout the application review process, additional information about public outreach activities is expected at the Capacity Interview and/or through the NYSED public comment period. Public outreach must be specific and original to the proposed school and cannot be transferred from a replicated school. Each application, even if the applicant group has previously responded to a new school RFP or currently operates a charter school, requires updated community outreach specific to each application (i.e., the community needs to be informed and provided with another opportunity to comment on the current proposal).

F. ENROLLMENT, RECRUITMENT, AND RETENTION

General Overview: Charter schools are schools of choice that are thus accountable directly to parents. Charter schools must recruit their students and retain adequate numbers to be financially viable. They must also demonstrate how the charter school will meet or exceed enrollment and retention targets set by their authorizer. The minimum number of students shall be at least fifty at a single site, or, if less than fifty students are to be served by the school, the response must include a compelling justification for the enrollment projection. NYSED is unlikely to recommend for approval charters with enrollment plans that terminate in grades in the middle of logical grade spans at the end of the charter period, e.g., a grades 6-10 school. Instead it is recommended that applicants propose distinct elementary, middle or high school programs and approved schools can request to add grades mid-charter with evidence of strong enrollment and academic performance, e.g., propose a grade 6-8 school and then, once the school has demonstrated success, request to add high school grades in the fourth year of operation.

Requests:

1. Complete the Projected Enrollment Table provided below, including the number of students and the ages and grade levels to be served in each year of the proposed charter term.
2. Explain the rationale for this enrollment plan, including school and grade sizes, growth patterns, alignment with grade configurations of other local schools, and assumptions about student attrition and retention of students from grade to grade.[23] If the school will continue to grow after the first charter term, present the ultimate grade span goal and the year in which this would occur.
3. Describe the student recruitment plan, including how families in the community will be informed about the charter school and any community assets that will leveraged to recruit students.
4. Provide evidence of interest in and demand for the proposed school.
5. Describe the proposed application, admissions, and enrollment process, including a plan for a public lottery.
6. Identify and explain enrollment preferences, including any preferences for students the applicant group has defined as at-risk of academic failure.

[23] Please note N.Y. Education Law § 2854(3)(b-1) requirements regarding negotiating unit representation for employees in a charter school that enrolls more than 250 students at any point during the first two years after the charter school commences student instruction.

7. Describe how any vacancies created during the school year will be filled (backfilling) and any date by which the school will no longer fill such vacancies.
8. Complete the **Enrollment and Retention Targets Table** provided **below** using the Charter School Enrollment and Retention Targets resources on the NYSED webpage.
9. Describe the school's plans to meet or exceed the enrollment and retention targets established by the Board of Regents for students with disabilities, English language learners, and economically disadvantaged students.

Evaluation Criteria:

A response that meets the standard will:

1. Provide a reasonable and sustainable enrollment plan that aligns with other application sections, including the education, staffing and budget plans.
2. Provide a student recruitment plan that specifically addresses students with disabilities, English language learners, and economically disadvantaged students, is likely to achieve the school's enrollment targets, and demonstrates how students will be given an equal opportunity to attend the charter school.
3. Provide a fair and equitable admissions process with a clear rationale for any enrollment preferences.
4. Provide evidence of adequate demand for and interest in the charter school sufficient to reach its anticipated enrollment.
5. Provide a reasonable approach to meeting enrollment and retention targets.
6. Provide a clear plan for filling vacancies and/or provide a strong rationale for leaving seats vacant.

Required Attachment:

- ❑ **Attachment 1: Admissions Policy and Procedures;** *(Policy should state how any vacancies created during the school year will be filled and any date by which the school will no longer fill such vacancies).*

Projected Enrollment Table Over the Charter Term[24]						
Grades	**Ages**	**2019-2020**	**2020-2021**	**2021-2022**	**2022-2023**	**2023-2024**
K						
1st						
2nd						
3rd						
4th						
5th						
6th						
7th						
8th						
9th						
10th						
11th						
12th						
Ungraded						
Totals						

Enrollment and Retention Targets		
	Enrollment # / %	**Retention # / %**
Economically Disadvantaged		
Students with Disabilities		
English language learners		

G. PROGRAMMATIC AND FISCAL IMPACT

General Overview: The Charter Schools Act requires applications to include "Evidence of… an assessment of the projected programmatic and fiscal impact of the school on other public and nonpublic schools in the area." Applicants should use this section to describe the possible positive and negative impact of their proposed school on local schools during the charter term.

Requests:

1. Provide an assessment of the projected programmatic impact of the proposed school on other public and nonpublic schools in the area.
2. Provide an assessment of the projected fiscal impact of the proposed school on other public and nonpublic schools in the area using the **Fiscal Impact Table** below.

[24] N.Y. Education Law § 2851(2)(p)

Required Table:

- ❑ **Fiscal Impact Table:** Complete the fiscal impact table below and include in the narrative

Evaluation Criteria:

A response that meets the standard will**:**

1. Demonstrate a reasonable assessment of programmatic impact on other public and non-public schools in the area.
2. Demonstrate a reasonable assessment of fiscal impact on other public and nonpublic schools in the area. **(Please footnote your sources and assumptions)**.

Projected Fiscal Impact upon District of Location							
Year	**Number of Enrolled Students**	**Charter School Basic Per Pupil Tuition Rate**	**Total Charter School Per Pupil Cost to District**	**Estimated Additional Costs to District (e.g. SPED funds)**	**Total Projected Funding from District**	**Total District General Fund Budget**	**Projected Impact on District Budget**
2019-20							
2020-21							
2021-22							
2022-23							
2023-24							

II. EDUCATIONAL PLAN

A. EDUCATION PHILOSOPHY

General Overview: Undergirding the academic program design should be a set of beliefs about teaching and learning that inform choices about curriculum, instruction, and assessment.

Requests:

1. Briefly describe the applicant group's education philosophy, including core beliefs and values about teaching and learning.
2. Provide a short summary of research or theories that substantiate this philosophy.

Evaluation Criteria:

A response that meets the standard will:

1. Present a clear and coherent education philosophy that informs the design of the academic program.
2. Provide specific research and theories that support the school's approach to teaching and learning.

B. CURRICULUM

General Overview: The application must include a description of the school's proposed curriculum.[25]

Requests:

1. Describe the school's processes for selecting and/or developing curriculum.
2. Describe the school's processes for horizontally aligning curriculum across subjects and vertically aligning curriculum across grades, and for reviewing and revising curriculum. In this response, please include timelines, who will be involved, and the role of teachers in these processes. Explain how these processes will ensure that the curriculum is aligned to state standards and tests and meets the needs of all students, including students with disabilities, English language learners, students below grade level, and advanced students.
3. Describe how the school's curriculum will be organized and the curriculum resources that will be used to determine what teachers should teach and when they should teach it (e.g., curriculum maps, scope and sequences, pacing guides, etc.). Explain who will create/select, evaluate and revise these resources.
4. Describe the materials that will be used to deliver the curriculum, including any textbooks, commercial programs, software and/or teacher developed materials. Explain who will create/select, evaluate and modify these resources.

[25] 20 USC § 7221b(b)(3)(A)(iii)

5. Describe any unique or innovative aspects of the curriculum and explain how the proposed curriculum aligns with the school's educational philosophy and furthers the school's mission and applicable key design elements.
6. Describe any research or existing models that support the use of the proposed curriculum.
7. Explain how the proposed curriculum will allow the school to meet Benchmark 1: Student Performance of the Charter School Performance Framework.
8. Describe any supplemental curriculum that will be developed and/or selected for interventions, special populations, and/or social emotional development or character education.

Attachments:

- ❑ **Required Attachment 3: Course Descriptions;** Provide brief course descriptions for each subject at each grade level the school would serve within the initial charter term, including both core and non-core subject areas. These should include an overview of content and skills addressed by each course and any known curriculum programs or materials planned for the course. For high school proposals, provide an outline of course sequences leading to graduation.
- ❑ **Required Attachment 3a: Student and Teacher "Day in the Life";** Provide a brief narrative no more than 4 pages total describing a typical student and teacher day.
- ❑ **Optional Attachment 3b;** *Please note:* Applicants have the option to submit up to **10 pages** of curricular documentation for consideration. All supplemental material must relate directly to the Curriculum response and be labeled as **Attachment 3b** in the appendix. Such material can include, for example, framework or scope and sequence documents, unit or lesson plan templates, pacing calendars, or other means of cross-walking various curricula that may be essential to reviewers' understanding of the proposed school model.

Evaluation Criteria:

A response that meets the standard will:

1. Present a comprehensive curriculum that is consistent with the school's mission, target population, key design elements, approach to serving at-risk students, staffing plan and other relevant components of the proposal.
2. Present a reasonable plan for developing and implementing the school's curriculum, particularly in the core academic areas of English language arts, mathematics, science and social studies.
3. Ensure curriculum alignment with New York State Learning Standards and the New York State Testing Program;
4. Ensure the curriculum meets the anticipated needs of all students in the school, including special populations.
5. Present credible research and models that demonstrate the efficacy of the proposed curriculum design.
6. Ensure the curriculum will generate academic results that meet Benchmark 1: Student Performance of the Charter School Performance Framework.

C. INSTRUCTION

General Overview: The application must include a description of the school's proposed instructional practices. [26]

Requests:

1. Describe the specific instructional strategies and practices that will be used to deliver the curriculum and explain how these instructional methods will meet the needs of all students, including those with special needs, English language learners and those at risk of academic failure.
2. Describe fully any unique or innovative aspects of the school's pedagogical approach and explain how the proposed instructional methods align with the school's educational philosophy and furthers the school's mission and applicable key design elements.
3. Explain how the school will define, support and ensure rigorous and engaging instruction.
4. Describe any research or existing models that support the use of these instructional methods.

Evaluation Criteria:

A response that meets the standard will:

1. Describe instructional methods that align with the school's education philosophy, mission and goals.
2. Describe instructional methods that are likely to meet the needs of the school's target population.
3. Provide precise definitions of instructional rigor and engagement and present a plan that is likely to ensure rigorous and engaging instruction.
4. Explain how the proposed instructional methods will provide special student populations with full and meaningful access to the curriculum.
5. Present credible research and models that demonstrate the efficacy of the proposed instructional methods.

D. SPECIAL STUDENT POPULATIONS AND RELATED SERVICES

General Overview: Charter schools have enrollment and retention targets for at-risk students and must demonstrate the capacity to identify and meet the needs of special student populations, which include students with disabilities, English language learners, struggling students and gifted/advanced students.

Requests:

1. Describe the proposed school's specific processes, methods, strategies and/or programs for identifying and serving students who are struggling academically and are at risk of academic

[26] 20 USC § 7221b(b)(3)(A)(iii)

failure, students with disabilities, English language learners, and gifted and advanced students.

2. Provide a rationale for these approaches and explain how they align with the school's mission and education philosophy.
3. Provide any research or evidence that supports the appropriateness of the school's approach to serving special populations.
4. Describe the staff members who will be responsible for meeting the needs of special populations and their responsibilities and qualifications.
5. Explain how services for special populations will be coordinated with general education instruction.
6. Describe any ancillary and support services the school expects to offer students and their families, such as counseling, family outreach, and/or relationships with community organizations or service agencies.
7. Describe the process used to evaluate the effectiveness of the programs employed to support special student populations and how the school will ensure that it is meeting the needs of these students.

Evaluation Criteria:

A response that meets the standard will:

1. Provide specific plans for meeting the needs of special populations both within general education classrooms and in other settings.
2. Provide specific plans for meeting the needs of special populations that align with other application sections, including target population, curriculum, instruction, assessment, staffing and budget.
3. Describe a Response to Intervention (RTI) process for identifying and meeting the needs of struggling students.
4. Demonstrate a clear understanding of law and regulations regarding identification and services for special populations, including the role of the Committee on Special Education (CSE) and Individualized Education Programs (IEPs).
5. Describe the specific special education services that will be offered with a compelling rationale for selecting those services.
6. Explain how the school will work with the districts of residence to ensure that eligible students receive services consistent with their IEPs and comparable to services provided in other public schools in the district.
7. Describe how the school will manage IEP record-keeping, including the processes for providing copies of the IEPs to teachers and service providers.
8. Demonstrate how the general education classroom environment and instructional approach will be responsive to the needs of special student populations and explain how they will be effectively coordinated with other interventions and services for special populations.
9. Provide compelling research or evidence that demonstrates the appropriateness and effectiveness of the school's approach to serving special populations.

E. ASSESSMENT SYSTEM

General Overview: Successful charter schools are data-driven organizations that regularly assess performance and adjust as part of a process of continuous improvement.

Requests:

1. Describe the school's use of diagnostic, formative, interim, and summative assessments to evaluate academic progress and achievement, including each assessment's purpose, design, and format.
2. Explain how assessments will be selected and/or created and who will be involved in this process.
3. Provide an annual assessment calendar to demonstrate the frequency of assessments.
4. Explain how the school will ensure the validity and reliability of its assessments.
5. Describe the school's processes for administering assessments and collecting, storing and analyzing data.
6. Explain how the following stakeholders will use data: teachers, administrators, board members, families and students.
7. Explain how individual student, student cohort and school-wide results will be used.
8. Explain any goal-setting practices for students, teachers and administrators.
9. Describe how the school will inform families and students about academic progress and achievement.

Evaluation Criteria:

A response that meets the standard will:

1. Present a comprehensive assessment plan likely to meet the needs of all stakeholders.
2. Present an assessment plan that aligns with the school's mission, goals, and education philosophy.
3. Present an assessment plan that aligns with the calendar, curriculum, staffing, budget and other sections of the application.
4. Demonstrate the ability to ensure valid and reliable assessments.
5. Demonstrate understanding of and commitment to assessment requirements applicable to all public schools consistent with state law[27] and relevant policies of the Board of Regents, including the New York State Testing Program.
6. Present a clear and credible plan for sharing relevant data with students, families and the school community.

[27] N.Y. Education Law § 2854(1)(b)

F. PERFORMANCE, PROMOTION, AND GRADUATION STANDARDS

General Overview: Charter schools must meet the same performance standards and assessment requirements set by the Board of Regents for students in other public schools but may also set their own unique promotion and graduation requirements in line with their mission and goals.

Requests:

1. Describe the proposed school's policies and standards for promoting students to the next grade, achievement level, or grouping level.
2. Explain what the school will do for students who do not meet its promotion and/or graduation standards.
3. If the proposed school will serve the 12th grade, provide the school's requirements to obtain a high school diploma.

Required Attachment:

- ❑ **Attachment 3c: Exit Standards;** Provide sample exit standards for English language arts, mathematics, and one other subject area for each level (i.e., elementary, middle, high) that the school intends to operate.

Evaluation Criteria:

A response that meets the standard will:

1. Demonstrate that promotion and graduation standards are aligned with the school's mission, goals, educational program, and assessment system.
2. Demonstrate adequately rigorous performance standards that will allow the school to achieve the benchmarks in the Charter School Performance Framework and mission-specific goals.
3. For high schools, demonstrate that the school's graduation standards are aligned with state requirements for obtaining a high school diploma.
4. Describe a viable plan for meeting the needs of failing students.

G. SCHOOL CULTURE AND CLIMATE

General Overview: School culture is critical not only to the academic success of charter schools, but to student and staff retention as well. Applicant groups must have a clear vision of their school culture and a detailed plan for realizing that vision. The school may employ schoolwide, grade-wide or class-based strategies and applicants should address the social-emotional development of their students as well as their approach to behavior management and discipline.

Requests:

1. Present a vision of school culture that aligns with the school's mission and education philosophy.

2. Provide any research or proof of effective existing models that support the proposed approach to school culture and discipline.
3. Explain who has primary responsibility for school culture and discipline.
4. Describe the strategies and staff the school will employ to develop and sustain this school culture.
5. Explain how the school will establish a safe and orderly school environment that is conducive to learning.
6. Explain how the school will promote, monitor and assess the social-emotional development of its students.
7. Explain the school's approach to student behavior management and discipline for both the general student population and for students with disabilities.
8. Explain how the school will monitor and evaluate the efficacy of school culture and discipline.

Required Attachment:

- ❑ **Attachment 4**: **Student Discipline Policy;** Provide a student discipline policy that includes rules and procedures by which students may be disciplined up to and including expulsion or suspension from the school, which are consistent with (a) the requirements of due process and with federal laws and regulations governing the placement of students with disabilities[28], and (b) the requirements of the Dignity for All Students Act (Education Law Article 2) relating to the creation of policies intended to create a school environment that is free from discrimination or harassment. [29]

[28] N.Y. Education Law § 2851(2)(h)
[29] N.Y. Education Law Article 2

Evaluation Criteria:

A response that meets the standard will:

1. Present a clear and detailed vision of school culture.
2. Present a credible plan for creating and sustaining a school culture that aligns with the school's mission and education philosophy and supports academic achievement and social emotional development.
3. Present a reasonable plan for establishing a school environment that is safe and conducive to learning and describes specific and age-appropriate behavior management strategies that are either school-wide, grade-wide or class-based.
4. Present age-appropriate strategies for the social-emotional development of its students with a reasonable plan for monitoring and assessing student growth.
5. Provide a student discipline policy that reflects the mission and culture of the school. The discipline policy must specify: the substantive acts for which a child may be disciplined, the consequences (or range of consequences) resulting from committing each such act, the due process procedures that the school will follow in applying its discipline policy (in accordance with federal law), and the individuals responsible for carrying out the discipline policy and any appeals.
6. Demonstrate a clear understanding of the law regarding due process and procedures for disciplining students with disabilities.
7. Provide compelling research or evidence that demonstrates the appropriateness and effectiveness of the school's approach to school culture and discipline.

H. SCHOOL SCHEDULE AND CALENDAR

General Overview: The Charter Schools Act requires applicants to submit "The school calendar and school day schedule, which shall provide at least as much instruction time during a school year as required of other public schools." In addition to the information included in the narrative as per the evaluation criteria, three attachments are required for this section.

Requests:

1. Provide a brief explanation of the school calendar, noting any unique or innovative aspects and how it aligns or differs from the district calendar. Address the number of instructional days, organization of the school year (e.g., quarters, semesters, trimesters), professional development days, and summer programming and/or instruction for students and/or teachers.
2. Provide a brief account of the instructional day, from three student perspectives: on-grade level, at risk for academic failure, and above grade level.
3. Provide a brief explanation of the student weekly schedule, noting any unique or innovative aspects and how it supports implementation of the academic program and school culture. Address core and non-core classes, intervention and remediation programs, electives, and other relevant key design elements.

4. Provide a brief explanation of the teacher weekly schedule, noting any unique or innovative aspects and describing the length of the teacher's work day, supervisory time, planning periods, professional development, and any other duties the teacher performs in each day.
5. Provide any research or other evidence that supports the school's calendar and schedules.

Required Attachments:

- ❑ **Attachment 4a**: **Sample Weekly Student Schedule;** Provide a sample weekly student schedule for at least one grade that is representative of each level the school intends to operate (elementary, middle, and/or high school). If scheduling structures are unique to each grade, please provide a sample schedule for each grade.

- ❑ **Attachment 4b: Sample Weekly Teacher Schedule;** Provide a sample weekly teacher schedule for at least one grade that is representative of each level the school intends to operate. If scheduling structures are unique to each grade, please provide a sample schedule for each grade.

- ❑ **Attachment 4c: Proposed First Year Calendar;** Provide a copy of the proposed school calendar for year one of the school's operations that clearly demonstrates:
    - Days that school is in session;
    - Holidays, days off, and half days;
    - Professional development days;
    - Summer programming and/or instruction;
    - First and last days of class; and
    - Organization of the school year (quarters, semesters, trimesters) including the beginning and ending for each segment.

Evaluation Criteria:

A response that meets the standard will:

1. Demonstrate how the proposed daily instructional schedule will meet the needs of students of all levels and abilities.
2. Present a calendar that demonstrates the required number of instructional days and aligns with the school's mission and school design.
3. Present student and teacher schedules that align with each other and the proposed education program.
4. Present student schedules that provide adequate time to achieve the school's academic performance and other goals.
5. Present teacher schedules that provide adequate time for instruction, planning and professional development.
6. Present compelling research or models that demonstrate the efficacy of the school's calendar and schedules.

III. ORGANIZATIONAL AND FISCAL PLAN

A. ORGANIZATIONAL STRUCTURE

General Overview: Charter schools are unique institutions that must be effectively structured and organized to support their education, operations and financial plans. Applicants should present an organizational chart that clearly outlines how they will structure their school to meet the myriad needs of stakeholders and achieve their mission and goals. An effective organizational chart does not need to represent all individual staff members, and instead should focus on the types of positions the school will employ. In addition, the organizational chart should show how the school's structure will change over time to reflect growth in student and staff sizes. This can be accomplished with multiple charts or a single chart with footnotes indicating when specific positions are added to the organization.

Requests:

1. Provide an organizational chart that shows the staffing structure and lines of reporting for the board, administration, and staff over the charter term. Include management and/or partner organizations if applicable.
2. Explain and provide a rationale for the organizational structure of the school.

Evaluation Criteria:

A response that meets the standard will:

1. Present an organizational chart with clear lines of accountability and reasonable supervision responsibilities over the course of the charter term.
2. Present an organizational chart that aligns with the school's mission, program design, staffing plan, budget and other relevant sections of the application.
3. Demonstrate a clear understanding of the administrative relationship between the charter school and the Board of Regents as the chartering entity.

B. BOARD OF TRUSTEES AND GOVERNANCE

General Overview: The board of trustees of the charter school education corporation has final authority for policy and operational decisions of the school, but the board may delegate decision making authority to officers and employees of the school in accordance with the provisions of the charter. The proposed initial board as identified in Table 1 must consist of a minimum of five members and no more than 25 members.[30]

Requests:

1. Describe the roles and responsibilities of the school's board of trustees.
2. Describe the proposed governance practices of the school, including:
    - Board size

[30] N.Y. Education Law §226(1)

- Qualifications for board membership
- Board member recruitment and selection
- Board member appointment or election
- Member terms
- Ex officio and/or representative positions
- Structure of the board, including officers and committees
- Conduct of board and committee meetings
- Process to govern multiple schools under one educational corporation
- Process to promote parental and staff involvement in school governance
- Adherence to Open Meetings Law
- Board training and development and for new and veteran members

3. Describe the expertise and backgrounds of the proposed members of the initial board of trustees and any vacant positions that will be filled between charter approval and school opening.
4. Describe what authority the board of trustees will retain and what authority it will delegate to school employees or others.
5. Explain how the board of trustees will hold school management (and management or partner organizations if applicable) accountable for achieving the school's mission and goals.

Required Attachments:

- ❒ **Table 1: Applicant Group Information;** If any Board of Trustee members *have been added or removed* between the Letter of Intent and Application phases, please update in Table 1 to reflect these changes.
- ❒ **Attachment 5a**: For each new member or proposed trustees of the applicant group, please submit the following:
  - **New Applicant and Prospective School Trustee Background Information Form**: Include a signed Statement of Assurance and a signed Statement of Intent which is included at the bottom of the Assurance statement. See Background Information Sheet at Starting a Charter School.
  - **Resume or Curriculum Vitae:** Provide a resume that includes all experience and expertise relevant to the founding, managing and governing of a charter school.
  - **Education Credentials:** If an individual has a high school diploma, GED or equivalent, an undergraduate or graduate degree from a higher education institution or a transcript, please provide a copy such documentation from their highest level of education attained.
  - If an individual has education credentials but cannot provide such documentation, please submit a signed and notarized letter stating the highest level of education obtained and the reason why the documentation cannot be provided.
  - **Note:** Individuals are not required to have any of the above referenced education credentials to serve on a charter school's Board of Trustees. To the extent available, such documentation is used for identity verification.
- ❒ **Attachment 5b: By-Laws;** Submit a draft of proposed by-laws for the board of trustees.

- ❒ **Attachment 5c: Code of Ethics;** Submit a draft of a proposed Code of Ethics for the charter school.

Evaluation Criteria:

A response that meets the standard will:

1. Demonstrate a clear understanding of the key roles and responsibilities of a charter school board of trustees and its officers, including the administrative relationship between the charter school governing board and the Board of Regents as the chartering entity.
2. Present governance practices likely to produce effective oversight and accountability for the school, including effective recruitment of members with relevant expertise, conduct of monthly meetings at the school, ongoing board training and development, and reasonable delegation of authority to school employees.
3. Present proposed by-laws that meet the requirements of Education Law and all applicable laws and regulations governing education corporations in the State of New York.
4. Present a proposed Code of Ethics for the charter school that set rigorous standards of conduct for the school's trustees, officers and employees, including standards with respect to disclosure of conflicts of interest regarding any matter brought before the board of trustees.

C. MANAGEMENT AND STAFFING

General Overview: Charter schools have flexibility in deciding how to manage and staff their organization and many use innovative roles and structures to meet the needs of staff, students and families.

Requests:

1. Complete and include in the narrative the staffing table below for all positions employed over the first charter term.
2. Explain the staffing plan, including delegation of responsibilities and relationships with key stakeholders, and provide a rationale for the proposed staffing plan.
3. Describe the roles, responsibilities and desired qualifications of the school leader (i.e., the person who is responsible for management of the school and reports to the board of trustees).
4. If a proposed school leader has been identified, describe that person's experience and qualifications. If a school leader has not yet been selected, describe the plans for the recruitment and selection of that individual.
5. Explain the management roles and responsibilities of key administrators with respect to the education program, school operations and finance.
6. Describe management and staffing plans for identifying and serving students with disabilities and English language learners.
7. Explain how the school will recruit and retain high quality teachers, including plans for compensation and benefits.

Required Attachments:

- ❑ **Attachment 8a: Hiring and Personnel Policies and Procedures**; Present a hiring plan and complete the proposed staffing chart. The hiring plan, which should include:
  - Job descriptions, including qualifications and responsibilities, used in the hiring of school administrators, teachers and other school employees.
  - Hiring processes for administrators, teachers and other staff members.
  - Evaluation processes for administrators, teachers and other staff members.
  - Complaint process for staff.
- ❑ **Attachment 8b: Resume for Proposed School Leader** if one has been identified.

Proposed Staffing Chart						
Positions	**Avg. Starting Salary**	**FTE**				
		Year 1	**Year 2**	**Year 3**	**Year 4**	**Year 5**
e.g., Principal	$100,000	1	1	1	1	1
e.g., Director of Operations	$90,000	1	1	1	1	1
e.g., English Teachers	$65,000	2	4	6	6	6

Evaluation Criteria:

A response that meets the standard will:

1. Present a comprehensive staffing plan that is aligned with the school's enrollment projections, key design elements, education plan, and budget and is likely to achieve the school's mission and goals. The staffing plan should present a thorough understanding of how the school will be operated and managed and provide a clear picture of the school's operating structure and priorities.
2. Describe a proposed school leader with the qualifications to effectively manage the school or, if a leader has not been proposed, describe an effective process for identifying and recruiting such a leader.
3. Demonstrate an understanding of management needs with respect to curriculum and instruction, assessment, special populations, teacher development and evaluation, operations, finance, facility, health services, food services, transportation, and security.
4. Describe an effective plan for administration and implementation of special education and ESL programs.
5. Present job descriptions of all key positions, including qualifications and responsibilities, that align with the school's mission, design and education philosophy.
6. Provide a recruitment and hiring plan that is likely to yield high quality teachers in all subjects, especially hard-to-fill subjects (e.g., special education) and positions requiring unique expertise (e.g., co-teaching, blended learning, dual language).
7. Present personnel policies that address background checks, discrimination, harassment, Code of Ethics, and other key responsibilities of employers.
8. Present a plan that is reasonably likely to retain effective staff, including information pertaining to the school's working conditions and compensation packages and increases.
9. Describe how the school will address potential human resource challenges as the school grows to scale over the course of the charter term.

C.1. CHARTER MANAGEMENT ORGANIZATION

General Overview: Schools may contract with a not-for-profit charter management organization (CMO) to provide substantially all of the educational or management services for the proposed school. Pursuant to recent amendments to the Charter Schools Act, for-profit business or corporate entities are not eligible to operate or manage a charter school created pursuant to this RFP.[31] If the applicant group is **not** part of an existing education corporation but still intends to contract with a CMO, please complete the following section. Otherwise, write "Not Applicable" and skip to the next section.

Schools that intend to employ a management organization but have not yet identified one are unlikely to be able to provide sufficient information for the authorizer to evaluate this section and conclude that the school has an adequate management plan.

[31] N.Y. Education Law § 2851(1)

Note: Existing education corporations seeking to operate additional schools should use the Replicator Version of the 2018 RFP and Application Kit.

Requests:

1. If a management organization has been identified, describe the process for selecting that organization and the rationale for this choice. Also describe the role of the management organization in the charter application process.
2. If a management organization has not been identified, explain the process that will be used to select that organization, including individual roles and responsibilities as well as a timeline and decision criteria for selecting the organization.
3. Explain the fee structure for employing the management organization over the term of the charter, and how the applicant group evaluated the appropriateness of the fee structure.
4. Describe the proposed roles and responsibilities of the management organization in the school and the relationships between school staff and the management organization.
5. Describe the relationship between the management organization and the school's board of trustees, including whether any employees or board members of the management organization will serve on the proposed school's board of trustees.
6. Explain how the school's board of trustees will provide oversight and hold the management organization accountable for achieving the school's mission and goals.

Attachments (if applicable):

- ❑ **Attachment 6a: Charter Management Organization information;** If a management organization has been identified, provide the following:
  - A list of any other schools managed by the organization in New York and in other states, including contact information;
  - Academic performance data from all schools managed by the organization for the past three years;
  - A summary of the organization's fiscal performance for the past three years and a description of the organization's current financial plan;
  - A description of services to be provided by the organization; and
  - A description of the management structure and a summary of key personnel at the organization.
- ❑ **Attachment 6b: Proposed Management Contract;** If applicable, submit a copy of the management contract or term sheet.
- ❑ **Attachment 6c: Management Organization Business Plan;** If applicable, submit a business plan for the management organization using the format outlined in Appendix E.

Evaluation Criteria:
A response that meets the standard will:

1. Present a clear description of the contractual relationship and accountability between the management organization and the school's governing board that is consistent with the school's mission and educational program.
2. Present a persuasive rationale for selecting and contracting with a management organization, in general, and the specific provider, in particular;
3. Provide a clear description of the services to be provided by the management organization.
4. Present a coherent delineation of the roles and responsibilities between the school's governing board, management and the management organization.
5. Provide evidence of the capacity of the board to conduct a thorough and independent evaluation of the management organization that is consistent with the school's accountability requirements; and
6. Present rigorous performance expectations for the management organization and how the board will hold the management organization accountable for meeting those expectations.

C.2. PARTNER ORGANIZATION(S)

General Overview: The statute permits an application to establish a charter school to be submitted by teachers, parents, school administrators, community residents or any combination thereof. Such application may also be filed in conjunction with a college, university, museum, educational institution, or not-for-profit corporation exempt from taxation under paragraph 3 of subsection (c) of section 501 of the internal revenue code.[32] If this application is being filed in partnership with one of the entities described above, please complete this section in its entirety for each partner organization. Otherwise, write "Not Applicable" and skip to the next section.

Please note: This section is intended only for affiliations with organizations that are committed to providing a substantial benefit to the charter school. It is not necessary to list as institutional partners organizations that will provide the same services to the charter school as the organization provides to other public schools and/or the general public, e.g., museums that provide tours or sports teams that provide tickets to all public schools. Please also note that due to recent amendments to the Charter Schools Act, this application may not be filed in conjunction with a for-profit business or corporate entity.[33]

Requests:
For each proposed partner organization, address the following:

1. Provide the name of the organization.
2. Provide public contact information (name, address, phone number, and e-mail address) for a contact person at the affiliated organization.

[32]N.Y. Education Law § 2851(1)
[33] N.Y. Education Law § 2851(1)

3. Describe the nature and purpose of the proposed affiliation (e.g., teacher training and staff development, curriculum and assessment, access to physical facilities, etc.).
4. Provide the rationale for the affiliation.
5. Describe the benefit that the school expects to receive from the affiliation.
6. Describe any associated fees that will be assessed to the school.
7. Explain how the school will coordinate the services of the partner organization with the school program.
8. Explain how the school will monitor and evaluate the partnership to ensure the school is deriving sufficient value.

Attachment (if applicable):

- ❑ **Attachment 7: Partnership Information;** If applicable, submit a Letter of intent/ commitment or an agreement/contract from a bona fide representative of each partner organization indicating that the organization is undertaking the affiliation and the terms and extent of the undertaking, including evidence that the organization has legal standing to do business in New York and has tax-exempt status under Internal Revenue Code section 501(c)(3).

Evaluation Criteria:

A response that meets the standard will:

1. Provide all the required information about each partner organization, including specific terms and costs, if any.
2. Demonstrate the value of each partnership and its likeliness to support achievement of the school's mission.
3. Describe how the relationship with each partner will be effectively managed and coordinated.
4. Demonstrate the capacity of the school to evaluate each partnership on an ongoing basis to ensure value to the school.

C.3. NETWORKED SCHOOLS

General Overview: Some schools are replications or affiliates of existing schools, often under one education corporation, and share staff and services without employing a separate management organization. Existing education corporations seeking to operate additional schools should use the Replicator Version of the 2018 RFP and Application Kit. Otherwise, write "Not Applicable" and skip to the next section.

D. STAFF SUPERVISION AND DEVELOPMENT

General Overview: Successful charter schools provide robust instructional leadership to support ongoing pedagogical improvement.

Requests:

1. Describe the school's instructional leadership roles and responsibilities for teacher supervision, support, and professional development.
2. Describe the school's professional development plan for administrators, teachers and other staff, including how schoolwide and individual staff needs will be identified and how the plan will address these diverse needs.
3. Explain how and by whom professional development will be delivered and differentiated based on the experience level and subject area expertise of teachers.
4. Explain how this plan will be implemented and evaluated within the context of the proposed charter school's design.
5. Explain how the school intends to establish a professional climate that results in purposeful teaching and learning and leads to reasonable rates of retention for school administrators and teachers.
6. Describe any formal and/or scheduled opportunities and the frequency of such opportunities for teacher planning and collaboration.

Evaluation Criteria:

A response that meets the standard will:

1. Describe specific roles and responsibilities of school staff and any other individuals or organizations involved in providing teacher support and professional development that align with the school's education model and staffing plan.
2. Present a credible plan for identifying both school-wide needs and the individual needs of administrators and teachers.
3. Describe a comprehensive professional development and training plan that is likely to produce effective administrators and teachers who enable the school to achieve its mission and goals and meet the needs of all students, particularly those students identified as at-risk of academic failure, students with disabilities, and English language learners.
4. Provide a reasonable plan for monitoring and evaluating the professional development program.
5. Provide adequate planning and collaboration time to effectively develop curriculum and assessments and implement purposeful, rigorous and engaging instruction.

E. EVALUATION

General Overview: Successful charter schools regularly monitor the performance of their board, management, staff and programs to support continuous improvement.

Requests:

1. For each of the following stakeholders, describe the school's evaluation processes and procedures, including key roles and responsibilities, and explain how the results will be used:
    A. Board of trustees and individual board members
    B. School leader(s)

C. Key management positions
D. Teachers
E. Non-academic staff

2. Explain how teachers will be held accountable for quality instruction and student performance.
3. Describe the processes and procedures that will be used to evaluate the school's operational effectiveness and fiscal soundness.
4. Describe the school's requirements and procedures for programmatic audits.
5. Explain how the school will monitor progress towards achievement of its mission and goals as well as the benchmarks in the Charter School Performance Framework and share those results with the school community. Describe the steps that will be taken when the school is not meeting expectations.
6. Describe how family and student satisfaction will be evaluated and the results used to improve the school.
7. Explain how the school will evaluate family and community involvement.
8. If relevant, discuss how the school will evaluate the effectiveness of organizational partnerships or management service agreements.

Evaluation Criteria:
A response that meets the standard will:

1. Provide rigorous evaluation processes and procedures for all stakeholders that are likely to identify valid strengths and areas for improvement.
2. Present a credible plan for using evaluation results to ensure improvement and achievement of the school's mission and goals and the benchmarks in the Charter School Performance Framework.
3. Demonstrate the capacity to hold stakeholders accountable for school performance.
4. Present a reasonable plan for programmatic audits that take place at least annually.

F. FACILITIES

General Overview: **Facilities are consistently one of the greatest challenges for charter schools.** Applicant groups must demonstrate the capacity to find, secure and maintain a suitable facility for their school, often for an organization that is growing over time. Applicant groups need not have secured a facility to receive a charter, but must have a clear plan for securing one by the time the school is scheduled to begin serving students. If the applicant group is proposing to incubate or locate in NYCDOE public space, the applicant group must still provide an alternate plan to secure private facilities by responding to all the requests below.

Please note: If the facilities to be used by the proposed school are not known at the time the application is submitted, the applicant must notify the Board of Regents within ten business days of

acquiring facilities for such school. The charter school must also obtain a certificate of occupancy for such facilities prior to the date on which instruction is to commence at the school.[34]

Request:

1. Complete the facilities table below regarding minimum facility requirements over the charter term. Applicants may add additional types of space that are necessary for the implementation of their proposed program.
2. Explain the school's facility needs over the charter term, including any community resources the school will need to implement its program, e.g., off-site physical education, arts, science labs, etc.
3. If facilities have been identified for part or all of the charter term, describe their location, condition, and capacity for meeting the school's needs. Include any renovation requirements and timelines.
4. If facilities have not been identified for the entire charter term, describe the school's plan for identifying and securing a facility, including who will be involved in this process and the timeline.
5. Explain the school's funding plan for its facility, including all related revenue and costs, e.g., rental assistance, utilities, maintenance, renovations, etc.

	Year 1	**Year 2**	**Year 3**	**Year 4**	**Year 5**
General Education Classrooms					
Special Education Classrooms					
Counseling/Guidance Offices					
Administrative Offices					
Cafeteria					
Gymnasium					
Auditorium					
Conference Rooms					
Other:					
Other:					
Other:					

[34] N.Y. Education Law § 2851(2)(j)

Evaluation Criteria

A response that meets the standard will:

1. Demonstrate a sound understanding of the school's facility needs over the entire charter period that reflects the school's enrollment and staffing plan, program design and budget.
2. Demonstrate an understanding of school facility requirements, including applicable health, safety, and occupancy requirements and accessibility for students and adults with disabilities.
3. Present a clear and credible plan for identifying, securing and maintaining appropriate and adequate facilities for the entire charter term and demonstrate the capacity to carry out the plan.
4. If facilities have been identified, demonstrate their ability to meet the school's needs, including necessary permitting and safety requirements.
5. If facilities have not been identified, identify viable potential locations and provide detailed information about selecting, securing, renovating (if appropriate), and taking occupancy of a suitable facility.
6. Demonstrate a clear understanding of charter school facility revenues and costs as well as co-location and funding processes, if applicable, and present a viable funding plan for the school's facilities, including evidence to support facilities-related budget assumptions.
7. If applicable, present a clear plan and timeline for renovating facilities and demonstrate the capacity to fund and manage the process.
8. If the school intends to lease facilities from a school district or co-locate in an existing public school building pursuant to statute, provide evidence of any district commitment and provide the school's alternate plan to secure a facility should public space and/or co-location in the school district be unavailable.

G. INSURANCE

General Overview: Provide information that demonstrates a solid plan to acquire insurance for the school including the types required, the costs involved, and the proven ability to obtain it.

Requests:

1. Describe the types and amounts of insurance coverage to be obtained by the school, including insurance for liability, property loss and the personal injury of students.
2. Explain the types and amounts of insurance proposed for the school.

Evaluation Criteria:

A response that meets the standard will:

1. Describe adequate insurance coverage that aligns with school enrollment, staffing, program design, facilities, and budget.
2. Provide evidence of ability and preparation to obtain the appropriate insurance coverage.
3. Present evidence to support the budget expense assumptions related to insuring the school.

H. NON-ACADEMIC OPERATIONS

General Overview: **General Overview**: Charter schools must meet the same health and safety, civil rights, and student assessment requirements applicable to other public schools, except as otherwise specifically provided in the Charter Schools Act. Provide a description of the health services and food services to be provided to students attending school. Additionally, discuss the school's plans for transportation of students, including how the school will arrange for transportation for students who do not qualify for public school transportation under Education Law Section 3635, and any other supplemental transportation arrangements.[35]

Requests:

1. Describe the school's plans for health services, addressing staffing, record-keeping, administration of medications, health services and programs, and facility requirements.
2. Describe the school's plans for food services. Indicate whether the charter school will participate in the Federal school lunch or school breakfast programs and/or whether the charter school will participate in the local school district's food service programs and whether food will be prepared on or off site.
3. Describe the school's plans for transportation of students, including how the school will arrange for transportation for students who do not qualify for public school transportation under Education Law Section 3635, and any other supplemental transportation arrangements.[36]
4. Explain how the school will manage other non-academic operations, including facility, technology, student information and other record-keeping, procurement, compliance and reporting, security, and custodial services. Address relevant staffing, resources, systems and procedures.

[35] 70 N.Y. Education Law § 2851(2)(j); 2853(4)(b);
[36] N.Y. Education Law § 2851(2)(j); 2853(4)(b);

Evaluation Criteria

A response that meets the standard will:

1. Present reasonable plans for providing health services that meet legal requirements and align with the school's program, staffing and budget.
2. Present reasonable plans for providing food services that meet requirements and align with the school's mission, program, target student population, staffing and budget.
3. If the school will provide transportation to students, present a thorough, realistic, and cost-effective transportation plan; provide specific evidence of third party readiness and terms for providing transportation services consistent with the school's budget assumptions, including an assurance that it will provide special transportation and accommodations that are included in a student's IEP or 504 plans.
4. If the school will not provide transportation to students, present a clear statement of the school's intent not to provide transportation services; describe viable transportation options for students; and describe contingency plans to provide transportation services that are included in a student's IEP or 504 Plan.
5. Present a reasonable plan for managing non-academic operations (including facility, technology, student information and other record-keeping, procurement, compliance and reporting, security, and custodial services) that demonstrates anticipation of challenges and capacity to meet school, student and family needs.

I. FAMILY AND COMMUNITY INVOLVEMENT

General Overview: Charter schools are schools of choice, designed to provide families with opportunities to send their children to innovative and high performing public schools. Charter schools are also embedded in local communities and expected to respond to community needs. Thus, they should have clear plans for involving families and the community in the life of the school.

Requests:

1. Explain how the school will involve families and the community in the school during its pre-opening phase, i.e., between charter approval and opening to serve students.
2. Describe the school's plan for communicating with the families of enrolled students.
3. Describe the school's plan for family involvement in the school once it opens.
4. Explain how the school will support families in helping their child to grow and achieve.
5. Describe the school's plan for community involvement in the school, including any plans for leveraging community resources to support implementation of the school's program and achievement of its mission and goals (Note: Significant partnerships should also be addressed in Section C2: Partner Organization(s)).
6. Describe any research or successful models that support the school's approach to family and community involvement.
7. If applicable, discuss how the school will partner with low performing public schools in the area to share best educational practices and innovations.

Evaluation Criteria:

A response that meets the standard will:

1. Present a vision and plan for family and community involvement that is achievable and reasonably likely to further the school's mission and program.
2. Present effective strategies for supporting families that align with the school design, staffing plan and budget.
3. Provide evidence of specific community organizations or resources with which the school is either already working or likely to partner, e.g., letters of commitment, and demonstrate how anticipated community involvement is realistic and achievable.
4. Provide credible research and successful models that demonstrate the efficacy of its approach to family and community involvement.

J. FINANCIAL MANAGEMENT

General Overview: Charter schools are multi-million-dollar organizations responsible for the appropriate and effective use of public funds. Applicant groups must demonstrate the capacity to establish and maintain the financial viability of the school over the entire charter term.

Requests:

1. Describe the school's annual budgeting process.
2. Describe the policies, procedures and systems for managing the school's finances and identify the staff position(s) that will be responsible for financial management.
3. If the school will contract for any financial services, explain the role of the contractor(s) and describe their proposed relationship with the school.
4. Explain how the school will provide financial oversight and ensure meeting fiscal compliance and reporting requirements.
5. Explain how the school will maintain and protect student and financial records.
6. Describe the school's process for conducting independent fiscal audits.

Evaluation Criteria:

A response that meets the standard will:

1. Demonstrate a keen understanding of the financial management needs and obligations of a charter school.
2. Present a budgeting process that will ensure financial viability of the school.
3. Demonstrate capacity to provide effective financial management and oversight, including development of adequate fiscal policies and procedures.
4. Present evidence that the school is prepared to adhere to generally accepted accounting practices.
5. Present a credible plan for selecting an independent financial auditor and conducting an independent audit at least annually.
6. Present evidence that the school will have the capacity to develop adequate policies and processes for tracking enrollment and attendance eligibility, eligibility for free- and reduced-priced lunch, and special education services and other services for special populations of students.

K. BUDGET AND CASH FLOW

General Overview: The statute requires the applicant to include a proposed budget and fiscal plan for the school, including supporting evidence that the fiscal plan is sound and that sufficient start-up funds will be available to the charter school. The plan should present a clear picture of the school's revenue projections and expenditure requirements that address all aspects of the proposed school during the pre-opening and operational phases, including staffing, facility needs, transportation and food service plans.

Applicants must use the Budget and Cash Flow Template to detail the school's estimated revenues and expenditures for the proposed term of the charter including the pre-operational start-up year, as well as a cash flow analysis for the start-up year. An active version of the template (including accompanying worksheets) may be downloaded from NYSED's website at http://www.p12.nysed.gov/psc/startcharter.html. The templates structure may not be modified.

For each revenue and expenditure line item the template provides space for assumptions and applicants should make extensive use of this opportunity to annotate their budget, including assumptions on which line item numbers are based, evidence on which assumptions are based, and description of calculations used to arrive at line item numbers. The five-year budget should explain the changes in line items from year to year.

Include an explanation and discussion of key budget assumptions underlying the budget projections and explain how the budget aligns with and supports implementation of the educational program. If the school anticipates incurring debt for any reason, such as for acquisition of its facility, the budget must address the schedule for debt repayment and the budget discussion should elaborate on the repayment assumptions and plan.

As discussed in the Overview of the Application Process, applicants are eligible, upon Board of Regents approval and issuance of a charter and based upon the availability of funds, to receive a ***Charter School Program (CSP) Planning and Implementation Grant***. The charter authorization process serves as the substantive review process for CSP grant funds. Applicants, except *those affiliated with CMOs that have received federal CSP funds through the Charter Schools Program (CSP) Grants for Replication and Expansion of High-Quality Charter Schools (CFDA 84.282M) (accessing both CSP funding streams is not permitted by the U.S. Department of Education)*, may include a grant amount of between $550,000 and $8000,000 over a three year period (planning year, implementation year 1, implementation year 2) in the overall charter school budget and cash flow template. **Inclusion of CSP grant amounts greater than the $550,000 base award in the budget should be considered carefully, as enhanced funding levels are not guaranteed.**

Requests:

1. Provide narrative description the budget, including a summary of key revenue and expenditure categories and net income each year, including during the pre-opening period.
2. Explain how the proposed budget supports implementation of the key design elements.
3. Describe the school's contingency plans for cash flow challenges, a budget shortfall, lower than expected student enrollment or other financial challenges that may occur in the early years of operation.

Attachments:

- ❑ **Required Attachment 9**: **Budget and Cash Flow Template**; Microsoft Excel Template can be found at Starting a Charter School. All budget lines in the budget template are required to include assumptions.
- ❑ **Optional Attachment 10**: **Evidence of Financial Support**; If the proposed budget relies on contributions, provide evidence of commitment for those contributions.

Evaluation Criteria:

A response that meets the standard will:

1. Present a balanced budget that is sound and reasonably likely to support start-up and operation of the school throughout the charter period.
2. Present realistic, evidence-based revenue and expenditure assumptions, including any plan to incur and repay debt.
3. Demonstrate ability to plan for cash flow during the first year of operation such that the school can cover its monthly costs.
4. Present budget priorities that are consistent with and support key parts of the plan, including the school's mission, educational program, staffing and facility.
5. Demonstrate concrete commitments for contributions necessary to achieve a balanced budget.
6. Provide for the establishment of an escrow account of no less than $100,000 ($20,000 per academic year for the first 5 years of operation) to pay for legal and audit expenses that would be associated with dissolution should it occur. The school may provide for the full amount in its first-year budget, or provide for a minimum of $20,000 per year for the first five years of its charter term
7. Present viable strategies for meeting potential budget and cash flow challenges, particularly for the first year of operation.
8. Budget lines in the budget template include detailed and understandable budget assumptions.

L. PRE-OPENING PLAN

General Overview: Applicant groups must demonstrate a deep understanding of the complexity of founding a charter school and the many tasks that must be completed prior to serving students. The Pre-Opening Plan is an opportunity to present a comprehensive plan that addresses all key components of start-up and the order in which they will be completed. The Pre-Opening Plan attachment does not count against the application narrative page limit.

Required Attachment:

- ❑ **Attachment 11: Pre-Opening Plan;** Provide a Pre-Opening Plan with a timeline that documents the start and end dates of key tasks to be completed between approval of the application and the opening of the school and the person(s) responsible for each task.

Evaluation Criteria:

A response that meets the standard will:

1. Demonstrate understanding of key pre-opening responsibilities consistent with the school's education, organizational and financial plans.
2. Present a detailed plan with reasonable start and end dates for each task.
3. Present a plan that includes the person(s) responsible for each task and aligns with the pre-opening budget and staffing plans.
4. Present a plan that addresses implementation of the school's key design elements and any other unique aspects of the school design.

M. DISSOLUTION PLAN

General Overview: A major component of the charter school bargain of flexibility in exchange for accountability is the possibility of school closure if the school does not meet its goals and the Charter School Performance Framework benchmarks. Applicant groups must recognize the possibility of school closure and have a detailed plan for dissolution of the school that incorporates the NYSED Closing Procedures Guide found at Charter School Closing Procedures.

Required Attachment:

- ❑ **Attachment 12: Dissolution Plan;** Present a Dissolution Plan that describes the procedures to be followed in the event of closure or dissolution of the school.

Evaluation Criteria:

A response that meets the standard will:

1. Identify detailed and reasonable procedures to be followed in the case of the closure or dissolution of the charter school the incorporates the NYSED Closing Procedures Guide, including provisions for the transfer of students and student records to the school district in which the charter school is located and for the disposition of the school's assets to the school district in which the charter school is located or another charter school located within the school district.[37]

[37] N.Y. Education Law § 2851(2)(t)

IV. TABLE OF REQUIRED AND OPTIONAL ATTACHMENTS

Note: Attachments are limited to 75 pages, excluding those marked with an asterisk (*). Page limits are suggested for each attachment below to help applicants keep within the total 75-page limit.

Attachment #	Title	Suggested Page Limits
Attachment 1	Admissions Policies and Procedures	5 pages
Attachment 2a	Initial Samples of Public Outreach (Please **do not** submit signed petitions in any stage of the appl.)	15 pages
Attachment 2b*	Evidence of Public Review Process	No limit, excluded from total attachment page limit
Attachment 2c*	Evidence of Community Support	No limit, excluded from total attachment page limit
Attachment 2d*	Evidence of District Support for Restart/Turnaround - Optional	No limit, excluded from total attachment page limit
Attachment 3*	Course Descriptions	No limit
Attachment 3a	Student and Teacher "Day in the Life"	4 pages maximum
Attachment 3b	Optional Curricular Materials	10 pages maximum
Attachment 3c	Exit Standards	2 pages
Attachment 4	Student Discipline Policy	5 pages
Attachment 4a	Sample Weekly Student Schedule (ES, MS, and/or HS)	3 pages
Attachment 4b	Sample Weekly Teacher Schedule (ES, MS, and/or HS)	3 pages
Attachment 4c	Proposed First Year Calendar	2 pages
Attachment 5a*	New Applicant and School Trustee Background Information Form (including educational, employment history or attached resume, Statement of Intent, and Statement of Assurance)	No limit, excluded from total attachment page limit
Attachment 5b	By-Laws	10 pages
Attachment 5c	Code of Ethics	5 pages
Attachment 6a*	If applicable: CMO Information	No limit, excluded from total attachment page limit
Attachment 6b*	If applicable: Proposed Management Contract or Term Sheet	No limit, excluded from total attachment page limit
Attachment 6c*	If applicable: Management Organization Business Plan using format outlined in Appendix E	No limit, excluded from total attachment page limit
Attachment 7*	If applicable: Partnership Information	No limit, excluded from total attachment page limit
Attachment 8a	Hiring and Personnel Policies and Procedures	15 pages

Attachment 8b	Resume for Proposed School Leader, if identified	5 pages
Attachment 9*	Budget and Cash Flow Template	No limit, Excel Template
Attachment 10*	Evidence of Financial Support, if applicable.	No limit, excluded from total attachment page limit
Attachment 11	Pre-Opening Plan	5 pages
Attachment 12	Dissolution Plan	3 pages
Table 1*	Applicant Group Information	No limit, use Table provided
Table 2*	Public Outreach Information	No limit, use Table provided

APPENDIX A: REVIEWER EVALUATION GUIDANCE AND RUBRIC

Reviewer Information: The evaluation rubric is designed to guide the review of charter school applications submitted to the Board of Regents. The evaluation rubric is aligned to each section and subsection of the application, and list the evaluation criterion by which the reviewers are to evaluate each section and sub-section, mirroring the RFP. Throughout the evaluation, reviewers determine whether the applicant group has responded to all evaluation criterion and rate how well the applicant group's responses address the evaluation criterion. Reviewers are to rate the responses as **Does Not Meet the Standard, Approaches the Standard, or Meets the Standard** as defined below:

Rating Definitions

Does Not Meet the Standard	The response lacks meaningful detail; demonstrates lack of preparation; or otherwise raises substantial concerns about the applicant's understanding of the issue in concept and/or ability to meet the requirement in practice.
Approaches the Standard	The response addresses most of the selection criteria, but lacks some meaningful detail and requires important additional information to be reasonably comprehensive.
Meets the Standard	The response reflects a thorough understanding of key issues and indicates capacity to open and operate a quality charter school. It addresses the topic with specific and accurate information that shows thorough preparation and presents a clear, realistic picture of how the school expects to operate.

At the end of each sub-section, reviewers note key strengths and identify questions and areas of concern. Reviewers explain and elaborate on their respective ratings, providing summative ratings and comments for each section of the application and the application as a whole. Reviewer comments are essential and used to prepare feedback to the applicants, to prepare NYSED staff for the Capacity Interviews, and to inform final recommendations.

Reviewer Instructions:

- Read the relevant sub-section of the application and the corresponding bulleted evaluation criteria and indicate the rating that best fits your assessment of the response (*Does Not Meet*, *Approaches*, or *Meets the Standard*).
- Use the sub-section text boxes to identify key strengths and questions or concerns to identify areas of concern that impede your ability to have a full understanding of the proposed plan. Reference specific sections, page numbers, and evaluation criteria.
- Use the summary text boxes at the end of each section to highlight the key strengths and concerns that you have for that section of the application.
- At the end of the application, provide an overall rating for the application and insert your comments into the text boxes to support the rating. Reference the relevant sections, page numbers, and attachments.

APPENDIX B: SAMPLE PAGE FROM THE REVIEWER EVALUATION RUBRIC

Proposed School Name:	
Reviewer Name:	**Review Date:**

G. Programmatic and Fiscal Impact

Requests:

1. Provide an assessment of the projected programmatic impact of the proposed school on other public and nonpublic schools in the area.
2. Provide an assessment of the projected fiscal impact of the proposed school on other public and nonpublic schools in the area using the **Fiscal Impact Table** below.

Required Table:

- ❑ **Fiscal Impact Table:** Complete the fiscal impact table below and include in the narrative

Evaluation Criteria:

A response that meets the standard will**:**

1. Demonstrate a reasonable assessment of programmatic impact on other public and non-public schools in the area.
2. Demonstrate a reasonable assessment of fiscal impact on other public and nonpublic schools in the area. **(Please footnote your sources and assumptions)**.

Rating of Section I.G: Programmatic and Fiscal Impact

Initial Application Interview		
Meets the Standard	**Approaches the Standard**	**Does Not Meet the Standard**
Strengths: •	Questions or Concerns: •	
After Capacity Interview		
Meets the Standard	**Approaches the Standard**	**Does Not Meet the Standard**
Strengths: •	Questions or Concerns: •	

APPENDIX C: NEW YORK STATE STATUTORY PRIORITY SCORING RUBRIC

Priority Objective (1 – 4 Points Each)	Weight	Key Indicators	Primary Evidence Sources
1. The school will increase student achievement and decrease student achievement gaps in reading/language arts and mathematics. [38]	2	• The academic program (curriculum, instructional design, and pedagogy) has strong potential to build student mastery in reading, literacy and mathematics concepts and skills. • The academic program explicitly defines strategies to identify and accelerate the achievement of students who are below-level in reading and mathematics. • The school's assessment framework supports the implementation of accelerated instruction with valid and reliable information about student need and progress. • The organizational structure of the school provides strong student support services.	I.A. Achievement Goals II. EDUCATIONAL PLAN II.B & II.C Curriculum and Instruction II.E Assessment
2. The school will increase high school graduation rates and focus on serving specific high school student populations including, but not limited to, students at risk of not obtaining a high school diploma, re-enrolled high school drop-outs and students with academic skills below grade level. [39]	2	• Recruitment and retention strategies are specific to students who are at risk of dropping out or have dropped out of school. • The core content and pedagogy of the academic program has the potential to meet the learning needs of at risk high school students. • The school culture and student support services have the strong potential to engage and meet the needs of at risk high school students.	I.A Mission I.B Key Design Elements I.F Enrollment, Recruitment II. EDUCATIONAL PLAN III.C Management and Staffing III.E Professional Development III.I Family and Community Involvement
3. The school will focus on the academic achievement of middle school students and prepare them for a successful transition to high school. [40]	1	• The school will serve middle school students. • The academic program (curriculum, instructional design and pedagogy) has strong potential to engage and increase the academic achievement of middle-school students. • The school culture and program support the social-emotional needs of young adolescents. • The proposal includes explicit programs and approaches that are likely to support the effective transition to high school.	I.A Mission I.B Key Design Elements I.F Enrollment, Recruitment II. EDUCATIONAL PLAN III.C Management and Staffing III.E Professional Development
4. The school will use high-quality assessments designed to measure a student's knowledge, understanding of and ability to apply critical concepts using a variety	1	• The school's assessment framework is comprehensive and includes a variety of screening, diagnostic, formative and summative measures of student learning. • The assessments selected are valid and reliable measures. • The proposal describes how assessments will provide student and classroom level information to teachers and administrators and how this information will be used to inform instruction.	I.A. Achievement Goals II.E Assessment II.F Performance, Promotion, and Graduation Standards

[38] N.Y. Education Law § 2852(9-a)(c)(i)
[39] N.Y. Education Law § 2852(9-a)(c)(ii)
[40] N.Y. Education Law § 2852(9-a)(c)(iii)

Priority Objective (1 – 4 Points Each)	Weight	Key Indicators	Primary Evidence Sources
of item types and formats.[41]		• The proposal describes how assessment information will be used to evaluate the effectiveness of the educational program by school leaders.	
5. The school will acquire, adopt and use local instructional improvement systems that provide teachers, principals and administrators with the information and resources they need to inform and improve their instructional practices, decision-making and overall effectiveness. [42]	1	• The proposal describes a process for review and revision of curriculum. • The proposal describes a systematic process by which student achievement information will be presented, analyzed and reviewed at classroom, grade and school levels. • The proposal describes a process for teacher and administrative performance evaluations based on objective information about instructional effectiveness. • The proposal describes the process for the development and ongoing evaluation of a professional development plan, based on objective student and school performance information. • The proposal describes an objective process for evaluation of progress toward achievement of school mission and goals.	I.A. Achievement Goals II.B & II.C. Curriculum and Instruction II.D. Assessment III.E Evaluation & Professional Development
6. The school will partner with low-performing public schools in the area to share best educational practices and innovations. [43]	2	• Low-performing public schools in the geographic area are identified. • The applicant demonstrates understanding of factors that contribute to low academic performance including feeder school patterns. • The proposal describes concrete partnership initiatives to share best practices and innovations. • Evidence that plans to share best practices and innovations have been collaboratively developed with the low-performing public school.	I.C Community to be Served III.E Professional Development III.I Family and Community Partnerships
7. The school will have the management and leadership techniques necessary to overcome initial start-up problems to establish a thriving, financially viable charter school.[44]	1	• Applicant group and proposed trustees provide evidence of experience in charter school launch and operation. • Applicant group and proposed trustees provide evidence of expertise in charter school finance. • A qualified school leader is identified to launch and lead the school. • The board by-laws embed a systematic approach by which the board of trustees will oversee school leadership and operation.	I.D Applicants Group Capacity III.B Board of Trustees and Governance III.J Financial Management III.K Budget and Cash Flow
8. The application demonstrates that the school has the support of the school district in which the school will be located and the intent to establish an ongoing relationship with such district.[45]	2	• Concrete evidence of school district support is provided. • Promising efforts and plans to establish an ongoing relationship with the school district are described.	I.C Community to be Served I.E Public Outreach III.I Family and Community Partnerships

[41] N.Y. Education Law § 2852(9-a)(c)(iv)
[42] N.Y. Education Law § 2852(9-a)(c)(v)
[43] N.Y. Education Law § 2852(9-a)(c)(vi)
[44] N.Y. Education Law § 2852(9-a)(c)(vii)
[45] N.Y. Education Law § 2852(9-a)(c)(viii)

APPENDIX D: NEW YORK STATE CSP GRANT PRIORITIES BASED UPON AVAILABLE FUNDING

As part of New York State's $113 million federal CSP grant award, NYSED may provide grant funds to all applicants who are issued a charter by the Board of Regents, *except those applications affiliated with CMOs that have received federal CSP funds through the Charter Schools Program (CSP) Grants for and Expansion of High-Quality Charter Schools (CFDA 84.282M), since accessing both funding streams is not permitted by the U.S. Department of Education.* All successful applicants may expect to receive a base amount of $550,000 over the planning period and first two implementation years of the school's first charter term, contingent on the completion of additional grant-specific budget information and other requirements that will be requested from those applicants who are granted a charter. For reference, see CSP Planning and Implementation Grant.

In addition, New York State encourages the development of high-quality charter schools that meet specific needs, especially those of educationally disadvantaged students, and will make available the award of significantly increased start-up funding amounts for such programs. NYSED may provide enhanced awards for charters schools that meet two types of incentive priorities:

1. **Underserved student populations priority:** New York State will provide awards of up to $625,000 total to those charter schools that, by the October Basic Education Data System (BEDS) student data reporting date in their first year of operation, have met one or more of the enrollment targets for students with disabilities, English language learners, and economically disadvantaged students prescribed the by Board of Regents as required by §2852(9-b) of the Act.

2. **Authorizer program design priority:** As part of the integrated charter authorization and grant review process, NYSED may provide awards of up to $800,000 total to charter schools meet one or more program design priorities specified below. (Schools that meet more than one incentive priority may not receive more than $800,000 of total CSP grant funding). Continuation funding at the enhanced incentive level during the implementation years of the 3-year start-up grant will be dependent on NYSED's assessment of the school's success in implementing the program design priority. Applications which meet one of the following program design priorities outlined below will be considered for the $800,000 enhanced CSP funding level.

Design Priority	Indicators
1. The school is specifically designed to meet the learning needs and raise the achievement of students who are English language learners.	• The mission is specific to the needs of English language learners. • Recruitment and retention strategies are specific to families of students who are English language learners. • The academic program (curriculum, instructional design, pedagogy) has strong potential to accelerate learning for English language learners. • The staffing plan, including teacher qualifications and skills, is likely to support the learning needs of English language learners.
2. The school is specifically designed to meet the learning needs and raise the achievement of students with disabilities.	• Mission is specific to the needs of students with identified or probable disabilities. • Recruitment and retention strategies are specific to students with identified or probable disabilities. • The academic program (curriculum, instructional design, pedagogy) has strong potential to be effective with the target population(s). • The staffing plan, including teacher qualifications and skills, is likely to support the learning needs of the target population(s).
3. The school is specifically designed to meet the learning needs and raise the achievement of over-age, under-credited students.	• The school's mission is specific to the needs of over-age, under-credited students. • Recruitment and retention strategies are specific to over-age, under-credited students. • The academic program (curriculum, instructional design, pedagogy) has strong potential to be effective with the target population(s). • The staffing plan, including teacher qualifications and skills, is likely to support the learning needs of the target population(s). • The school is designed to offer an individualized learning environment; rigorous academic standards; student-centered instruction; support to meet students' academic and developmental goals; and explicit connections to college and career readiness.
4. The school will serve students who are at-risk of academic failure because they reside in a community that is served by a persistently low-achieving school.	• The applicant identifies persistently low-achieving schools in the targeted community. • The application includes a letter of support from the school district indicating support of the proposed school as a high-quality educational option for students in at least one of the district's low performing schools. • The school's enrollment and retention plan targets students who are at-risk of academic failure because they are attending a low-achieving school. • The academic program (curriculum, instructional program, pedagogy) is designed to meet the learning

Design Priority	Indicators
	needs of students who are likely to have below-level mastery in reading/ELA, mathematics and academic core subjects.
5. The school is approved by the public school district to operate as a turnaround or restart school.	• The school will serve as a successor to a low-achieving school that is being phased out, closed, transformed, turned around or restarted by the district. • The application includes a letter of verification from the superintendent of the district of location.
6. The school will provide an educational option for students in rural geographic areas.	• The school will be in a rural community with limited educational options. • The school will provide a program that is distinctive from other educational options in the area.
7. Improving productivity through innovative use of technology to provide blended learning.	The school provides evidence of a carefully designed blended or online program that: • Outlines how students will complete a unit of study and demonstrate mastery of the learning outcomes for the subject, including passing the Regents examination in the subject or other assessment required for graduation, if applicable. • Demonstrates that: (a) courses are aligned with the applicable New York State Learning Standards for the subject area, (b) courses provide for documentation of student mastery of the learning outcomes for the subjects, (c) instruction is delivered by and/or under the direction/ supervision of a qualified teacher with appropriate expertise in both the subject area and the instructional modality, and (d) the program includes regular and substantive interaction between the student and the teacher providing direction and/or supervision.
8. The school's program will promote a racially, ethnically, and linguistically diverse student population.	• The school demonstrates a comprehensive outreach plan, using multiple languages and strategies, to fully and deliberately inform families of diverse racial, ethnic and linguistic groups about the school. • The school will provide specialized program designs (e.g., arts-infused, democratic education) likely to promote a racially diverse student population, by appealing to a variety of racial, ethnic and linguistic groups. • The school provides a compelling demographic and geographic analysis that supports the likelihood that the proposed school location is likely to promote a racially diverse student population. • The school provides a plan for an organizational or transportation model that would encourage students to cross boundaries of racially distinct neighborhoods (more

Design Priority	Indicators
	robust and more specific beyond the statutory requirements in the Charter Schools Act).
9. The school will replicate an existing, high-quality school model.	• The application includes information about the market need for the new school and the impact on the existing school. • The school to be replicated has met student achievement indicators for academic growth, proficiency and college and career readiness on State standards and achievement goals outlined in the school's charter over the initial or prior charter term. • The governance, staffing, operational and financial plan for the proposed school supports the likelihood that the proposed school and the existing school will have the capacity to open and meet performance expectations.

APPENDIX E: BUSINESS PLAN

General Overview: The existing education corporation or charter management organization that seeks to operate multiple charter schools and/or add to a network of existing charter schools, whether these schools are in New York State or another state, is required to include a strategic business/growth plan with the full application to demonstrate capacity to take on additional schools.

Most new operator applicant groups are not required to submit a business plan with the standard application. Applicants are encouraged to contact CSO staff to ascertain if a business plan is required based on any proposed affiliations with charter schools authorized by any entity other than the Board of Regents.

Charter schools that replicate can implement a variety of organization structures to ensure the efficient operation of multiple schools. These structures may include, but are not limited to, the creation of a charter management organization (CMO), a shared services team, or merging education corporations. For the purposes of the new school RFP, these entities are referred to collectively as a Comprehensive Management Organizations. For reference, see Definition of an Entity that Provides Comprehensive Management Services**.**

The business plan should provide the following information: If an applicant believes that a question in this section is not applicable to their situation, the applicant should so state and explain why the applicant believes the question does not apply.

A. Comprehensive Management Organization Information:

1. Name of the Comprehensive Management Organization;
2. Role of the Comprehensive Management Organization;
3. State of incorporation;
4. State(s) in which the Comprehensive Management Organization(s) operates;
5. Year founded; and
6. The contact name, address, phone number, and email address for each member of the Comprehensive Management Organization leadership team;

B. Comprehensive Management Organization History and Growth Plan:

1. Describe the Comprehensive Management Organization's mission, strategic vision, and desired impact.
2. Provide a brief overview of the organization's history. List all charter revocations or surrenders, bankruptcies, school closures, non-renewals, or shortened or conditional

renewals for any of the schools operated by the organization and provide explanations. Explain any performance deficits or compliance violations that have led to formal authorizer intervention with any school operated by the organization. Provide details as to how such deficiencies were resolved.

3. List and describe all schools currently operated by the Comprehensive Management Organization.
4. List and describe all future schools the Comprehensive Management Organization plans to operate (excluding the school described in the current RFP application).
5. Describe the Comprehensive Management Organization's five-year growth plan for developing new schools in New York and other states.
6. Provide a rationale for the proposed five-year growth plan; for example, how the organization determined the appropriate pace and scope of the proposed growth and why the organization is well-positioned to implement the growth plan.
7. Specifically identify the key risks associated with this growth plan and describe the steps the organization is taking to mitigate these risks. Respondents should demonstrate an understanding of the challenges of replication in general and as they relate specifically to their organization's growth plans. The response should detail specific risks and explain how the organization will minimize the impact of each of these risks, and ideally provide contingency plans for them. Examples may include:
   - Inability to secure facilities/facilities financing;
   - Difficulty raising philanthropic funding;
   - Insufficient leadership pipeline/difficulty recruiting school leaders; and
   - Ambiguous student performance outcomes and the need to curtail expansion if performance drops.
8. Discuss lessons learned during any past replication efforts. For example, identify challenges encountered and how the organization addressed them, as well as how the organization would minimize such challenges for the proposed schools.

C. Performance of Existing Schools:

1. Provide an overview of prior performance across all schools ever operated by the Comprehensive Management Organization, including closed schools and schools that moved away from the organization.
2. Select one or more of the consistently high-performing schools that the organization operates and discuss the school's academic performance.
3. Select one or more of the organization's schools whose performance is relatively low or not satisfactory and discuss the school's academic performance and efforts to improve it.

D. Market Analysis and Selection of Target Communities:

1. Describe how the target communities in New York State were identified and selected as attractive markets to the Comprehensive Management Organization. If the existing portfolio does not include schools in New York, provide the rationale for entering New York.
2. Discuss the Comprehensive Management Organization 's competition for students and staff in the target communities, assess student demand, and describe the organization's competitive advantages.

E. Attachments:

Provide the following documentation with the business plan narrative:

A. **By-laws:** Include the organization's current by-laws.

B. **Meeting schedule:** Provide a copy of the Comprehensive Management Organization's board meeting schedule for the current year or school year, and a proposed schedule for the first year of operation of the proposed new school.

C. **Organizational Chart:** Provide an Organizational Chart that shows the staffing structure and reporting responsibilities for the organization's board, administration, and staff.

D. **Management Contracts:** Identify which services and costs are included in any management contract as well as services and costs billed in addition to the management contract fee. In the case of separately billed services/goods shared across schools, please explain how costs will be distributed among schools. If the organization does not partner with a Charter Management Organization (CMO), then describe which centralized services the organization would offer, how costs would be allocated to the various schools, and how the schools will pay for those services. If there would be a contract or a shared services agreement, provide the most recent executed agreement as well as any new proposed agreement. If the parties are still negotiating some provisions, provide a draft agreement.

E. **Philanthropic Support:** Provide a detailed list of donor organizations, along with the dollar amount contributed, for the past three years. If philanthropic funding is included in the budget, then provide commitment letters from the top five contributors. Note, letters should include a statement that the contributor plans to continue the relationship with the organization and note any restrictions on the funds, but does not need to cite actual funding amounts.

F. **Consolidated Financial Reports:** Provide copies of, or other access to, the three most recent annual consolidated audited financial reports, including management or advisory letters and related notes. Provide the same information for related entities, subsidiaries,

real estate or other service entities that would provide goods or services to the charter school or the organization.

G. **Audited Financial Statements:** For the Comprehensive Management Organization and all charter schools operated by the Comprehensive Management Organization, provide copies of, or other access to, all audited financial statements and all management or advisory letters issued during the previous three years by any independent auditors who prepared the audited financial statements or any governmental agency (i.e. the NYC or NYS Comptroller) that conducted an audit. Be sure to include any out of state charter school audited financial statements.

H. **Form 990s:** Provide copies of, or other access to, all IRS Form 990s filed during the previous three years by the organization including any non-SUNY authorized charter school education corporations operating a school presently managed by the organization.

I. **Authorization to do Business in New York State:** Provide evidence that the organization is authorized to do business in New York State (New York corporate formation documents from the Secretary of State or copy of approved application for authority to do business in New York from the Secretary) or the New York State Board of Regents.

J. **Not-for-Profit Status:** Provide evidence of the organization's not-for-profit state and federal status, including tax-exempt status under section 501(c)(3) or other provision of the Internal Revenue Code, if applicable.

K. **Client List:** Provide a list of clients with whom the organization has contracted over the preceding four years. Include clients with which the organization has severed the relationship, and clients that have severed the relationship with the organization for financial deficiencies or malfeasance, charter revocation or non-renewal, statutory, regulatory, or charter compliance deficiencies, conflict of interest or other reasons, and explain the reason(s) for the severance of each relationship.

L. **Litigation:** Provide a list of any current or past litigation, including arbitration proceedings, that has involved the organization, its related entities, or any of the charter schools it operates. If applicable, provide demand, any response to the demand, and results of the arbitration or litigation.

APPENDIX F: LIST OF MOST COMMON PITFALLS

1. Failure to conduct sufficient public outreach to community and stakeholder groups.
2. Failure to continue public outreach throughout the application process.
3. Plagiarizing from applications previously submitted by other applicant groups or other sources for sections that require original content.
4. Resubmission of the applicant's previously rejected application with corrections, instead of submitting a cohesively and thoughtfully revised proposal.
5. Failure to demonstrate knowledge of relevant laws, rules, and regulations.
6. Failure to submit a complete response to every numbered request in each section of the application.
7. Failure to provide a detailed, clear, consistent, and cohesive application that presents not only a clear vision, but also a comprehensive and realistic plan.
8. Failure to follow application instructions, including guidelines for font, formatting, document length, size, and content.
9. Failure to present a balanced budget based on reasonable assumptions and workable cashflow
10. Failure to demonstrate the applicant group's capacity to start, sustain, and renew a successful charter school
11. Failure to have all members of the applicant group review the application, and the RFP to ensure compliance with all requirements, and knowledge and agreement with all aspects of the application.
12. Waiting until the day of the deadline to upload and submit documents.

Revised State Template for the Consolidated State Plan

The Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act

U.S. Department of Education
Issued: March 2017

1/12/2018
OMB Number: 1810-0576
Expiration Date: September 30, 2017

Paperwork Burden Statement According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1810-0576. The time required to complete this information collection is estimated to average 249 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this collection, please write to: U.S. Department of Education, Washington, DC 20202-4537. If you have comments or concerns regarding the status of your individual submission of this collection, write directly to: Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Ave., S.W., Washington, DC 20202-3118.

Introduction

Section 8302 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA),[1] requires the Secretary to establish procedures and criteria under which, after consultation with the Governor, a State educational agency (SEA) may submit a consolidated State plan designed to simplify the application requirements and reduce burden for SEAs. ESEA section 8302 also requires the Secretary to establish the descriptions, information, assurances, and other material required to be included in a consolidated State plan. Even though an SEA submits only the required information in its consolidated State plan, an SEA must still meet all ESEA requirements for each included program. In its consolidated State plan, each SEA may, but is not required to, include supplemental information, such as its overall vision for improving outcomes for all students and its efforts to consult with and engage stakeholders when developing its consolidated State plan.

Completing and Submitting a Consolidated State Plan

Each SEA must address all of the requirements identified below for the programs that it chooses to include in its consolidated State plan. An SEA must use this template or a format that includes the required elements and that the State has developed working with the Council of Chief State School Officers (CCSSO).

Each SEA must submit to the U.S. Department of Education (Department) its consolidated State plan by one of the following two deadlines of the SEA's choice:

- **April 3, 2017**; or
- **September 18, 2017**.

Any plan that is received after April 3, but on or before September 18, 2017, will be considered to be submitted on September 18, 2017. In order to ensure transparency consistent with ESEA section 1111(a)(5), the Department intends to post each State plan on the Department's website.

Alternative Template

If an SEA does not use this template, it must:

1) Include the information on the Cover Sheet;
2) Include a table of contents or guide that clearly indicates where the SEA has addressed each requirement in its consolidated State plan;
3) Indicate that the SEA worked through CCSSO in developing its own template; and
4) Include the required information regarding equitable access to, and participation in, the programs included in its consolidated State plan as required by section 427 of the General Education Provisions Act. See Appendix B.

[1] Unless otherwise indicated, citations to the ESEA refer to the ESEA, as amended by the ESSA.

Individual Program State Plan

An SEA may submit an individual program State plan that meets all applicable statutory and regulatory requirements for any program that it chooses not to include in a consolidated State plan. If an SEA intends to submit an individual program plan for any program, the SEA must submit the individual program plan by one of the dates above, in concert with its consolidated State plan, if applicable.

Consultation

Under ESEA section 8540, each SEA must consult in a timely and meaningful manner with the Governor, or appropriate officials from the Governor's office, including during the development and prior to submission of its consolidated State plan to the Department. A Governor shall have 30 days prior to the SEA submitting the consolidated State plan to the Secretary to sign the consolidated State plan. If the Governor has not signed the plan within 30 days of delivery by the SEA, the SEA shall submit the plan to the Department without such signature.

Assurances

In order to receive fiscal year (FY) 2017 ESEA funds on July 1, 2017, for the programs that may be included in a consolidated State plan, and consistent with ESEA section 8302, each SEA must also submit a comprehensive set of assurances to the Department at a date and time established by the Secretary. In the near future, the Department will publish an information collection request that details these assurances.

For Further Information: If you have any questions, please contact your Program Officer at OSS.[State]@ed.gov (e.g., OSS.Alabama@ed.gov).

Cover Page

Contact Information and Signatures	
SEA Contact (Name and Position):Ira Schwartz, Associate Commissioner, Office of Accountability	Telephone:(718) 722-2796
Mailing Address:55 Hanson Place, Brooklyn, NY 11217	Email Address:Ira.Schwartz@nysed.gov
By signing this document, I assure that: To the best of my knowledge and belief, all information and data included in this plan are true and correct. The SEA will submit a comprehensive set of assurances at a date and time established by the Secretary, including the assurances in ESEA section 8304. Consistent with ESEA section 8302(b)(3), the SEA will meet the requirements of ESEA sections 1117 and 8501 regarding the participation of private school children and teachers.	
Authorized SEA Representative (Printed Name) MaryEllen Elia	Telephone: (518) 474-5844
Signature of Authorized SEA Representative 	Date: 1/12/18
Governor (Printed Name) Andrew M. Cuomo	Date SEA provided plan to the Governor under ESEA section 8540: July 31, 2017
Signature of Governor	Date:

Programs Included in the Consolidated State Plan

Instructions: Indicate below by checking the appropriate box(es) which programs the SEA included in its consolidated State plan. If an SEA elected not to include one or more of the programs below in its consolidated State plan, but is eligible and wishes to receive funds under the program(s), it must submit individual program plans for those programs that meet all statutory and regulatory requirements with its consolidated State plan in a single submission.

☒ Check this box if the SEA has included all of the following programs in its consolidated State plan.

or

If all programs are not included, check each program listed below that the SEA includes in its consolidated State plan:

☐ Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies

☐ Title I, Part C: Education of Migratory Children

☐ Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk

☐ Title II, Part A: Supporting Effective Instruction

☐ Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement

☐ Title IV, Part A: Student Support and Academic Enrichment Grants

☐ Title IV, Part B: 21st Century Community Learning Centers

☐ Title V, Part B, Subpart 2: Rural and Low-Income School Program

☐ Title VII, Subpart B of the McKinney-Vento Homeless Assistance Act: Education for Homeless Children and Youth Program (McKinney-Vento Act)

Instructions

Each SEA must provide descriptions and other information that address each requirement listed below for the programs included in its consolidated State plan. Consistent with ESEA section 8302, the Secretary has determined that the following requirements are absolutely necessary for consideration of a consolidated State plan. An SEA may add descriptions or other information, but may not omit any of the required descriptions or information for each included program.

In March 2017, the Chancellor of the Board of Regents, Dr. Betty A. Rosa, presented the Board's mission:

"The mission of the New York State Board of Regents is to ensure that every child has equitable access to the highest quality educational opportunities, services and supports in schools that provide effective instruction aligned to the state's standards, as well as positive learning environments so that each child is prepared for success in college, career, and citizenship."

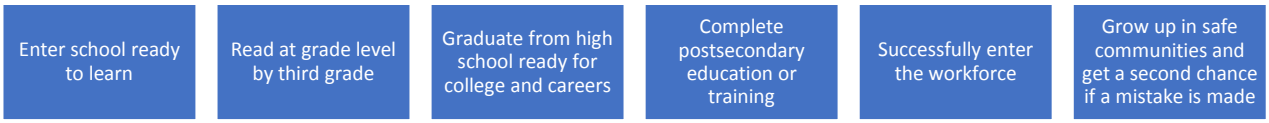
To that end, the Regents and Department of Education seek to address the following goals in this ESSA plan:

- Provide all students comparable access to a world-class curriculum aligned to Next Generation State standards.
- Focus on reducing persistent achievement gaps by promoting the equitable allocation of resources in all public schools and the provision of supports for all students.
- Support educator excellence and equity through the entire continuum of recruitment, preparation, induction, professional learning, evaluation, and career development of teachers and school leaders.
- Build an accountability and support system that is based upon multiple measures of college, career, and civic readiness.
- Use performance measures that incentivize all public schools to move all students to higher levels of achievement and attainment and measure student growth from year to year.
- Identify low-performing schools by using multiple measures, assist in identifying the root causes of low performance, support school improvement by using a differentiated and flexible support system that is based upon the individual needs of each school, and provide supports to districts and schools to implement high-quality improvement plans and improve student outcomes.
- Recognize the effect of school environment on student academic performance and support efforts to improve the climate of all schools.
- Ensure that all students have access to support for their social-emotional well-being.
- Provide all students access to extra-curricular opportunities so that students can serve their schools and their communities, participate in community-based internships, and engage in sports and arts.
- Promote a relationship of trust, cultural responsiveness, and respect between schools and families, recognizing that student achievement and school improvement are shared responsibilities.
- Ensure that effective educator practice is driven by an understanding of content knowledge, evidenced-based instructional practices, and a commitment to all students and their families.
- Ensure that students with disabilities are provided services and supports consistent with the principles of the Blueprint for Improved Results for Students with Disabilities.
- Provide educators with opportunities for continual professional development in the areas of equity, anti-bias, multicultural, and culturally responsive pedagogies.
- Support districts and their communities in engaging in critical conversations about culturally responsive educational systems.
- Support schools in developing and implementing policies that result in all students being educated to the maximum extent possible with their general education peers and provide appropriate supports and services to promote positive student outcomes.

To these ends, the plan develops a set of indicators that will: a) reveal how New York State schools provide students with opportunities to learn and support many dimensions of learning, b) provide a set of expectations for progress for the State, districts, and schools, and c) measure the effectiveness of supports provided to schools to meet these expectations. The plan also describes

strategies by which New York State can create a learning system so that schools and districts can collaborate in developing strategies to align practice to research, and the Department can support a knowledge development and dissemination agenda on behalf of continual improvement.

The above goals are aligned with those recently articulated by the Board of Regents as part of the My Brother's Keeper Initiative[2] that include ensuring that all students:



The Board of Regents is committed to using its ESSA plan and the My Brother's Keeper initiative to mutually support the development and adoption of policies and programs that promote the values of socioeconomic, racial, cultural, and other kinds of diversity.

The Board of Regents also is committed to using its ESSA plan to increase equity of outcomes in New York State's schools. Among a wide variety of ways in which New York State envisions that its ESSA plan will promote educational equity, we highlight the following "baker's dozen:"

1. Publish, annually, the per-pupil expenditures for each Local Education Agency (LEA) and school in the State to highlight instances in which resources must be reallocated to better support those students with the greatest needs.
2. Publish, annually, a report examining equitable access to effective teachers per district and facilitate the ability of districts to address inequities through strengthening mentoring/induction programs, targeting professional development, or improving career ladders.
3. Use the Needs Assessment process for low-performing schools to identify inequities in resources available to schools, and require districts to address these inequities in their improvement plans.
4. Reduce inequities in the allocation of resources to schools by districts by establishing an annual cycle of resource allocation reviews in districts with large numbers of identified schools.
5. Direct additional support and assistance to low-performing schools, based on school results and the degree to which they are improving.
6. Focus on fairness and inclusion of all New York State students in State assessments through the involvement of educators and the application of Universal Design for Learning concepts in test development.
7. Leverage the creation of P-20 partnerships that explicitly recognize the importance of institutions of higher education and other preparatory programs to improve the quality and diversity of the educator workforce.
8. Require that districts include in any future collective bargaining agreements a provision that any teacher transferring from another school in the district to a Comprehensive Support and Improvement school must have been rated as Effective or Highly Effective in the most recent evaluation year.

[2] New York State, My Brother's Keeper Initiative.

9. Use Title I School Improvement Funds to support the efforts of districts to increase diversity and reduce socio-economic and racial/ethnic isolation and bias in schools.
10. Develop State and local policies and procedures to ensure that homeless youth are provided the same access to appropriate educational supports, services, and opportunities as their peers.
11. Create uniform transition plans for students exiting neglected or delinquent facilities and require school districts to appoint a transition liaison to ensure equal supports for the students' successful return to school.
12. Explicitly design the State accountability and support system to require schools and districts to a) reduce gaps in performance between all subgroups, b) incentivize districts to provide opportunities for advanced coursework to all high school students, c) continue to support all students who need more than four years to meet graduation requirements, and d) work with all students who have left school so that they can earn a high school equivalency diploma.
13. Ensure that cultural responsiveness informs all school policies and practices and guides interactions among all members of the school community.

Together, these goals reflect the State's commitment to improving student learning results for all students by creating well-developed, culturally responsive, and equitable systems of support for achieving dramatic gains in student outcomes.

New York State posits that these goals can be achieved

IF …

1. New York State identifies the characteristics of highly effective schools that provide culturally responsive teaching and learning
2. Schools, districts, and the State collaborate to determine the degree to which each school demonstrates the characteristics of a highly effective schools
3. Schools, districts, and the State collaborate to develop plans to address gaps between the current conditions in each school and the characteristics of highly effective schools
4. Schools and districts are provided with resources, including human capital, to implement these plans
5. These resources are used to effectively implement plans that are assessed regularly and revised as appropriate
6. Additional supports and interventions occur when schools and districts that are low-performing do not improve

… THEN …

New York State will eliminate gaps in achievement.

STAKEHOLDER ENGAGEMENT

The New York State Education Department (NYSED or "the Department") and the New York State Board of Regents began the process of soliciting public input and feedback regarding the development of the state's required plan in May 2016. Throughout the process, the New York State Board of Regents has remained committed to ensuring that all stakeholder voices are heard and discussions between groups with diverse viewpoints are encouraged. New York State is very diverse: culturally, linguistically, racially, economically, and geographically. The Department and Board of Regents created a strategic framework for engaging stakeholders to develop a plan that meets the unique needs of the state and its students. This framework included the following activities that are described in more detail in the sections that follow:

- **Creation of the ESSA Think Tank**
- **Regular consultation with the Title I Committee of Practitioners**
- **Fall and Winter Regional Stakeholder Meetings on ESSA**
- **Public On-line Surveys**
- **Spring Public Hearings on the ESSA Draft Plan and Public Comment Period on the ESSA Draft Plan**
- **Educator Conference on ESSA**
- **Consultation with National Educational Experts**
- **Updates to the Board of Regents on ESSA, with items, presentations, and webcasts also available to the public on the Board of Regents webpage.**

ESSA Think Tank

At the May 2016 meeting of the Board of Regents, Department staff requested approval of a plan to engage stakeholders through establishment of an ESSA Think Tank ("the Think Tank"). The Department has successfully used this strategy in the past to consult with stakeholders on the ESEA Flexibility Waiver applications. To be well-prepared to take advantage of potential new flexibility and ensure stakeholder input in the creation of a new state plan, the Department invited representatives of key stakeholder organizations, as well as experts in accountability systems, to participate in an ESSA Think Tank. Members of the Think Tank were asked to help NYSED staff review the new requirements and opportunities presented within ESSA and provide recommendations for a set of guiding principles to be used in developing the plan. Members of the Think Tank were also asked to provide recommendations and feedback on specific components of the plan as it was developed. As New York State's draft plan evolved, members were asked to share information from the Think Tank with their organizations and, in turn, to solicit feedback to share with the Think Tank. A complete list of organizations that participated in the Think Tank can be found on the Department's ESSA Website: http://www.p12.nysed.gov/accountability/essa.html.

The Think Tank convened at least once a month, beginning in June 2016, in Albany, New York and/or via Webinar, for a total of 15 meetings to date. Prior to the first meeting in Albany, members were invited to participate in two webinars related to the provisions of ESSA and how the state can move forward to respond to the ESSA requirements. The Department created an ESSA Think Tank webpage, which catalogued various ESSA resource documents and the presentations given at each meeting.

In addition to in-person monthly meetings of the Think Tank, members were given the option of joining one of six ESSA topical workgroups. These groups met regularly, typically at least twice a month, usually via phone conference or webinars. The workgroups were organized to address specific strategies and proposals related to the ESSA requirements pertaining to:

- **Challenging Academic Standards and Assessments**
- **Accountability Measurements and Methodologies**
- **Supporting English language Learners/Multilingual Learners**
- **Supports and Improvements for Schools**
- **Supports for Excellent Educators**
- **Supports for All Students**

In the beginning months of the Think Tank, the group helped the Department to craft a series of Guiding Principles to inform development of the ESSA application. The Think Tank also provided feedback on the revisions to the Guiding Principles. The Department and Think Tank members agreed that NYS's ESSA State plan should be created with the goal of supporting the development of highly effective schools and encouraging and enabling all schools toward becoming or remaining highly effective. Based on the Department's engagement with the Think Tank, a series of statements intended to articulate the characteristics of highly effective schools was crafted. The draft Guiding Principles and Characteristics of Highly Effective Schools were presented to the Board of Regents at its July 2016 meeting.

Using the Guiding Principles and the Characteristics of Highly Effective Schools as foundational documents, the ESSA Think Tank workgroups discussed essential questions that needed to be answered in each section of the state plan. The work groups were among the main modes for consultation on the two areas within the application that required direct consultation. The Challenging Academic Standards and Assessments work group discussed and formulated proposals related to how the state would determine the minimum number of students within a subgroup (n-size). The Supporting English Language Learners and Multilingual Learners group discussed how the state will determine which languages are present to a significant extent in the participating student population, including English Language Learners who are migratory, English Language Learners who were not born in

the United States, and English Language Learners who are Native Americans, languages other than English that are spoken by a significant portion of the participating student population in one or more of the state's LEAs, as well as languages spoken by a significant portion of the participating student population across grade levels.

In September 2016, the Department began working with the Think Tank on summarizing areas of consensus on the essential questions. These summaries, in large part, served as the starting point for the development of a set of High Concept Ideas. In conjunction with the Think Tank, the Department drafted an initial list of 36 High Concept Ideas in response to the essential questions and guided by the discussions within the Think Tank. Over time, to support development of New York State's draft plan, the Think Tank developed additional High Concept Ideas, resulting in a total of 51 High Concept Ideas being presented to the Board of Regents. The vast majority of these High Concept Ideas have been embedded in New York State's ESSA plan.

As noted above, the Think Tank served as a thought partner with Department staff to develop the activities and materials that were used in the meetings to engage stakeholders around the state in a discussion of ESSA. In fall 2016, the Think Tank discussed and provided feedback on the first round of Public ESSA meetings. Think Tank members were also encouraged to attend those meetings and subsequently provide their thoughts on how the meetings were conducted. Similarly, when the Department arranged Winter ESSA Public Meetings, the Think Tank helped the Department to create discussion questions for the participants that focused on issues that the Department was contemplating related to the draft ESSA plan.

At different points throughout development of the plan, the workgroups reported to the Think Tank about their progress.

In April and May 2017, members were provided with proposals that were being considered for incorporation in the draft ESSA plan and invited to provide feedback. Department staff used this feedback to finalize the draft plan presented to the Board of Regents in May 2017. Subsequently, the Board of Regents released the draft plan in May 2017 for public comment and announced that 13 Regional ESSA Public Hearings would be conducted. Think Tank members were asked to inform their constituents of the public comment period and the hearings, as well as to submit formal public comment on behalf of the organizations that the members represented. In June 2017, members of the Think Tank were given an opportunity to formally present the feedback of their organization on the draft plan to Department staff.

Following submission of the plan in September 2017, the Department will continue its collaboration with the Think Tank with a focus on feedback and suggestions regarding the operationalization of the plan and how to communicate the new requirements and initiatives to a diverse set of stakeholders.

Committee of Practitioners

ESSA requires each state that receives Title I funds convene a Committee of Practitioners (COP) to advise the state in carrying out its responsibilities under Title I. The duties of the COP include a review, before publication, of any proposed or final state rule or regulation related to Title I. In New York State, the COP committee is presently comprised of organizations including, but not limited to, Local Education Agencies (LEAs); Boards of Cooperative Educational Services (BOCES); Institutions of Higher Education (IHE); and organizations that represent school boards, superintendents, school administrators, teachers, paraprofessionals, parents, nonpublic schools, and community partners.

Beginning in May 2016, the COP has been provided with regular updates regarding ESSA and several opportunities to provide the Department with feedback on the development of the plan. The COP has conducted extensive discussions on ESSA more than ten times since May 2016. The Committee of Practitioners were asked (in addition to the Think Tank) to provide feedback on the draft Characteristics of Highly Effective Schools, Guiding Principles, and High Concept Ideas. The COP provided valuable feedback that led to thoughtful revisions of these policy documents prior to their presentation to the Board of Regents and use at the Fall Regional ESSA State Plan Development meetings.

In addition to updates, the COP has been asked for feedback on proposed ideas for the plan and has been surveyed regarding accountability issues and indicators related to the plan. The Department maintains a Title I COPS Committee website where agendas and materials for each meeting are posted.

Fall and Winter Regional ESSA State Plan Development Meetings

NYSED held more than 120 Fall and Winter Regional in-person meetings across the state in coordination with the state's 37 Boards of Cooperative Educational Services (BOCES) and the superintendents of the state's five largest city school districts (Buffalo, New York City, Rochester, Syracuse and Yonkers). These meetings were attended by more than 4,000 students, parents, teachers, school and district leaders, school board members, and other stakeholders. To familiarize participants with the requirements for ESSA, and the various issues that would be discussed at the meeting, the Department created a public Every Student Succeeds Act (ESSA) website.

Fall Meetings

The purpose of the Fall Regional ESSA State Plan Development Meetings was to engage stakeholders in an introductory discussion of the requirements of ESSA and the draft High Concept Ideas. Fall Regional ESSA State Plan Development Meetings were held across the state and hosted by District Superintendents and Superintendents of the Big 5 school districts (Buffalo, New York City, Rochester, Syracuse and Yonkers) in the last two weeks of October and in early November 2016. The fall meeting was by invitation only, and the Department provided guidance to facilitators to ensure that parents, teachers, district staff,

community members, students, and community based organizations were represented. The Department also provided facilitators with a list of the organizations that are part of the Think Tank and encouraged them to invite the local representatives of those organizations in addition to the unique local stakeholders in their region.

Regional Meeting Facilitators provided the Department with a summary of the feedback received on the High Concept Ideas, based upon the discussions at the meetings. In addition, each participant had the opportunity to provide feedback by completing an on-line survey.

The feedback received during the Fall meetings was summarized and presented to the Board of Regents at its November 2016 meeting. A total of 2,206 persons participated in 40 Regional meetings. A total of 585 surveys were submitted by participants. A complete summary of the feedback received from the Fall meetings is available in a presentation to the Board of Regents, posted on the Department's Board of Regents website here: Development of New York's Every Student Succeeds Act State Plan, Presented to the Board of Regents November 14, 2016.

Winter Meetings

The NYSED provided an additional opportunity for stakeholder and public input, from February 27 through March 17, 2017, at the Winter Regional Open Meetings on ESSA. District Superintendents and Superintendents of Buffalo, New York City, Rochester, Syracuse and Yonkers hosted open public meetings to gather public input on questions related to the continued development of the draft state ESSA plan.

The meetings were focused on 14 questions for which the Department wished feedback on specified options, before making recommendations for how to address these questions in developing the draft of New York's State ESSA application. Questions addressed such issues as: possible new innovative assessment practices that New York may wish to seek approval to pilot; assessment and accountability requirements for newly arrived English language learners, strategies for pre-service preparation and professional support for educators; design of the state's public school accountability system; and supports and interventions in low-performing schools.

Seventy-six regional meetings were held in March and early April 2017 across the state, with 1,277 participants total, and the submission of 246 meeting surveys. Regional meeting facilitators provided the Department with a summary of the feedback on the questions to be considered, based upon the discussions at the meetings. In addition, each participant had the opportunity to provide feedback by completing an on-line survey.

Public On-line Surveys: Guiding Principles, Characteristics of Highly Effective Schools, Possible Indicators of School Quality and Student Success

To ensure that the Department received feedback from a large and diverse group of stakeholders, public on-line surveys were released throughout the development of the plan. These surveys were promoted and distributed to the public in the following ways:

- **Press releases to the media;**
- **Through the Think Tank members, who were encouraged to distribute the survey links to their constituents;**
- **Through COP committee members, who were asked to share the survey links with their constituents;**
- **Social Media posts from the Department;**
- **Through the Commissioner's regular newsletter to the public; and**
- **Through Department listservs that include District Title I Directors, District Grant administrators, District Liaisons, Nonpublic Schools representatives, and Charter Schools.**

This chart outlines public on-line surveys open to the public, and the number of responses:

Survey Topic	Date released	# of Responses
Characteristics of Highly Effective Schools and ESSA Guiding Principles	07/11/2016	606
Fall Regional Meeting: Proposed High Concept Ideas	10/18/2016	585
Possible Indicators of School Quality and Student Success	01/23/2017	2,416
Winter Regional Meeting: Questions to Consider	02/23/2017	246

In addition to these surveys, which were open to the public, the Department used surveys extensively with both the Think Tank and the COP to assess where there were areas of consensus on issues discussed at the meetings.

The largest number of survey responses came from the Survey on Possible Indicators of School Quality and Student Success, with 2,416 respondents. New York State solicited feedback about indicators that could be used beginning with 2017-18 school year results, as well as those that might be added to the system in the future. The interim results of the survey on indicators of school quality were discussed at length by the Board of Regents during its March 2017 ESSA Retreat.

The Board of Regents ultimately used the survey feedback to determine that New York State would use chronic absenteeism as an indicator for School Quality and Student Success at the elementary, middle, and high school levels. More than two-thirds of survey respondents

strongly supported or supported the use of chronic absenteeism as a measure of school quality and student success. Additionally, at the high school level, New York State will initially use a College, Career, and Civic Readiness Index as a measure of school quality and student success. Such an indicator drew substantial support from respondents to the survey mentioned above, with two-thirds strongly supporting or supporting the use of a College, Career, and Civic Readiness Index. The survey results are also being used to determine what measures will be incorporated into New York State's data dashboard and considered for inclusion in the accountability system once valid and reliable baseline data becomes available.

Spring 2017 Public Hearings on the ESSA Draft Plan and Public Comment Period on the ESSA Draft Plan

On May 8, 2017, the Board of Regents released the state's draft ESSA plan for public comment and review. As described above, NYSED held more than 120 stakeholder and public meetings to gather input to help inform the development of the draft plan. The Department also hosted 13 public hearings on the plan from May 11 through June 16 and accepted public comment on the plan through June 16, 2017.

At the 13 Public Hearings, there were more than 270 speakers who provided the Department with their feedback. Additionally, over 800 comments were received on the draft plan during the public comment period. In general, the commenters wanted the Department to:

- **Provide clarity on 95% Participation Rate calculations and required actions. There was concern about how the 95% participation rate requirement would affect some school accountability classifications.**
- **Expand school accountability indicators to include Opportunity to Learn indicators/index; student access to and/or participation in a full educational program (science, arts, music, and physical education); and a "School Health Index."**
- **Continue support for Transfer Schools and use alternative metrics to hold them accountable for results.**
- **Continue its focus on teacher preparation. Commenters stated that the quality of the field experience is more important than quantity of time spent. Also, commenters stated that educators need more preparation on teaching students with different learning styles.**
- **Increase access to culturally responsive education, career-ready coursework, and digital technology.**
- **Appoint a task force on cultural responsiveness that includes parents and experts to review state learning standards, school and district assessment, teacher assessment certification requirements, and recommend changes that will increase cultural responsiveness and improve instruction pedagogy and school climate."**
- **About one third of the written comments were from three letter writing campaigns:**

- **One campaign advocated for higher standards for accountability for all schools with all students; a rating system based upon single overall ratings for each school; and increased parental involvement in all steps of the improvement plan process.**
- **Another campaign advocated for the inclusion of creative arts therapists as Specialized Instructional Support Personnel (SISP) in the ESSA provisions for New York State.**
- **The third campaign commended the Board of Regents for the inclusion of school library provisions in the ESSA draft plan.**

Many commenters applauded the specific focus on English Language Learners and Multilingual Learners (ELLs/MLLs) within the draft plan. Some had concerns about testing requirements for ELLs/MLLs. Several stakeholders asked that career and technical education pathways and coursework get as much attention as Advanced Placement or International Baccalaureate classes. Several commenters commended the support of students' equitable access to digital technology and recommended that the state include additional, allowable school library provisions in the final plan. Many stakeholders expressed appreciation for the opportunity to provide input and feedback on the development of the state's draft plan over the past year and noted the wide variety of stakeholders that have been engaged along the way, as well. Some stakeholders raised concerns about the level of funding that is needed to fully achieve the plan, particularly for high-poverty schools and districts.

A complete analysis of the public comments received was presented at the July 2017 Board of Regents meeting, along with the Department's response to those comments. This analysis can be found at: Final Stakeholder Feedback Analysis

Educator Conference on ESSA

Educators will be at the forefront of the implementation of the state's ESSA plan, and therefore the state has prioritized their involvement in the creation of the plan. In addition to serving on the ESSA Think Tank and the COP and attending the ESSA regional meetings, educators also participated in ESSA Conference for Educators held in June 2017.

Districts were invited to have local educators apply to attend the one-day conference in Albany, New York. Attendees were provided an overview of the state's draft plan, and were engaged in discussions surrounding the proposed strategies. Educators provided the Department with valuable feedback on how to effectively support implementation of the plan across the state.

Over the next six months to a year, teachers and principals and district personnel will require training on the state's new accountability system. The Department is committed to continuing its engagement with educators during this period, as educators will be able to provide real-time, practical feedback on the implementation of the plan.

Consultation with National Education Experts

To align stakeholder input with ESSA state plan requirements, the Department and Board of Regents also worked closely with national education experts. Early in the plan development process, the Board of Regents engaged with Dr. Linda Darling Hammond, from the Learning Policy Institute, and Dr. Scott Marion, from the National Center for the Improvement of Educational Assessment, to provide technical assistance and support to the Department and the Board of Regents.

Linda Darling Hammond, President and CEO of the Learning Policy Institute, is a nationally recognized expert in education policy. She has consulted widely with federal, state, and local officials and educators on strategies for improving education policies and practices. Over the past year, Dr. Hammond has presented to the Board of Regents several times, providing updates on the ESSA statute and facilitating the Board's discussion related to school accountability. More information about Dr. Hammond's expertise and work is available at the Learning Policy Institute's website.

Scott Marion is the Executive Director of the National Center for the Improvement of Educational Assessment. Dr. Marion works with states to design and support implementation of assessment and accountability reforms, develop and implement educator evaluation systems, and design and implement high quality, locally designed performance-based assessments. He is a national leader in designing innovative and comprehensive assessment systems to support instructional and accountability uses, including helping states and districts design systems of assessments for evaluating student learning of identified competencies. Dr. Marion has also presented to the Board of Regents several times, providing them with an understanding of the ESSA school accountability requirements, and facilitating the Board's discussion related to school accountability. Dr. Marion and his colleague Dr. Jennifer Dunn have supported the Department as it designed its new school accountability system and determined how to identify schools for Comprehensive and Targeted Intervention under ESSA. More information about Dr. Marion's expertise and work is available at the Center for Assessment's website.

In addition to working with Dr. Hammond and Dr. Marion, the Department engaged in extensive research to understand the law and the opportunities that it provides. This research included meetings with the following organizations:

- **U.S. Department of Education**
- **Brustein & Manasevit – a law firm recognized for its federal education regulatory and legislative practice**
- **Education First on the development of materials for dissemination to the public and policymakers**
- **Council of Chief State School Officers (CCSSO), which has provided access to many national experts, including: Brian Gong (National Center for the Improvement of Educational Assessment), Kenji Hakuta (Stanford University), Dr. Pete Goldschmidt**

(California State University, Northridge), Delia Pompa (Migration Policy Institute), Gene Wilhoit (National Center for Innovation in Education), and Susie Saavedra (National Urban League)

Public Presentations to the Board of Regents

The Board of Regents has always valued transparency and the engagement of stakeholders. To that end, Department presentations to the Board of Regents have always been made available to the public, including access through links on the Board of Regents website to the meeting webcasts. Since May 2016, Department staff have provided regular ESSA updates to the Board of Regents. The following is a listing of ESSA Update Presentations made to the Board of Regents, with links to the presentations:

Month/Year	Presentation Link
May 2016	Elementary and Secondary Education Act (ESEA) Reauthorization/Every Student Succeeds Act (ESSA)
July 2016	Update on the Every Student Succeeds Act (ESSA) ESSA and McKinney-Vento
October 2016	Every Student Succeeds Act (ESSA) State Plan Development Activities
November 2016	Development of New York's Every Student Succeeds Act State Plan
December 2016	Update: Development of New York's Every Student Succeeds Act (ESSA) State Plan
January 2017	Development of the New York State Every Student Succeeds Act Plan: High Concept Ideas and Survey on Possible Indicators of School Quality and Student Success
March Retreat 2017	March 27, 2017 Board of Regents ESSA Retreat (6 presentations)
April 2017	6 Presentations on ESSA
May 2017	Overview of New York's Draft Every Student Succeeds Act (ESSA) Plan
June 2017	Every Student Succeeds Act (ESSA State Plan: Update on Public Hearings and Public Comment

Month/Year	Presentation Link
July 2017	• Proposed Changes Final Draft Plan - Commissioner's Presentation to the Board • State Dashboards Presentation Slides • Next Generation Assessment Systems Presentation Slides • Social, Emotional, Health, Mental Health, and Attendance Issues Presentation Slides • Stakeholder Feedback Analysis Presentation Slides
September 2017	Every Student Succeeds Act (ESSA) State Plan - Proposed Plan for Submission to US Department of Education

Conclusion

For the past year, the New York State Education Department has intentionally and meaningfully engaged diverse groups of stakeholders to solicit a range of thoughts, opinions and recommendations on how to craft an ESSA plan that best meets the needs of the State's students, schools, and communities. Over 5,000 students, parents, teachers, school and district leaders, school board members, and other stakeholders participated in the Department's stakeholder engagement initiatives.

Overall Timeline of Stakeholder Engagement

Month/Year	Activity
May 2016	First ESSA Briefing to Board of Regents
June 2016	First ESSA Think Tank Meeting – over 100 stakeholder organizations
July 2016	Public Survey on Characteristics of Highly Effective Schools and ESSA Guiding Principles
September 2016	Fall Regional ESSA Meetings
October 2016	Fall Regional ESSA Meetings
January 2017	Public Survey on Possible Indicators of School Quality and Student Success
February 2017	Winter Regional Meetings
March 2017	Winter Regional Meetings Board of Regents ESSA Retreat

Month/Year	Activity
May 2017	ESSA Draft Plan Public Hearings Public Comment Period for Draft Plan
June 2017	ESSA Draft Plan Public Hearings Public Comment Period for Draft Plan

A. Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)

1. **Challenging State Academic Standards and Assessments** ***(ESEA section 1111(b)(1) and (2) and 34 CFR §§ 200.1−200.8.)***[3]

2. **Eighth Grade Math Exception** (***ESEA section 1111(b)(2)(C) and 34 CFR § 200.5(b)(4)***):
   i. **Does the State administer an end-of-course mathematics assessment to meet the requirements under section 1111(b)(2)(B)(v)(I)(bb) of the ESEA?**
      X Yes
      □ No

   ii. **If a State responds "yes" to question 2(i), does the State wish to exempt an eighth-grade student who takes the high school mathematics course associated with the end-of-course assessment from the mathematics assessment typically administered in eighth grade under section 1111(b)(2)(B)(v)(I)(aa) of the ESEA and ensure that:**
      a. **The student instead takes the end-of-course mathematics assessment the State administers to high school students under section 1111(b)(2)(B)(v)(I)(bb) of the ESEA;**
      b. **The student's performance on the high school assessment is used in the year in which the student takes the assessment for purposes of measuring academic achievement under section 1111(c)(4)(B)(i) of the ESEA and participation in assessments under section 1111(c)(4)(E) of the ESEA;**
      c. **In high school:**
         1. **The student takes a State-administered end-of-course assessment or nationally recognized high school academic assessment as defined in 34 CFR § 200.3(d) in**

[3] The Secretary anticipates collecting relevant information consistent with the assessment peer review process in 34 CFR § 200.2(d). An SEA need not submit any information regarding challenging State academic standards and assessments at this time.

mathematics that is more advanced than the assessment the State administers under section 1111(b)(2)(B)(v)(I)(bb) of the ESEA;

2. **The State provides for appropriate accommodations consistent with 34 CFR § 200.6(b) and (f); and**
3. **The student's performance on the more advanced mathematics assessment is used for purposes of measuring academic achievement under section 1111(c)(4)(B)(i) of the ESEA and participation in assessments under section 1111(c)(4)(E) of the ESEA.**

X Yes
□ No

iii. If a State responds "yes" to question 2(ii), consistent with 34 CFR § 200.5(b)(4), describe, with regard to this exception, its strategies to provide all students in the State the opportunity to be prepared for and to take advanced mathematics coursework in middle school.

New York State currently provides this opportunity to all public school students enrolled in eighth grade, as specified in Commissioner's Regulations 100.4 (d), which states that "public school students in grade 8 shall have the opportunity to take high school courses in mathematics." The regulation specifies multiple methods by which schools may provide this opportunity to their students, including allowing students to enroll in either "a course in the middle, junior high or intermediate school that has been approved for high school credit" or a course "in a high school with high school students." The regulation also grants superintendents the authority to "determine whether a student has demonstrated readiness in [mathematics] to begin high school courses in the eighth grade leading to a diploma."

When a student in middle school takes an advanced mathematics exam (i.e., a Regents examination in mathematics) in lieu of a grade-level math assessment, the results from that exam are attributed, for accountability purposes, to the school in which the student is enrolled (e.g., Algebra 1 exam taken in eighth grade is credited in the student's middle school Math Performance Index), even if the student attended a high school course to prepare for this assessment. This exam may not be credited to the student's high school for accountability purposes, once the exam has been credited to the student's middle school. A student who completes an advanced mathematics exam in middle school must take a further advanced mathematics exam in high school for that student's assessment outcome to be credited on the Math Performance Index for that student's high school (otherwise, the student will be assigned the lowest performance level in the high school's Performance Index as a non-tested student).

Through the State's previously approved Elementary and Secondary Education Act (ESEA) Flexibility Waiver, New York State also has provided this opportunity to seventh-grade students. Seventh-grade students undergo the same local evaluation as their eighth-grade peers to determine their readiness to begin the high school mathematics courses. Based on student data, the Department is confident that this method of local determination for advanced math course offerings and assignment of students is successful. In the 2014-15 and 2015-16 school years, more

than 95% of seventh- and eighth-grade students who took a high school mathematics assessment in lieu of the Grade 7 or 8 math test scored proficient.

NYSED is submitting a waiver request under section 8401 of the ESEA to seek permission from USDE to continue to exempt seventh-grade students who take high school mathematics courses from the mathematics assessment typically administered in seventh grade, provided that the students instead take the end-of-course mathematics assessment associated with the high school courses in which the students are enrolled, and that the students' performance on those high school assessments will be used for measuring academic achievement and participation toward accountability for the schools in which the students are enrolled. Students who receive this exemption will take an end-of-course assessment in high school that is more advanced than the assessment taken in seventh-grade (and that is more advanced than the assessment taken in eighth-grade, as applicable). In the event that New York does not receive this waiver for middle school students below grade 8, New York will require these students to be administered the grade level assessments, which will be used for middle school accountability.

In addition, NYSED is submitting a waiver request under section 8401 of the ESEA to seek permission from USED to continue to exempt eighth-grade students who take high school science courses from the science assessment typically administered in eighth grade, provided that the students instead take the end-of-course science assessment associated with the high school courses in which the students are enrolled and that the students' performance on those high school assessments will be used for measuring academic achievement and participation toward accountability for the schools in which the students are enrolled. Students who receive this exemption will take an end-of-course assessment in high school that is more advanced than the assessment taken in eighth-grade.

New York State provides a comprehensive set of accommodations to ensure that Students with Disabilities and/or English Language Learners/Multilingual Learners (ELLs/MLLs) will have an equitable opportunity to participate in advanced mathematics exams. New York State educators who participate in item writing, test review, and test administration receive training in the theory and application of Universal Design for Learning to ensure that assessments are fair and accessible for all students throughout the state. New York State's testing accommodations for students with disabilities are provided in six major categories: Flexibility in Scheduling/Timing, Flexibility in Setting, Method of Presentation, Method of Response, Other Accommodations, and Accommodations for Physical Education Assessments. Individualized Educational Program (IEP) team members and school administrators are provided extensive guidance on the proper selection of specific accommodations within these categories and the application of accommodations in test administration. Specific testing accommodations are made available for all ELLs/MLLs and applied as determined by school administrators, in accordance with guidance provided by the NYSED.

To further accommodate students with disabilities, NYSED is preparing a waiver request under section 8401 of the ESEA to seek permission from USDE to allow schools to administer below-grade level assessments to a small, select group of students with disabilities. This request will be made pursuant to New York State Education Law § 305(48) which directs the Department, upon and to the extent allowed by any federal waiver issued by USDE, to allow "students with

disabilities who are not eligible for the New York state alternate assessment and whose cognitive and intellectual disabilities preclude their meaningful participation in chronological grade level instruction to be assessed based on instructional level rather than chronological age." To preserve the integrity of these students' assessments, NYSED will release guidance informing LEA's how they can determine if a student qualifies for this accommodation and will require LEA's to seek Department approval prior to assigning this accommodation to students. This will be done to ensure that this accommodation is provided only to the very small percentage of students in New York State who would benefit from this type of assessment. NYSED views this waiver as a step toward the off-grade testing that is allowed under ESSA once the Department converts all test administrations to computer-based testing and subsequently launches computer adaptive tests throughout the state. Until that process can be completed, NYSED will seek to provide this innovation for the small population of students whose lack of chronological grade-level proficiency can be determined without the need for assessment, but whose schools would benefit from the receipt of instructional-level data to determine progress toward goals outlined in the students' Individualized Educational Programs.

Native Language Assessments ***(ESEA section 1111(b)(2)(F) and 34 CFR § 200.6(f)(2)(ii)) and (f)(4)*****:**

3. **Native Language Assessments** ***(ESEA section 1111(b)(2)(F) and 34 CFR § 200.6(f)(2)(ii)) and (f)(4)*****:**

i. Provide its definition for "languages other than English that are present to a significant extent in the participating student population," and identify the specific languages that meet that definition.

Of the approximately 2.6 million public school students in New York State, 8.8% are English Language Learners/Multilingual Leaners[4] (ELLs/MLLs), representing over 245,000 ELLs/MLLs statewide. NYSED is committed to ensuring that all New York State students, including ELLs/MLLs, attain the highest level of academic success and language proficiency. New York State identifies "languages other than English that are present to a significant extent in the participating student population" as those spoken by 5% or more of New York State's ELLs/MLLs. Currently, these languages are Spanish (64.9%) and Chinese (9.5%), which, together, constitute about three-fourths (74.4%) of all the State's ELLs/MLLs.

In addition, some Local Education Agencies (LEAs) have significant concentrations of ELLs/MLLs speaking other native/home languages that do not meet the 5% statewide population threshold identified above. For example, 12.3% of Buffalo's ELLs/MLLs speak Karen, and 12.3% of Rochester's ELLs/MLLs speak Nepali. To ensure accessibility of educational materials for

[4] New York State defines "English Language Learners/Multilingual Learners" as "students who, by reason of foreign birth or ancestry, speak or understand a language other than English and speak or understand little or no English, and require support in order to become proficient in English." The terms "English Language Learner" and "Multilingual Learner" are synonymous in New York State. "English Language Learner/Multilingual Learner" is also synonymous with the term "English Learner," which is used by the United States Department of Education.

parents and guardians of ELLs/MLLs whose native/home language groups constitute less than 5% of the state's total ELL/MLL population, but who nonetheless have large and concentrated presences in particular LEAs, New York State seeks to make culturally responsive materials for parents and guardians of ELLs/MLLs accessible in each of the 10 languages spoken most prevalently by the State's ELLs/MLLs. As of 2016-17, the top 10 languages spoken by New York State ELLs/MLLs are Spanish, Chinese, Arabic, Bengali, Russian, Urdu, Haitian-Creole, French, Karen, and Nepali.

New York State has reviewed its ELL/MLL native/home language data disaggregated by ELL/MLL subpopulations such as migratory students, foreign born students, Native American students, and by grade band clusters (kindergarten through 5th, 6th through 8th, and 9th through 12th grades, respectively), and determined that, while the rank order of New York State's top 10 languages is slightly different for each category, there are no additional "languages other than English that are present to a significant extent" within these subpopulations. As an example, 67.9% of foreign born ELLs/MLLs are Spanish speakers, followed by Arabic (4.7%), Chinese (3.9%), and Karen (2.6%). Also, Spanish, Chinese, and Arabic are consistently the top three most frequently spoken native/home languages by ELLs/MLLs across all grade bands. For example, 63.8% of ELLs/MLLs in kindergarten through 5th grades are Spanish speakers, 67.0% of ELLs/MLLs in 6th through 8th grades are Spanish speakers, and 66.3% of ELLs/MLLs in 9th through 12th grade are Spanish speakers.

ii. Identify any existing assessments in languages other than English, and specify for which grades and content areas those assessments are available.

New York State currently translates Grades 3-8 Math assessments and Regents Examinations into five languages (Chinese [Traditional], Haitian-Creole, Korean, Russian, and Spanish), and Elementary- and Intermediate-level Science assessments into three languages (Chinese [Traditional], Haitian-Creole, and Spanish). These languages were chosen based on an earlier report commissioned by the New York State Board of Regents that found that, after English, Chinese, Haitian-Creole, Korean, Russian, and Spanish were the most commonly reported native/home languages of New York State students, and which, collectively, were the native/home languages of 85% of ELLs/MLLs at that time.

For a number of years, the Department has sought funding from the New York State legislature to expand translations of content-area assessments into additional languages, based on demographic changes within the State's population. Specifically, the Department is seeking funding from the State legislature to translate all of these exams into eight languages: Chinese (Traditional), Chinese (Simplified), Haitian-Creole, Korean, Russian, Spanish, Arabic, and Bengali. To date the Department has not yet secured this funding. Currently, 4.9% of New York State's ELLs/MLLs speak Arabic as a native/home language, and 3% of New York State's ELLs/MLLs speak Bengali as a native/home language. While content assessments are already translated into Chinese (Traditional), the Department has proposed to add Chinese (Simplified) to expand access for Chinese speakers more familiar with Simplified Chinese characters. The Department offers for the tests to be translated orally into other languages, as an accommodation for those ELLs/MLLs whose native/home language is one for which a written translation is not available. The

Department's eventual goal is to translate these assessments into all of the top 10 languages spoken by our State's ELLs/MLLs.

Additionally, the Department is seeking funding from the New York State legislature to develop Native Language Arts/Home Language Arts (NLA/HLA) exams for Grades 3-8 and for high school. Spanish is the first language for which an NLA/HLA assessment will be developed. Currently, 64.9% of New York State's ELLs/MLLs speak Spanish as a native/home language. Finally, the Department is seeking funding from the New York State legislature to develop four Languages Other Than English (LOTE)/World Languages academic assessments: in Spanish, French, Italian, and Chinese.

iii. Indicate the languages identified in question 3(i) for which yearly student academic assessments are not available and are needed.

The Department is seeking funding from the New York State legislature to expand translation of yearly math and science assessments into the following eight languages: Chinese (Traditional), Chinese (Simplified), Haitian-Creole, Korean, Russian, Spanish, Arabic, and Bengali. New York State continues to make every effort to increase the number of languages into which assessments are translated, but, to date, funding has not yet been made available.

iv. Describe how it will make every effort to develop assessments, at a minimum, in languages other than English that are present to a significant extent in the participating student population including by providing

a. **The State's plan and timeline for developing such assessments, including a description of how it met the requirements of 34 CFR § 200.6(f)(4);**
b. **A description of the process the State used to gather meaningful input on the need for assessments in languages other than English, collect and respond to public comment, and consult with educators; parents and families of English learners; students, as appropriate; and other stakeholders; and**
c. **As applicable, an explanation of the reasons the State has not been able to complete the development of such assessments despite making every effort.**

To date, funding has not been available for translation of these assessments. However, the Department continues to seek funding from the New York State legislature to translate its math and science content assessments into the following eight languages: Chinese (Traditional), Chinese (Simplified), Haitian-Creole, Korean, Russian, Spanish, Arabic, and Bengali. Additionally, the Department is also seeking funding from the New York State legislature to develop Native Language Arts/Home Language Arts (NLA/HLA) exams for Grades 3-8 and for high school. Spanish is the first language for which an NLA/HLA assessment will be developed. Finally, the Department is seeking funding from the New York State legislature to develop Languages Other Than English (LOTE)/World Languages academic assessments, in Spanish, French, Italian, and Chinese. As discussed above, funding has not been made available to date. Once funding is secured to translate the content assessments identified above, translations occur through translation subcontractors who are familiar with this process:

- For the 3-8 State assessments, a back-translation is performed by a separate vendor for validation purposes.
- For Regents exams, an exam editor who is familiar with the test reviews the translated versions of the test for completeness.

For the development of the NLA/HLA and LOTE/World Languages assessments, the Department will:

- Identify and contract with a test development vendor for each assessment via a Request for Proposal (RFP).
- The vendor will work with the Department to develop test specifications by grade level (3, 4, 5, 6,7, 8 and one at the High School level), as well as computer-based testing and scoring platforms.
- The vendor will develop the tests (passages, graphics, items, rubrics, scoring, etc.) based on specifications from, and in close coordination with, the Department.
- The Department will coordinate with the vendor to hire New York State educators to review content and test items, as well as to conduct field testing (including printing, shipping, and scoring).
- The vendor, incorporating the results of the above, will develop online sample tests, and finally conduct operational testing (including printing, shipping, and scoring).

New York State gathers input regularly regarding native/home language assessment needs from key stakeholders regarding educational policies affecting ELLs/MLLs. Some of these stakeholders include two ELL/MLL Leadership Councils (consisting respectively of senior leaders and ELL/MLL directors from Local Educational Agencies (LEAs) with high concentrations of ELLs/MLLs and those with lower concentrations of ELLs/MLLs), eight Regional Bilingual Education Resource Networks (RBERNs) funded by New York State (including the Language RBERN at the New York City Metropolitan Center for Urban Education, which focuses specifically on interpretation and translation-related issues), as well as advocates and civil rights organizations throughout the State who represent and advocate for ELLs/MLLs and their families.

If State funding is secured for these assessments in fiscal year 2018, the Department anticipates the first operational assessments will be administered in the 2021-22 school year.

4. Statewide Accountability System and School Support and Improvement *Activities (ESEA section 1111(c) and (d))*:

i. Subgroups *(ESEA section 1111(c)(2))*:

a. List each major racial and ethnic group the State includes as a subgroup of students, consistent with ESEA section 1111(c)(2)(B).

New York State includes American Indian or Alaska Native, Black or African American, Hispanic or Latino, Asian or Native Hawaiian/Other Pacific Islander, White, and Multiracial.

New York State uses the definitions below for these subgroups.

Race: The race choice indicates the race or races with which the student primarily identifies as indicated by the student or the parent/guardian. Race designations do not denote scientific definitions of anthropological origins. A student is reported using the race or races designation for the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. If the student or parent/guardian will not designate race or races, a school administrator selects the race or races.

- *American Indian or Alaska Native* — A person having origins in any of the original peoples of North and South America (including Central America) and who maintains cultural identification through tribal affiliation or community recognition.
- *Asian* — A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- *Black or African American* — A person having origins in any of the black racial groups of Africa.
- *Native Hawaiian/Other Pacific Islander* — A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- *White* — A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

- Hispanic or Latino: Students who appear to belong, identify with, or are regarded in the community as Hispanic or Latino, regardless of whether the students also consider themselves to belong to, identify with, or are regarded in the community as belonging to an American Indian/Alaska Native, Asian, Black or African American, Native Hawaiian/Other Pacific Islander, or White race.
- Students with Disabilities: Students classified by the Committee on Special Education as having one or more disabilities.
- English Language Learners (ELLs): English Language Learners are students who, by reason of foreign birth or ancestry, speak or understand a language other than English and speak or understand little or no English, and require support in order to become proficient in English and are identified pursuant to Section 154.3 of New York State's Commissioner's Regulations.
- Economically Disadvantaged: An economically disadvantaged student is a student who participates in, or whose family participates in, economic assistance programs, such as the Free or Reduced-Price Lunch Programs; Social Security Insurance (SSI); Food Stamps; Foster Care; Refugee Assistance (cash or medical assistance); Earned Income Tax Credit (EITC); Home Energy Assistance Program (HEAP); Safety Net Assistance (SNA); Bureau of Indian Affairs (BIA); or Family Assistance: Temporary Assistance for Needy Families (TANF). If one student in a family is identified as low income, all students from that household (economic unit) may be identified as low income.
- Gender: Gender (male or female) identified by the student. In the case of very young transgender students not yet able to advocate for themselves, gender may be identified by the parent or guardian.

- Migrant: A student is a migrant child if the student is, or whose parent, guardian, or spouse is, a migratory agricultural worker, including a migratory dairy worker or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent, guardian, or spouse, in order to obtain, temporary or seasonal employment in agricultural or fishing work has moved from one school district to another.
- Foster Care: A student in foster care is one who is in 24-hour substitute care for children placed away from their parents and for whom the agency under title IV-E of the Social Security Act has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care in accordance with this definition regardless of whether or not the foster care facility is licensed and payments are made by the State, tribal, or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.
- Homeless: A homeless student is one who lacks a fixed, regular, and adequate nighttime residence, including a student who is sharing the housing of other persons due to a loss of housing, economic hardship, or similar reason; living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; abandoned in hospitals; or a migratory child, as defined in subsection 2 of section 1309 of the Elementary and Secondary Education Act of 1965, as amended, who qualifies as homeless under any of the above provisions; or has a primary nighttime location that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations including, but not limited to, shelters operated or approved by the State or local department of social services, and residential programs for runaway and homeless youth established pursuant to article 19H of the executive law or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including a car, park, public space, abandoned building, substandard housing, bus, train stations, or similar setting. Homeless students do not include children in foster care placements or who are receiving educational services pursuant to subdivision four, five, six, six-a, or seven of Education Law section 3202 or pursuant to article 81, 85, 87, or 88 of Education Law.
- Armed Forces Child: A child with one or more parent or guardian who is a member of the Armed Forces and on Active Duty. The Armed Forces are the Army, Navy, Air Force, Marine Corps, the Coast Guard, or full-time National Guard. Active duty means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned.

b. If applicable, describe any additional subgroups of students other than the statutorily required subgroups (*i.e.*, economically disadvantaged students, students from major racial and ethnic groups, children with disabilities, and English learners) used in the Statewide accountability system.

New York State includes no additional subgroups beyond economically disadvantaged students, students from major racial and ethnic groups, children with disabilities, and English learners in its statewide accountability system.

c. Does the State intend to include in the English learner subgroup the results of students previously identified as English learners on the State assessments required under ESEA section 1111(b)(2)(B)(v)(I) for purposes of State accountability (ESEA section 1111(b)(3)(B))? Note that a student's results may be included in the English learner subgroup for not more than four years after the student ceases to be identified as an English learner.

X Yes

□ No

d. If applicable, choose one of the following options for recently arrived English learners in the State:

☒ Applying the exception under ESEA section 1111(b)(3)(A)(i); or

☐ Applying the exception under ESEA section 1111(b)(3)(A)(ii); or

☐ Applying the exception under ESEA section 1111(b)(3)(A)(i) or under ESEA section 1111(b)(3)(A)(ii). If this option is selected, describe how the State will choose which exception applies to a recently arrived English learner.

New York State defines "recently arrived ELLs/MLLs" as ELLs/MLLs within 12 months of entry into United States schools. The Department will apply the exception under ESEA section 1111(b)(3)(A)(i) to exempt recently arrived ELLs/MLLs from its State language arts accountability assessment for one year. Pursuant to this exception, recently arrived ELLs/MLLs will not take New York State's English Language Arts (ELA) assessment during the first year of enrollment. For students in their second year of enrollment in the United States, New York State will seek a waiver from the United States Department of Education to have these students take New York State's ELA assessment only to set a baseline for determining growth but not to measure achievement for accountability purposes. If this waiver is not granted, NY will apply the exception under ESEA section 1111(b)(30(A)(i), whereby recently arrived ELL/MLLs will be exempt from participating in the first administration of the English language arts assessment following the student's enrollment in a United States school. Beginning with the following English language arts assessment, such student shall participate in the assessment and the student's results shall be included in computation of the ELA Performance Index.

<u>ii. Minimum N-Size</u> *(ESEA section 1111(c)(3)(A))*:

a. Provide the minimum number of students that the State determines are necessary to be included to carry out the requirements of any provisions under Title I, Part A of the ESEA that require disaggregation of information by each subgroup of students for accountability purposes.

b. Describe how the minimum number of students is statistically sound.

New York State plans to use an n-size of 30 for measuring performance to ensure maximum subgroup visibility without compromising data reliability. A report from The Institute New York State plans to use an n-size of 30 for measuring performance. For the Composite Index at the elementary/middle level, New York State plans to compute a Composite Index for each subgroup when the count of students in combined grades in ELA plus math plus science in the current reporting year plus the previous reporting year is equal to or greater than 30. For the Composite Index at the secondary level, New York State plans to compute a Composite Index for each subgroup when the count of students in ELA plus math plus science plus social studies in the current reporting year's cohort plus the previous reporting year's cohort is equal to or greater than 30.

of Educational Sciences (*Best Practices for Determining Subgroup Size in Accountability Systems*), indicates that from a population perspective, an n-size in the 30 range is acceptable.

c. Describe how the minimum number of students was determined by the State, including how the State collaborated with teachers, principals, other school leaders, parents, and other stakeholders when determining such minimum number.

New York State collaborated with stakeholders representing parents, teachers, principals, other school leaders, librarians, students with special needs, and other representative groups.

Stakeholders considered a number of approaches, including using a set percentage of the population, rather than a set number; lowering the n-size to as low as 10 to allow for greater subgroup accountability; developing an n-size based on population size, margin of error, confidence interval, and standard deviation; and maintaining the current use of 30. It was determined that using a set percentage of the population, rather than a set number, would result in different n-sizes for different groups, which would not be in compliance with the law.

At the request of stakeholders, New York State analyzed the effect of the use of n-sizes from 10 to 40 (see below) to determine which size would enable New York State to most effectively support the efforts of schools to close achievement gaps. Thirty was chosen based on these statistical analyses. N-sizes lower than 30 did not lead to the inclusion of significantly more students and schools in the accountability system to warrant lowering the reliability of the resulting decisions. If the n-size for a group is less than 30 in a current year, New York State will combine data for the current year and the previous year to make accountability decisions.

The following tables show the percentage of schools and students that would have been accountable in 2015-16 if the indicated n-sizes were used. If the number of students in any subgroup in 2015-16 was less than the threshold, 2014-15 and 2015-16 data were combined.

Elementary/Middle-Level English Language Arts

Percentage of Schools Accountable for Student Subgroups by N-Size

N-size	All Students	American Indian or Alaska Native	Asian or Native Hawaiian/Other Pacific Islander	Black or African American	Hispanic or Latino	Multiracial	White	English Language Learner	Economically Disadvantaged	Students with Disabilities
10	95.32	6.46	48.95	63.30	78.24	31.48	77.96	48.53	93.65	92.39
15	95.09	3.88	40.87	56.28	72.81	20.16	74.90	40.90	92.72	90.05
20	95.06	2.75	35.67	52.13	67.75	13.01	72.92	35.47	91.69	86.73
25	94.98	2.11	30.74	49.13	63.27	8.92	70.83	30.81	90.84	83.31
30	94.88	1.62	27.37	46.71	60.08	6.84	69.42	28.16	89.87	78.96
35	94.70	1.29	25.26	44.37	57.38	5.17	68.26	25.46	88.27	74.49
40	94.57	1.16	23.28	42.28	54.96	3.81	67.18	23.20	87.27	69.57

Percentage of Students Attending Schools Accountable for Subgroups by N-Size

N-size	All Students	American Indian or Alaska Native	Asian or Native Hawaiian/Other Pacific Islander	Black or African American	Hispanic or Latino	Multiracial	White	English Language Learner	Economically Disadvantaged	Students with Disabilities
10	99.98	52.36	94.89	97.78	99.02	75.89	99.50	96.53	99.94	99.57
15	99.97	42.62	91.80	96.12	98.14	60.46	99.22	93.49	99.87	99.03
20	99.97	37.86	89.05	94.79	97.02	47.67	98.97	90.56	99.76	97.99
25	99.96	33.83	85.76	93.57	95.76	38.85	98.63	87.24	99.64	96.67
30	99.95	31.07	83.19	92.45	94.70	33.70	98.35	85.19	99.47	94.72
35	99.93	28.84	81.36	91.15	93.68	28.29	98.08	82.68	99.15	92.46
40	99.91	27.64	79.44	89.85	92.63	23.44	97.80	80.34	98.92	89.72

Elementary/Middle-Level Mathematics

Percentage of Schools Accountable for Student Subgroups by N-Size

N-size	All Students	American Indian or Alaska Native	Asian or Native Hawaiian/Other Pacific Islander	Black or African American	Hispanic or Latino	Multiracial	White	English Language Learner	Economically Disadvantaged	Students with Disabilities
10	95.29	6.40	49.14	63.18	77.91	30.75	77.96	49.88	93.60	92.23
15	95.06	3.86	41.14	55.98	72.62	19.31	74.90	42.68	92.62	89.66
20	95.04	2.75	35.79	51.81	67.27	12.60	72.90	37.10	91.62	86.35
25	94.96	2.03	30.88	48.70	62.92	8.59	70.79	32.50	90.77	82.64
30	94.78	1.59	27.54	46.13	59.78	6.48	69.43	29.52	89.48	78.37
35	94.65	1.26	25.30	43.94	57.11	4.96	68.14	26.87	87.97	73.49
40	94.52	1.13	23.35	41.91	54.80	3.52	67.09	24.25	87.19	68.91

Percentage of Students Attending Schools Accountable for Subgroups by N-Size

N-size	All Students	American Indian or Alaska Native	Asian or Native Hawaiian/Other Pacific Islander	Black or African American	Hispanic or Latino	Multiracial	White	English Language Learner	Economically Disadvantaged	Students with Disabilities
10	99.98	52.25	94.96	97.82	99.01	75.23	99.49	96.69	99.94	99.55
15	99.97	42.77	91.94	96.13	98.17	59.14	99.22	93.95	99.87	98.95
20	99.97	38.31	89.15	94.78	96.99	47.00	98.96	91.14	99.76	97.91
25	99.96	33.36	85.91	93.52	95.78	38.13	98.61	88.09	99.64	96.48
30	99.94	31.16	83.33	92.29	94.75	32.64	98.35	85.76	99.41	94.56
35	99.93	28.35	81.45	91.08	93.74	27.73	98.05	83.48	99.11	92.06
40	99.91	27.28	79.60	89.80	92.74	22.00	97.78	80.78	98.94	89.51

d. Describe how the State ensures that the minimum number is sufficient to not reveal any personally identifiable information.[5]

New York State does not report outcomes for students in groups whose n-size is under the designated threshold, to ensure that personally identifiable information is not revealed.

For annual reporting, New York State does not report the performance results for subgroups with fewer than five tested students. New York State reports data for subgroups within "categories." For example, American Indian/Alaska Native, Asian/Pacific Islander, Black, Hispanic, White, and Multiracial "subgroups" constitute the racial/ethnic groups "category." The categories for annual reporting are racial/ethnic groups, disability status, English language learner status, economically disadvantaged status, migrant status, gender, foster care status, homeless status, and status as a child with a parent on active duty in the Armed Forces.

If a subgroup has fewer than five tested students, performance results for both that subgroup and the subgroup with the next smallest number tested in the same category will not be reported. (See Asian/Pacific Islander and American Indian/Alaska Native in the example below.) If the sum of the number of tested students in both subgroups is still fewer than five, the performance results for the subgroup with the *next* smallest number tested within that category will also not be reported. (See White in the example below.) This process continues until the sum of the number tested for the subgroups within a category whose performance results are not being reported is equal to or greater than five. This process is used so that the use of simple mathematical computations cannot result in the release of performance results associated with any student, thereby protecting student confidentiality.

For full disclosure purposes, the combined performance results for all of the small subgroups in the cases indicated above are reported under the new category, "Small Group Total." This is done for the racial/ethnic groups category only, as the "Small Group Total" for all other categories would be the same as that for the All Students group, as all other categories contain only two subgroups. Note that if the number tested for a subgroup in a category with only two subgroups is fewer than five, performance results for both subgroups in that category will not be reported. See the Homeless Status category in the example below. If the identity of the one homeless student was to be known, and results for the not homeless students were reported, using simple subtraction, the results for the homeless student could easily be determined. As such, results for both subgroups are not reported.

[5] Consistent with ESEA section1111(i), information collected or disseminated under ESEA section 1111 shall be collected and disseminated in a manner that protects the privacy of individuals consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the "Family Educational Rights and Privacy Act of 1974"). When selecting a minimum n-size for reporting, States should consult the Institute for Education Sciences report "Best Practices for Determining Subgroup Size in Accountability Systems While Protecting Personally Identifiable Student Information" to identify appropriate statistical disclosure limitation strategies for protecting student privacy.

Annual Reporting Example:

Subgroup	Number Tested	Number scoring at level:			
		1	2	3	4
All Students	264	13	38	159	54
Racial/Ethnic Groups Category					
American Indian/Alaska Native	3	—	—	—	—
Asian/Pacific Islander	1	—	—	—	—
Black	84	2	12	51	19
Hispanic	74	4	8	37	25
White	50	—	—	—	—
Multiracial	52	6	10	31	5
Small Group Total	54	1	8	40	5
Disability Status Category					
General-Education Students	259	—	—	—	—
Students with Disabilities	3	—	—	—	—
English Language Learner Status Category					
Non-English Language Learners	260	—	—	—	—
English Language Learners	4	—	—	—	—
Economically Disadvantaged Status Category					
Not Economically Disadvantaged	259	12	36	158	53
Economically Disadvantaged	5	1	2	1	1
Gender Category					
Female	**180**	**7**	**19**	**81**	**25**
Male	184	6	19	78	29
Migrant Status Category					
Not Migrant	260	—	—	—	—
Migrant	4	—	—	—	—
Foster Care Status Category					
Not Foster	262	—	—	—	—
Foster	2	—	—	—	—
Homeless Status Category					
Not Homeless	263	—	—	—	—
Homeless	1	—	—	—	—
Status as a Child with a Parent on Active Duty in the Armed Forces Category					
Not Armed Forces Child	264	13	38	159	54
Armed Forces Child	0	0	0	0	0

For accountability reporting, if the number of students is fewer than 30, performance results are not reported for that group. The subgroups for accountability reporting are All Students, American Indian or Alaska Native, Black or African American, Hispanic or Latino, Asian or Native Hawaiian/Other Pacific Islander, White, Multiracial, Students with Disabilities, English Language Learners, and Economically Disadvantaged Students.

Accountability Reporting Example:

Subgroup	Performance Enrollment	Performance Index
All Students	264	180
American Indian/Alaska Native	30	120
Asian/Pacific Islander	29	—
Black	39	165
Hispanic	40	140
White	74	—
Multiracial	52	168
Students with Disabilities	3	—
English Language Learners	40	172
Economically Disadvantaged	5	—

If the State's minimum number of students for purposes of reporting is lower than the minimum number of students for accountability purposes, provide the State's minimum number of students for purposes of reporting.

New York State uses an n-size of five when reporting annual data. For additional information about how a reporting size of five protects student privacy and is statistically reliable, please see pp. 32-33.

iii. <u>Establishment of Long-Term Goals</u> *(ESEA section 1111(c)(4)(A))*:
a. <u>Academic Achievement</u>. *(ESEA section 1111(c)(4)(A)(i)(I)(aa))*
1. Describe the long-term goals for improved academic achievement, as measured by proficiency on the annual statewide reading/language arts and mathematics assessments, for all students and for each subgroup of students, including: (i) baseline data; (ii) the timeline for meeting the long-term goals, for which the term must be the same multi-year length of time for all students and for each subgroup of students in the State; and (iii) how the long-term goals are ambitious.

New York State is committed to establishing ambitious goals for improving student academic achievement and promoting greater equity in educational outcomes. In general, New York State has sought to establish goals that stretch beyond historical patterns of improvement in outcomes for students, but are realistic if New York State is able to successfully implement its theory of action for improving student outcomes.

New York State has established the following methodology to create ambitious long-term goals and measures of interim progress for language arts and math:

Step 1: Establish the State's "end" goal for the indicator. This "end" goal is the level of performance that, in the future, the State wishes each subgroup statewide and each subgroup within each school to achieve. For example, the "end" goal for performance in English language arts and mathematics is for each subgroup statewide and each subgroup within each school to achieve a Performance Index of 200, which would mean that all students, on average, were proficient. (See Section below on Academic Achievement Indicators for an explanation of how the Performance Index is computed.)

Step 2: Set the period for establishing the first long-term goal toward achieving the "end" goal. New York State has set the 2021-2022 as the year in which New York State will set its first long-term goal.

Step 3: Set a target for the amount by which New York State plans to the close the gap between the "end" goal and the first long-term goal. New York State has established a 20% gap closing target for ELA and mathematics. For example, the baseline performance for the All Students group in English language arts is a Performance Index of 97. The "end" goal is a Performance Index of 200, which would result in almost all students being proficient. The gap between the "end" goal and the

baseline performance is 103 Index points. Twenty percent of 103 is 21 Index Points, rounded to the nearest whole number.

Step 4: Add the baseline Performance Index to the Gap Closing amount to establish the 2021-22 school year long-term goal. In the example above, the 2021-22 school year long-term goal for the All Students group in ELA would be 118 (base year performance of 97 + 21-point gap reduction target of 20%).

Step 5: Repeat this process for other subgroups.

Step 6: Each year, set a new long-term goal so that the long-term goal is always established five years in the future. The previously established long-term goal becomes the measure of interim progress for that year. For example, following the 2017-18 school year, a new long-term goal for the 2022-23 school year will be set and the 2021-22 school year long-term goal will become the measure of interim progress for that year. This methodology allows the long-term goals to be adjusted to reflect the rapidity with which schools and subgroups are making progress toward achieving the end goals established by the State.

Using this methodology, the statewide long-term goal for Grades 3-8 English language arts is:

Group	Baseline 2015-16	2021-22 Goal	End Goal
All Students	97	118	200
Asian	157	166	200
Black	89	111	200
Economically Disadvantaged	87	110	200
English language learners	58	86	200
Hispanic	88	110	200
Multiracial	97	118	200
Native American	87	110	200
Students with Disabilities	45	76	200
White	93	114	200

For Grades 3-8 mathematics:

Group	Baseline 2015-16	2021-22 Goal	End Goal
All Students	101	121	200
Asian	177	182	200
Black	81	105	200
Economically Disadvantaged	87	110	200
English language learners	73	98	200
Hispanic	86	109	200
Multiracial	101	121	200
Native American	88	110	200
Students with Disabilities	50	80	200
White	102	122	200

For High School language arts:

Group	Baseline 2015-16	2021-22 Goal	End Goal
All Students	177	182	200
Asian	194	195	200
Black	148	158	200
Economically Disadvantaged	156	165	200
English language learners	87	110	200
Hispanic	151	161	200
Multiracial	183	186	200
Native American	150	160	200
Students with Disabilities	103	122	200
White	195	196	200

For High School mathematics:

Group	Baseline 2015-16	2021-22 Goal	End Goal
All Students	151	161	200
Asian	192	194	200
Black	114	131	200
Economically Disadvantaged	130	144	200
English language learners	98	118	200
Hispanic	123	138	200
Multiracial	154	163	200
Native American	125	140	200
Students with Disabilities	85	108	200
White	169	175	200

2. Provide the measurements of interim progress toward meeting the long-term goals for academic achievement in Appendix A.

3. Describe how the long-term goals and measurements of interim progress toward the long-term goals for academic achievement take into account the improvement necessary to make significant progress in closing statewide proficiency gaps.

The gap reduction methodology is explicitly designed to ensure that those subgroups with the largest gaps between the baseline performance of the subgroup and the long-term goal must show the greatest gains in terms of achieving the measures of interim progress and the long-term goals. For example, in Grades 3-8 ELA, there is a 112-point difference in the baseline performance between the highest-achieving subgroup (Asians) and the lowest-achieving subgroup (students with disabilities). By 2021-2022, while the Asian subgroup is expected to make a 9-point gain, the students with disabilities group is expected to make a 31-point gain, more than triple that of the Asian group, resulting in a 22-point reduction in the gap between the two groups.

b. Graduation Rate. ***(ESEA section 1111(c)(4)(A)(i)(I)(bb))***

1. Describe the long-term goals for the four-year adjusted cohort graduation rate for all students and for each subgroup of students, including: (i) baseline data; (ii) the timeline for meeting the long-term goals, for which the term must be the same multi-year length of time for all students and for each subgroup of students in the State; and (iii) how the long-term goals are ambitious.

New York State is committed to establishing ambitious goals for improving graduation rates and promoting greater equity in educational outcomes. In general, New York State has sought to establish goals that stretch beyond historical patterns of improvement in outcomes for students, but

are realistic if New York State is able to successfully implement its theory of action for improving student outcomes.

New York State has established the following methodology to create ambitious long-term goals and measures of interim progress for graduation rate.

- Step 1: Establish the State's "end" goal for the indicator. This "end" goal is the level of performance that, in the future, the State wishes each subgroup statewide and each subgroup within each school to achieve. The "end" goal for the 4-year adjusted cohort graduation rate is 95%.

- Step 2: Set the period for establishing the first long-term goal toward achieving the "end" goal. New York has set the 2021-2022 as the year in which New York State will set its first long-term goal.

- Step 3: Set a target for the amount by which New York State plans to the close the gap between the "end" goal and the first long-term goal. New York State has established a 20% gap closing target. For example, the baseline performance for the All Students group is a graduation rate of 80%. The "end" goal is a 4-year adjusted cohort graduation rate of 95%. The gap between the "end" goal and the baseline performance is 15%. Twenty percent of 15% is 3% percent.

- Step 4: Add the baseline graduation rate to the Gap Closing amount to establish the 2021-22 school year long-term goal. In the example above, the 2021-22 school year long-term goal for the All Students group for 4-year adjusted cohort graduation rate would be 83% (base year performance of 80 + 3 percent reduction target of 20%).

- Step 5: Repeat this process for other subgroups.

- Step 6: Each year, set a new long-term goal so that the long-term goal is always set five years in the future. The previously established long-term goal becomes the measure of interim progress for that year. For example, following the 2017-18 school year, a new long-term goal for the 2022-23 school year will be set, and the 2021-22 school year long-term goal will become the measure of interim progress for that year. This methodology allows the long-term goals to be adjusted to reflect the rapidity with which the schools and subgroups are making progress toward achieving the end goals established by the State.

This same methodology is used to establish the long-term goals for the extended 5-year and 6-year adjusted cohort graduation rates, except that the "end" goals for these extended graduation rates are higher than that for the 4-year adjusted cohort graduation rate.

Using this methodology, the statewide long-term goals for the 4-year adjusted cohort graduation rates are:

Subject	Group Name	2015-16 Baseline	2021-22 Long-Term Goal	End Goal
4-Yr Graduation Rate	All Students	80.4%	83.3%	95%
	American Indian/Alaska Native	66.5%	72.2%	95%
	Asian	87.5%	89.0%	95%
	Black	69.3%	74.4%	95%
	Economically Disadvantaged	73.2%	77.6%	95%
	English Language Learners	46.6%	56.3%	95%
	Hispanic	68.9%	74.1%	95%
	Multiracial	80.7%	83.5%	95%
	Students with Disabilities	55.3%	63.2%	95%
	White	89.2%	90.4%	95%

2. If applicable, describe the long-term goals for each extended-year adjusted cohort graduation rate, including (i) baseline data; (ii) the timeline for meeting the long-term goals, for which the term must be the same multi-year length of time for all students and for each subgroup of students in the State; (iii) how the long-term goals are ambitious; and (iv) how the long-term goals are more rigorous than the long-term goal set for the four-year adjusted cohort graduation rate.

The long-term goals for the adjusted 5-year cohort graduation rate are as follows:

Subject	Group Name	2015-16 Baseline	2021-22 Long-Term Goal	End Goal
5-Yr Graduation Rate	All Students	83.0%	85.6%	96.0%
	American Indian/Alaska Native	69.1%	74.5%	96.0%
	Asian	88.8%	90.2%	96.0%
	Black	73.7%	78.1%	96.0%
	Economically Disadvantaged	77.5%	81.2%	96.0%
	English Language Learners	52.9%	61.5%	96.0%

Subject	Group Name	2015-16 Baseline	2021-22 Long-Term Goal	End Goal
	Hispanic	72.9%	77.5%	96.0%
	Multiracial	81.1%	84.1%	96.0%
	Students with Disabilities	60.8%	67.8%	96.0%
	White	90.5%	91.6%	96.0%

The long-term goals for the adjusted 6-year extended year graduation rate are as follows:

Subject	Group Name	2015-16 Baseline	2021-22 Target	End Goal
6-Yr Graduation Rate	All Students	84.1%	86.6%	97.0%
	American Indian/Alaska Native	70.1%	75.5%	97.0%
	Asian	89.6%	91.1%	97.0%
	Black	75.7%	80.0%	97.0%
	Economically Disadvantaged	79.5%	83.0%	97.0%
	English Language Learners	56.0%	64.2%	97.0%
	Hispanic	74.8%	79.3%	97.0%
	Multiracial	81.6%	84.7%	97.0%
	Students with Disabilities	61.9%	68.9%	97.0%
	White	90.7%	92.0%	97.0%

The long-term goals for the adjusted 5-year and 6-year extended graduation rates are more ambitious than the 4-year rate, as the 5-year rate is computed using an “end” goal of 96% and the 6-year rate is computed using an “end” goal of 97%, as opposed to the 4-year rate, which is computed using a 95% “end” goal.

3. Provide the measurements of interim progress toward the long-term goals for the four-year adjusted cohort graduation rate and any extended-year adjusted cohort graduation rate in Appendix A.

4. Describe how the long-term goals and measurements of interim progress for the four-year adjusted cohort graduation rate and any extended-year adjusted cohort graduation rate take into account the improvement necessary to make significant progress in closing statewide graduation rate gaps.

The gap reduction methodology is explicitly designed to ensure that those subgroups with the largest gaps between the baseline performance of the group and the long-term goal must show the greatest gains in terms of achieving the measures of interim progress and the long-term goals. For example, for the 6-year adjusted graduation rate, there is a 35% difference in the baseline performance between the highest-achieving subgroup (Whites) and the lowest-achieving subgroup (English language learners), which will be reduced to 28% if the long-term goals for these groups are achieved.

c. English Language Proficiency. ***(ESEA section 1111(c)(4)(A)(ii))***

1. Describe the long-term goals for English learners for increases in the percentage of such students making progress in achieving English language proficiency, as measured by the statewide English language proficiency assessment including: (i) baseline data; (ii) the State-determined timeline for such students to achieve English language proficiency; and (iii) how the long-term goals are ambitious.

New York State is committed to establishing ambitious goals for improving educational outcomes for ELLs/MLLs. In general, New York State has sought to establish goals that stretch beyond historical patterns of improvement in outcomes for students, but are realistic if New York State is able to successfully implement its theory of action for improving student outcomes for ELLs/MLLs, noted below.

New York State has established the following methodology to create ambitious long-term goals and measures of interim progress for increases in the percentage of ELLs/MLLs making progress in achieving English proficiency. As described below, New York State utilizes five levels of proficiency (Entering, Emerging, Transitioning, Expanding, and Commanding). On the initial English language proficiency assessment – New York State Identification Test for English Language Learners (NYSITELL) – students are identified as ELLs/MLLs if they score at the Entering, Emerging, Transitioning, or Expanding Levels, and those who score Commanding on the NYSITELL are not identified as ELLs/MLLs. Once identified, all ELLs/MLLs take, annually, the New York State English as a Second Language Achievement Test (NYSESLAT) to determine placement for the following year. Students may exit ELL/MLL status in one of two ways: 1) by scoring at the Commanding level on the NYSESLAT, or 2) by scoring at the Expanding level on the NYSESLAT AND scoring above designated cut points on the Grades 3-8 English Language Arts Assessment or the Regents Exam in English.

- Step 1: Establish the State's "end" goal for the indicator. This "end" goal is the level of performance that, in the future, the State wishes to achieve. The "end" goal for the percentage of students making progress in achieving English proficiency is 95%.

- Step 2: Set the period for establishing the first long-term goal toward achieving the "end" goal. New York State has set five years as the period for its first goal. Therefore, the 2021-2022 school year will be the year for which first long-term goal will be established.

- Step 3: Set a target for the amount by which New York State plans to the close the gap between the "end" goal and the first long-term goal. New York has established a 20% gap closing target. For example, the baseline performance for students making progress in achieving English language proficiency is 43%. The gap between the "end" goal and the baseline performance is 52%. Twenty percent of 52% is 10%, rounded to the nearest whole percent.

- Step 4: Add the baseline to the Gap Closing amount to establish the 2021-22 school year long-term goal. In the example above, the 2021-22 school year long-term goal would be 53% (base year performance of 43% + 10% percent reduction target of 20%). The annual target for each of the five years will be 2%.

- Step 5: Each year, set a new long-term goal so that the long-term goal is always established five years in the future. The previously established long-term goal becomes the measure of interim progress for that year. For example, following the 2017-18 school year, a new long-term goal for the 2022-23 school year will be set and the 2021-22 school year long-term goal will become the measure of interim progress for that year. This methodology allows the long-term goals to be adjusted to reflect the rapidity with which the schools and subgroups are making progress toward achieving the end goals established by the State.

The Department has identified that ELLs/MLLs generally become English proficient in three to five years on average, based on a longitudinal analysis of all ELLs/MLLs in a particular cohort, with factors such as initial English Language Proficiency (ELP) level at entry determining the specific number of years within which a student is expected to become English proficient. This timeline forms the basis for New York State's long-term goals. Long-term goals are a result of both this timeline and the model selected to monitor progress (the "Transition Matrix," described below). The Department has developed this theory of action regarding ELL/MLL progress:

- New York State holds that all students who are not proficient in English must be provided specific opportunities to progress toward and meet English language proficiency requirements. This is important because students who are not English proficient will not be able to fully demonstrate what they know and can do in English language arts and mathematics delivered in English.
- Developing language proficiency is a cumulative process that occurs over time and should occur in a timely manner. ELLs/MLLs should make meaningful progress toward English proficiency, and the New York State accountability system is designed to monitor schools' efforts in facilitating ELL/MLL progress.

Based on this theory of action, the Department has reviewed data regarding achievement and proficiency of New York State ELLs/MLLs to identify a model for incorporating their progress into State accountability determinations, as well as to identify research-based student-level targets and goals/measures of interim progress. The Department reviewed several different models for examining and measuring ELP progress, guided by New York State's theory of action and assessed each model for reliability, robustness, transparency, and usefulness. In addition, the Department compared its yearly statewide ELP assessment (the New York State English as a Second Language Achievement Test, or NYSESLAT) with its State English Language Arts (ELA) assessment to empirically validate whether NYSESLAT exit standards are appropriate. The results were consistent with expectations and with relationships observed across the United States. The Department further analyzed the time that it generally takes ELLs/MLLs to reach English proficiency, in order to identify important factors that contribute to the time that it takes New York State's students to reach English language proficiency. Analyses reveal that the initial ELP level is the most important factor influencing a student's time to English language proficiency.

Based on the previous actions, the Department selected a Transition Matrix model for incorporating ELLs'/MLLs' attainment of ELP into State accountability determinations. The Transition Matrix model is based on initial English proficiency level and evaluates **expected** growth per year against **actual** growth. Under the Transition Matrix model, growth expectations mirror the natural language development trajectory. The Transition Matrix links initial English proficiency level to the time, in years, that a student is an ELL/MLL. Table 1 provides an example of the growth that could be expected based on a five-year trajectory, which would inform the values in the Transition Matrix. For example, for a student who initially scores in the Entering performance level, the target growth for his/her second year would be 1.25 performance levels. The next two years, the target growth would be 1 level each year, and finally, in the student's fifth year, the target growth would slow to 0.75 performance levels. Credit would be awarded based on a student's growth over administrations of the NYSESLAT, and whether that student meets the expectations of growth based on his/her initial level of English proficiency.

New York State further enhances the robustness of the Transition Matrix model by capturing cumulative progress of students through a "safe harbor" provision for earning credit. Safe harbor is based on comparing a student's English language proficiency level with the expected level, based on the table below. For example, a student whose initial English language proficiency level is Emerging and is in year three would be expected to have made 1 level of growth or have attained level 4.25 (2 +1.25+1). In this way, schools are not penalized for students who have an idiosyncratic growth year as long as they still demonstrate having attained the appropriate overall level and, therefore, are still on track to exiting in the appropriate timeframe.

Provisions for Long Term ELLs/MLLs will also be made, with growth targets carrying over into additional years for students who have not yet attained proficiency.

Since the NYSESLAT was revised in 2015 to reflect the adoption of more rigorous standards, growth expectations need to be monitored and the Department is currently examining the stability and consistency of results, using multiple years of data. These analyses will be conducted again in two years, once more NYSESLAT data are available to ensure that expectations for student progress are appropriate. Stakeholder input will be gathered when this analysis is conducted.

Table: Non-linear growth to target based on five-year trajectory

Initial ELP	Year 2	Year 3	Year 4	Year 5
Entering (1)	1.25	1	1	0.75
Emerging (2)	1.25	1	0.75	
Transitioning (3)	1	1		
Expanding (4)	1			

The baseline is 43%, and the gap closing amount is 20%. Consequently, the "end" goal is 95% of students demonstrate progress using the above table, and the long-term goal for 2021-22 is for 53% of students to demonstrate progress.

New York State results after two years' administration of the revised NYSESLAT indicates that approximately 43% of students meet their progress expectations.

2. Provide the measurements of interim progress toward the long-term goal for increases in the percentage of English learners making progress in achieving English language proficiency in Appendix A.

Currently, 43% of New York State ELLs/MLLs meet their progress expectations. Since the "end" goal is to have 95% of students meeting their progress expectations, the gap is 52%. The long-term goal is to have 20% of that gap closed within 5 years, which is the 2021-22 school year. Twenty percent of 52% equals 10%, when rounded to the nearest whole percent. The annual progress for the long-term goal is divided equally by the number of years, and therefore is 2%.

iv. <u>Indicators (ESEA section 1111(c)(4)(B))</u>
a. <u>Academic Achievement Indicator</u>. Describe the Academic Achievement indicator, including a description of how the indicator (i) is based on the long-term goals; (ii) is measured by proficiency on the annual Statewide reading/language arts and mathematics assessments; (iii) annually measures academic achievement for all students and separately for each subgroup of students; and (iv) at the State's discretion, for each public high school in the State, includes a measure of student growth, as measured by the annual Statewide reading/language arts and mathematics assessments.

New York State is committed to building an accountability system of multiple measures aligned to college, career, and civic readiness. New York State has been diligent in soliciting extensive feedback from stakeholders through online surveys and dozens of meetings across the State to inform this design. In particular, stakeholders have provided detailed feedback on the selection of indicators that will incentivize all public schools to move all students to higher levels of

achievement. The State also is committed to using valid and reliable indicators and measuring student growth from year-to-year.

The assessment tools used by New York State support the criteria that are set forth in the Standards for Educational and Psychological Testing (AERA, APA, NCME, 2014). The validity and reliability evidence that is collected for each assessment supports the specific uses and interpretations of scores for each tool, and are, therefore, described in detail in each technical report.

Links to technical reports and corresponding sections for reliability and validity:

- New York State Testing Program 2015: Grades 3-8 ELA & Math (Sections 3 & 7)
- New York State Alternate Assessment Technical Report 2013-14 (Chapters 10 & 12)
- New York State English as a Second Language Achievement Test – 2015 Operational Test Technical Report (Chapters 5 and 6)

Consistent with New York State's long-term goals, New York State uses Performance Indices (PI) in English language arts and mathematics to measure academic achievement. A PI is calculated separately for each subject and then combined to create the ELA and Math Achievement Index.

The PI is based upon measures of proficiency on State assessments and gives schools "partial credit" for students who are partially proficient (Accountability Level 2), "full credit" for students who are proficient (Accountability Level 3), and "extra credit" for students who are advanced (Accountability Level 4). The PI will be a number between 0-250. In a school in which all students are proficient, the school would have an Index of 200. In a school in which half of the students were proficient and half of the students were partially proficient, the Index would be 150.

When an accountability system is based solely on whether or not students are proficient, this creates a potential incentive for schools to focus efforts on those students who are closest to becoming proficient and a potential disincentive to focus efforts on students who are far from the standard of proficiency. By providing partial credit for students who are partially proficient, New York State gives schools as much incentive to move students from Level 1 to Level 2 as it does to move students from Level 2 to Level 3. In schools most at risk of being identified for support and improvement, the degree to which schools are moving students from Level 1 to Level 2 is a more precise way to judge improvement and progress than the ability of the school to move students from Level 2 to Level 3.

The Department's rationale for use of a PI is supported by the public comments provided to the USDE on draft ESSA regulations from prominent psychometricians at the Learning Policy Institute regarding the use of scale scores and PIs, as well as an article describing the work of psychometrician and Harvard professor Andrew Ho, entitled "When Proficient Isn't Good."

The goal of an accountability system should be to incentivize schools to have all students reach their maximum potential. Under No Child Left Behind, schools were given strong incentives to work to have as many students as possible reach proficiency, but few incentives to have students

reach levels beyond proficiency. An August 2016 report issued by the Thomas Fordham Institute, entitled "High Stakes for High Achievers: State Accountability in the Age of ESSA,") asserts that "NCLB meant well (as did many state accountability systems that preceded it), but it had a pernicious flaw. Namely, it created strong incentives for schools to focus all their energy on helping low-performing students get over a modest 'proficiency' bar, while ignoring the educational needs of high achievers, who were likely to pass state reading and math tests regardless of what happened in the classroom. This may be why the United States has seen significant achievement growth for its lowest-performing students over the last twenty years but smaller gains for its top students." The report also states that "research from Fordham, the Jack Kent Cooke Foundation, and elsewhere shows that these low-income 'high flyers' are likeliest to 'lose altitude' as they make their way through school. The result is an 'excellence gap' rivaling the 'achievement gaps' that have been our policy preoccupation." A PI that gives extra credit to students who score advanced on state assessments provides schools an incentive to move all students to higher levels of performance. To ensure that schools did not divert attention away from students at lower levels of performance, the index gives additional credit to schools for increasing the percentage of students at Level 4 compared to Level 3, but only half as much credit as for moving students from Level 1 to Level 2 or from Level 2 to Level 3.

All continuously enrolled students in the tested elementary and middle level grades and all students in the annual high school cohort are included in the PI. For each subject, a PI is computed for each subgroup of students for which a school or district meets the minimum n-size requirements.

Computation of the PI: A PI is a value from 0 to 250 that is assigned to an accountability group, indicating how that group performed on a required State test (or approved alternative) in English language arts and mathematics. Student scores on the tests are converted to performance levels.

In elementary/middle- and secondary-level ELA and mathematics, the performance levels are:

Level 1 = Basic
Level 2 = Basic Proficient
Level 3 = Proficient
Level 4 = Advanced

The Performance Index is computed as follows:

ELA and Math Performance Index = [(number of continuously enrolled tested students scoring at Level 2 + (Level 3 * 2) + (Level 4 * 2.5) ÷ the greater of the number of continuously enrolled tested students or 95% of continuously enrolled students] × 100

The weighted average of a subgroup's Performance Indices is used to create the subgroup's Achievement Index as illustrated below:

Example of Elementary/Middle School ELA and Math Achievement Index

Accountability Group	Subject	# of Continuously Enrolled Students	# of Continuously Enrolled Tested Students	# Level 1	# Level 2	# Level 3	# Level 4	Numerator	Denominator	PI
Low-Income	Math	102	100	10	30	40	20	160	100	160
Low-Income	ELA	100	90	20	20	30	20	130	95	137
Low-Income	Index	202	190	30	50	70	40	290	195	149

In the above example, the numerator for the Performance Index is the sum of the number of students at Level 2; plus the number of students who scored Level 3, multiplied by two; plus the number of students who scored at Level 4, multiplied by 2.5. This number is then multiplied by 100. The denominator is number of Continuously Enrolled Tested Students, except for ELA, where the denominator for the Performance Index is 95, since only 90% of Continuously Enrolled Students were tested. To calculate the Achievement Index for the low-income subgroup, the numerators for mathematics and ELA are summed and then divided by the denominators for these two subjects.

Notes:

- Students who take the New York State Alternate Achievement Test are included in the Performance Index based on their achievement level on that examination.
- Students in Grades 7 and 8 who take Regents Examinations in Mathematics will have their scores included in the Elementary/Middle Performance Index in the same manner as scores for high school students are included in the High School Performance Index. Thus, for example, for both a middle level student's and a high school student's score on a Regent exam to be included in the respective Performance Indices as Level 4, the student must score at or above 85 on the examination. Similarly, both middle and high school students who score below 65 will have their results included in the Performance Index as Level 1.
- Newly arrived English language learners who are exempt from taking the language arts assessment are not included in the computation of the Performance Indices.

Through New York State's Progress Measure, described below, New York State's academic achievement indicators are explicitly linked to New York State's long-term goals and measures of interim progress.

Example of ELA and Math High School Performance Index

Accountability Group	Subject	# of Students in Accountability Cohort	# Level 1	# Level 2	# Level 3	# Level 4	Numerator	Denominator	PI
Low-Income	Math	100	10	30	40	20	160	100	160
Low-Income	ELA	100	10	20	30	40	180	100	180

Note: All students in the accountability cohort who do not take a Regents exam, the New York State Alternate Assessment, or an approved alternative to the Regents are counted as Level 1.

The school accountability cohort consists of all students who first entered Grade 9 anywhere four years previously (e.g., the 2013 accountability cohort consists of students who first entered Grade 9 during the 2013-14 school year), and all ungraded students with disabilities who reached their 17th birthday in that same school year, who were enrolled for more than half of the current school year and did not transfer to another district's or school's diploma-granting program. Students who earned a high school equivalency diploma from or were enrolled in an approved high school equivalency preparation program on June 30 of the current school year are not included in the school accountability cohort.

Indicator for Public Elementary and Secondary Schools that are Not High Schools (Other Academic Indicator). Describe the Other Academic indicator, including how it annually measures the performance for all students and separately for each subgroup of students. If the Other Academic indicator is not a measure of student growth, the description must include a demonstration that the indicator is a valid and reliable statewide academic indicator that allows for meaningful differentiation in school performance.

New York State will use a measure of student growth as one indicator for public elementary and secondary schools that are not high schools.

New York State's current accountability system, pursuant to its ESEA Flexibility waiver, uses Mean Growth Percentiles (MGP) for ELA and mathematics in Grades 4-8 to measure student growth in elementary and middle schools. MGPs are computed for students who have a valid test score in the subject in the current year and a valid test score in that same subject in the prior year in the grade immediately below the student's current grade (e.g., the student has a Grade 5 math assessment result in 2017 and a Grade 4 assessment result in 2016).

The MGP model is typically referred to as a covariate adjustment model (McCaffrey, Lockwood, Koretz & Hamilton, 2004), as the current year observed score is conditioned on prior levels of student achievement (referred to as the unadjusted model in New York State). At the core of the New York State growth model is the production of a Student Growth Percentile (SGP). This statistic characterizes the student's current-year score relative to other students with similar prior test score histories. For example, an SGP equal to 75 denotes that the student's current-year score is the same as or better than 75 percent of the students in the State with similar prior test score

histories. Once SGPs are estimated for each student, group-level (e.g., subgroups or school-level) statistics can be formed that characterize the typical performance of students within a group. New York State's growth model Technical Advisory Committee recommended using a mean SGP. Hence, group-level statistics are expressed as the mean SGP within a group. This statistic is referred to as the MGP. Scores from the unadjusted model are reported for informational purposes to educators and are used for school accountability in Grades 4–8. Detailed information regarding New York State's model can be found in the Growth Model for School Accountability 2015/16 Technical Report.

Although New York State anticipates using its current growth model to make differentiations between schools based on 2017-18 school year data, New York State is currently evaluating this model to identify improvements and is exploring potential alternative models for determining student growth that New York State may seek to use in future years.

For school accountability purposes, New York State currently uses a school's or subgroup's unweighted two-year average MGP in ELA and mathematics for school accountability. To further increase the stability and reliability of this measure, New York State will, under ESSA, ~~to~~ use a three-year average MGP in ELA and mathematics to create the subgroup for the school Growth Index. The Commissioner shall calculate a mean growth percentile (MGP) for each accountability subgroup for each public school, charter school and district by adding the student growth percentile (SGP) scores for continuously enrolled students in grades 4-8 ELA to those in grades 4-8 math for the current and the previous two reporting years, and dividing the result by the total number of SGPs in those grades/subjects and years.

An index will be created for each subgroup for which the combined total of Student Growth Percentiles (SGPs) is equal to or greater than 30. An example of how the Growth Index is computed is shown below.

Year	Number of ELA SGPs	Number of Math SGPs	SUM of ELA SGPs	Sum of Math MGP
2017-18	30	31	1600	1578
2016-17	29	32	1306	1600
2015-16	28	33	1500	2864
3 Year Total	87	96	4406	6042
Combined Total	183		10448	

MGP Index	(10,448/183) = 57.09

In the example above, the three-year unweighted ELA MGP and the three-year unweighted Math MGP are computed, and these two numbers are averaged to determine the school's Growth Index. For purposes of school differentiation, the Growth Index for each subgroup in a school is converted to an Achievement Level that ranges from 1-4, as follows:

Subgroup MGP	Level
45 or Less	1
45.1 to 50	2
50.1 to 54	3
Greater than 54	4

In the example above, because the MGP is greater than 54, the subgroup would receive a Level 4 for growth.

At both the elementary and middle school level[6], New York State will also compute a Progress Measure. The Progress Measure is how a subgroup performs in relation to the State's long-term goals for the subgroup, the State's Measure of Interim Progress (MIP) in that year, and the school-specific measure of interim progress for the subgroup in that school year. CSI identification is determined using the performance of only the "All Students" subgroup. Schools will be identified as TSI for low performance on one or more of the following subgroups, but not the All Students subgroup: Students with Disabilities, English Language Learners, Economically Disadvantaged, and Racial/Ethnic Group subgroups.

Progress is based on subgroup performance in relation to an end goal, long-term goals, and measures of interim progress (MIP) in elementary/middle- and secondary-level ELA and math. These are determined for all accountability subgroups separately. They are also determined for ELA separately from math and the two results are then averaged.

As explained in New York's response to A(4)(iii):

- The ***End Goal*** is the ultimate desired result for a subgroup in terms of their Performance Index (PI).
- A ***Baseline*** is the PI used to calculate the long-term goals and MIPs. The Baseline is the previous year's PI.
- A ***Long-Term Goal*** is the amount of progress the ***state*** expects to make, based on the state's baseline, over the next five years towards achieving the state's End Goal.

[6] Progress is also computed in this same way at the high school level as a measure of School Quality and Student Success.

This is determined by subtracting the state's baseline from 200, multiplying the result by 0.20, and adding that result to the state's baseline.

For example, if the state's baseline PI is 91:
200 - 91 = 109
109 × 0.20 = 21.8
91 + 21.8 = 112.8 is the long-term goal

- **A Measure of Interim Progress (MIP)** is determined at both the state level and the school level. The state MIP is calculated by subtracting the state baseline from 200, multiplying the result by 0.20, dividing that result by 5, and then adding that result to the state baseline. The school MIP is calculated by subtracting the school baseline from 200, multiplying the result by 0.20, dividing that result by 5, and then adding that result to the baseline. Each year for five years, the MIP "progress points" (200 minus baseline times 0.20 divided by 5) are added to the original baseline.

  For example, if the state's 2016-17 baseline PI is 91:
  200 - 91 = 109
  109 × 0.20 = 21.8
  21.8 ÷ 5 = 4.36 = 4.4
  91 + 4.4 = 95.4
  State's 2017-18 MIP = 95.4
  State's 2018-19 MIP = 99.8
  State's 2019-20 MIP = 104.2
  State's 2020-21 MIP = 108.6
  State's 2021-22 MIP = 113

NOTE: State MIP's are FIXED for five years. Using 2017-18 PIs, new state MIP's for the 2022-23 will be calculated.

If a school's baseline PI is 80:
200 - 80 = 120
120 × 0.20 = 24
24 ÷ 5 = 4.8
80 + 4.8 = 84.8
School's 2017-18 MIP = 84.8
School's 2018-19 MIP = 89.6
School's 2019-20 MIP = 94.4
School's 2020-21 MIP = 99.2
School's 2021-22 MIP = 104

NOTE: School MIP's are FIXED for five years. Using 2017-18 PIs, new school MIP's for the 2012-23 and the following four years will be calculated.

Schools are then assigned a Progress Level from 1 to 4 based on whether or not they met the State's Long-Term Goal and whether they met the state's MIP or the school's MIP. (Did not meet MIP means the school met neither the state nor the school MIP. Met lower MIP means the school met the lower but not the higher of the state or the school's MIP. Met higher MIP means the school met the higher of the state's and the school's MIP).

"Did Not Meet Long-Term Goal" means the outcome is less than the Long-Term Goal. "Met Long-Term Goal" means the outcome is equal to the Long-Term Goal but less than the cut point for "Exceeded Long-Term Goal." "Exceeded Long-Term Goal" is determined by subtracting the Long-Term Goal from the End Goal, dividing by 2, and then adding the result to the Long-Term Goal. The outcome must be at or above that resulting number. For example, if the End Goal is 200 and the Long-Term Goal is 112.8: 200-112.8= 87.2. 87.2÷2=43.6. 43.6+112.8 =156.4. "Did Not Meet Long-Term Goal" < 112.8; "Met Long-Term Goal" >= 112.8 but < 156.4; "Exceeded Long-Term Goal" >= 156.4.

	Did Not Meet Long-Term Goal	Met Long-Term Goal	Exceeded Long-Term Goal
Did not meet MIP	1	NA	NA
Met lower MIP	2	3	4
Met higher MIP	3	4	4

In the example above, for 2017-18 the state long-term goal is 112.8, the state MIP is 95.4, and the school MIP is 84.8. If the school's 2017-18 PI is 87, the school's 2017-18 Progress Level is **2** because 87 is less than the state long-term goal of 112.8 (Did Not Meet Long-Term Goal), less than the state MIP of 95.4 but greater than the school MIP of 84.8 (Met lower MIP). If the school's 2017-18 PI is 95, the school's 2017-18 Progress Level is **3** because 95 is less than the state long-term goal of 112.8 (Did Not Meet Long-Term Goal), equal to the state MIP of 95.4 and greater than the school MIP of 84.8 (Met higher MIP).

After Progress Levels (1-4) are determined separately for math and ELA, the two results are then averaged and rounded down to determine the overall Progress Level.

New York State adjusts these levels to account for subgroups that show particularly strong growth compared to prior performance, even if the subgroup does not achieve either one or both MIPs. The chart above also applies to the graduation rate and measures of school quality and student success.

As noted previously, New York State's Progress Measure explicitly links New York State's academic achievement measures to New York State's long-term goals and measures of interim progress.

At the elementary and middle level, NY uses two additional other academic indicators: a Science Performance Index and a Core Subject Performance Index.

The Science Performance Index is computed using the results for all continuously enrolled students in the tested elementary and middle level grades. A PI is computed for each subgroup of students for which a school or district meets the minimum n-size requirements.

Computation of the Science PI: A Science PI is a value from 0 to 250 that is assigned to an accountability group, indicating how that group performed on a required State test (or approved alternative) in science. Student scores on the tests are converted to performance levels as follows.

Level 1 = Basic
Level 2 = Basic Proficient
Level 3 = Proficient
Level 4 = Advanced

The Performance Index is computed as follows:
Science Performance Index = [(number of continuously enrolled tested students scoring at Level 2 + (Level 3 * 2) + (Level 4 * 2.5) ÷ the greater of the number of continuously enrolled tested students or 95% of continuously enrolled students] × 100

Example of Science Performance Index

Accountability Group	Subject	# of Continuously Enrolled Students	# of Continuously Enrolled Tested Students	# Level 1	# Level 2	# Level 3	# Level 4	Numerator	Denominator	PI
Low-Income	Science	100	90	20	20	30	20	130	95	137

In the above example, the numerator for the Performance Index is the sum of the number of students at Level 2; plus the number of students who scored Level 3, multiplied by two; plus the number of students who scored at Level 4, multiplied by 2.5. This number is then multiplied by 100. The denominator is 95, since only 90% of Continuously Enrolled Students were tested.

Students in Grades 7 and 8 who take Regents Examinations in Science will have their scores included in the Elementary/Middle Performance Index in the same manner as scores for high school students are included in the High School Performance Index. Thus, for example, for both a middle level student's and a high school student's score on a Regent exam to be included in the respective Performance Indices as Level 4, the student must score at or above 85 on the examination. Similarly, both middle and high school students who score below 65 will have their results included in the Performance Index as Level 1.

The Core Subject Performance Index is a measure of how well students who participate in state assessments perform. The Core Subject Performance Index allows stakeholders to differentiate performance among subgroups of students who actually participate in state assessments as opposed to conflating performance results that are reported for all continuously enrolled students regardless of whether or not they participated in the assessment. This measure has been reported and used for

accountability purposes in New York for 15 years, and is considered by stakeholders to be a critical measure of school performance.

The Core Subject Performance Index is computed as = [(number of continuously enrolled tested students scoring at Level 2 + (Level 3 * 2) + (Level 4 * 2.5) ÷ the number of continuously enrolled tested students] × 100

The weighted average of a subgroup's Performance Indices is used to create the subgroup's Core Subject Performance Index as illustrated below:

Example of Elementary/Middle School Core Subject Performance Index

Accountability Group	Subject	# of Continuously Enrolled Tested Students	# Level 1	# Level 2	# Level 3	# Level 4	Numerator	Denominator	PI
Low-Income	Math	100	10	30	40	20	160	100	160
Low-Income	ELA	95	25	20	30	20	130	95	137
Low-Income	Science	40	0	10	14	16	78	40	195
Low-Income	Index	235	35	60	84	56	368	235	157

In the above example, the numerator for the Performance Index is the sum of the number of students at Level 2; plus the number of students who scored Level 3, multiplied by two; plus the number of students who scored at Level 4, multiplied by 2.5. This number is then multiplied by 100. To calculate the Core Subject Performance Index for the low-income subgroup, the numerators for mathematics, ELA, and science are summed and then divided by the denominators for these three subjects.

For purposes of school differentiation, the Core Subject Performance Index for the all students group and each subgroup in a school is converted to an Achievement Index Level that ranges from 1-4.

Subgroup Percentile Rank on Core Subject Performance Index	Achievement Level
10% or Less	1
10.1 to 50%	2
50.1 to 75%	3
Greater than 75%	4

Notes:

- Students who take the New York State Alternate Achievement Test are included in the Performance Index based on their achievement level on that examination.
- Students in Grades 7 and 8 who take Regents Examinations in Mathematics and Science will have their scores included in the Elementary/Middle Performance Index in the same manner as scores for high school students are included in the High School Performance

Index. Thus, for example, for both a middle level student's and a high school student's score on a Regent exam to be included in the respective Performance Indices as Level 4, the student must score at or above 85 on the examination. Similarly, both middle and high school students who score below 65 will have their results included in the Performance Index as Level 1.

c. Graduation Rate. Describe the Graduation Rate indicator, including a description of (i) how the indicator is based on the long-term goals; (ii) how the indicator annually measures graduation rate for all students and separately for each subgroup of students; (iii) how the indicator is based on the four-year adjusted cohort graduation rate; (iv) if the State, at its discretion, also includes one or more extended-year adjusted cohort graduation rates, how the four-year adjusted cohort graduation rate is combined with that rate or rates within the indicator; and (v) if applicable, how the State includes in its four-year adjusted cohort graduation rate and any extended-year adjusted cohort graduation rates students with the most significant cognitive disabilities assessed using an alternate assessment aligned to alternate academic achievement standards under ESEA section 1111(b)(2)(D) and awarded a State-defined alternate diploma under ESEA section 8101(23) and (25).

At the secondary level, New York State will use three cohorts to determine if an accountability group met the criterion in graduation rate. These are the four-year adjusted cohort graduation rate and the five-year and six-year extended adjusted cohort graduation rate. The four-year adjusted cohort graduation rate consists of all students who first entered Grade 9 anywhere four years previously and who were enrolled in the school/district. The five-year and six-year extended adjusted cohort graduation rate consists of all students who first entered Grade 9 anywhere in the five years previously and six years previously and who were enrolled in the school/district. Data for these cohorts are captured as of August 31. Students who earn diplomas from registered New York State public schools or students who are enrolled in P-Tech[7] or dual high school college programs[8] and have met all requirements for high school graduation are counted as high school completers.

In determining a school's performance on the graduation rate criterion, New York will consider each subgroup's performance against the State's and school's measurements of interim progress (MIPs) and the State's long-term goal for each of the four-year, five-year, and six-year rates. As explained in the description of the progress measure, for each rate, each group's performance will be assessed against two MIPs: the State-level MIP for that year, which is detailed in the earlier section on goals and in Appendix A, and the school-specific MIP that is established using the same methodology. In the chart below, the greater of these MIPs is referred to as the "higher MIP" and the lesser of these MIPs is referred to as the "lower MIP." For example, if a subgroup's state level MIP for the four-year graduation rate for 2017-2018 is 80.9%, and the school-specific MIP is 82%, the "higher MIP" is 82% and the "lower MIP" is 80.9%.

[7] NYS Pathways in Technology (P-TECH) is a six-year program in collaboration with an IHE and industry partner designed to have students graduate with a high school and associate's degrees and an offer of employment.

[8] Institutions of Higher Education (IHEs) partner with public school districts to create early college high schools that provide students with the opportunity and preparation to accelerate the completion of their high school studies while concurrently earning a minimum of 24 but up to 60 transferable college credits.

Each group's performance is also compared to the state long-term goal. The state will determine if a subgroup meets, does not meet, or exceeds the relevant goal. The threshold to be classified as exceeding a subgroup's long-term goal is the long-term goal plus 50% of the difference between the long-term goal and the end goal. For example, for the four-year rate, the end goal is 95%. If the long-term goal is 83.3%, exceeding the long-term goal is performance at or above 89.15%.

CSI identification is determined using the performance of only the "All Students" subgroup. Schools will be identified as TSI for low performance on one or more of the following subgroups, but not the All Students subgroup: Students with Disabilities, English Language Learners, Economically Disadvantaged, and Racial/Ethnic Group subgroups.

For purposes of school differentiation, the Graduation Rate Index for each subgroup in a school is converted to a Graduation Rate Index Level that ranges from 1-4 for each graduation rate cohort as follows:

	Did Not Meet Long-Term Goal	Met Long-Term State Goal	Exceeded State Goal
Did not meet an MIP	1	NA	NA
Met lower MIP	2	3	4
Met higher MIP	3	4	4

The unweighted average for the four-year, five-year, and six-year graduation rate cohorts is used as Graduation Rate Level for a subgroup. If, for example, a subgroup met the state long-term goal for the four-year graduation rate, but did not exceed it, and met the lower of its two MIPs, it would receive a level 3. In turn, if a subgroup's four-year Graduation Rate Level is 4, its five-year Graduation Rate Level is 3, and its six-year Graduation Rate Level is also 3, then the overall Graduation Rate Level is 3. In New York State's report cards, the actual graduation rates for each cohort and the associated measures of interim progress and State long-term goals will be reported.

d. <u>Progress in Achieving English Language Proficiency (ELP) Indicator</u>. Describe the Progress in Achieving ELP indicator, including the State's definition of ELP, as measured by the State ELP assessment.

New York State utilizes five levels of proficiency (Entering, Emerging, Transitioning, Expanding, and Commanding). On the initial English language proficiency assessment – New York State Identification Test for English Language Learners (NYSITELL) – students are identified as ELLs/MLLs if they score at the Entering, Emerging, Transitioning, or Expanding Levels, and those who score Commanding on the NYSITELL are not identified as ELLs/MLLs. The assessment was created and supported using validity and reliability evidence that is referenced in the Standards for Educational and Psychological Testing (AERA, APA, & NCME, 2014). This includes validity evidence related to content, internal structure, external structure, and various measures of reliability, such as internal consistency, standard error of measurement, and inter-rater reliability.

Once identified, all ELLs/MLLs take the State's ELP assessment, the New York State English as a Second Language Achievement Test (NYSESLAT), yearly, to determine placement for the following year. Students may exit ELL/MLL status by demonstrating English proficiency in one of two ways: 1) by obtaining an overall score in the Commanding range on the NYSESLAT, or 2) by obtaining an overall score in the Expanding range on the NYSESLAT AND scoring above designated cut points on the Grades 3-8 English Language Arts Assessment or Regents Exam in English.

The Department has determined that ELLs/MLLs generally become English proficient in three to five years, based on a longitudinal analysis of all ELLs/MLLs in a particular cohort, with factors such as initial ELP level at entry determining the specific number of years within which a student is expected to become English proficient. The Department has reviewed data regarding achievement and proficiency of New York State ELLs/MLLs to identify a model for incorporating their progress into State accountability determinations, as well as to identify research-based student-level targets and goals/measures of interim progress. The Department reviewed several different models for measuring ELP progress, guided by New York State's theory of action, and assessed each model for reliability, robustness, transparency, and usefulness. In addition, the Department compared its NYSESLAT with its State English Language Arts (ELA) and Mathematics assessments, and examined ELLs'/MLLs' mean time to proficiency, including consideration of initial ELP level.

After concluding this analysis, the Department selected a Transition Matrix Table for incorporating ELLs'/MLLs' attainment of ELP into State accountability determinations. The Transition Matrix Table model is based on initial English language proficiency level and incorporates expected growth per year against actual growth. Under the Transition Matrix Table model, growth expectations can mirror the natural language development trajectory, and the

timeline to proficiency, which is based on New York State longitudinal student data, can be incorporated directly into the model. The Transition Matrix Table appears as a grid, and links English language proficiency levels to the time in years that a student is an ELL/MLL. Credit is awarded based on a student's growth from one level to the next, over the course of years in the New York State school system. In other words, since analyses of student data show that ELLs/MLLs generally become English language proficient in three to five years, the model can set growth targets for up to five years for students based on their initial English proficiency.

The Transition Matrix Table model is intended to be used with all ELL/MLL students in grades 1 – 12, as long as a student has a current and prior year NYSESLAT score.

A "safe harbor" rule will be applied to the model, in which students are given credit either for meeting specified growth targets, or by reaching proficiency levels that are implied through growth targets. Therefore, if a student exceeds growth in his or her first year, but does not meet the growth target in their second year, as long as the student meets the proficiency level target in the second year, the student will receive credit.

To hold schools accountable for all ELLs/MLLs, considerations for Long-Term ELLs/MLLs will also be incorporated into the model, with growth targets carrying over into additional years for those students who do not reach Commanding within the specified period. In this way, schools will have a continued incentive to make progress and exit Long Term ELLs/MLLs.

A comprehensive accountability system seeks to measure how schools support students at all levels. As noted above and detailed in Table A, the Department uses a student's initial ELP level at entry to determine the specific number of years within which a student is expected to become English proficient. To ensure schools are accountable for progress among all students, the overall performance of the school will be linked to supporting student progress regardless of their students' entry levels. Thus, for a school to achieve either a level 3 or 4 achievement level (Table E), students must minimally meet or exceed student progress goals detailed in Tables B and C.

The following steps are taken to determine a school's achievement level.

1. Determine initial level of proficiency and years in program for all applicable students.
2. Determine progress goals for each student based on entry level and years in program.
3. Calculate each school's success ratio based on students' results compared to students' progress goals.
4. Use the computed school success ratio to assign the school a level 1-4 performance.

Detailed explanation of each step:

Step 1: Determine initial level of proficiency for all students.

Applicable students take the New York State Identification Test for English Language Learners (NYSITELL) and are classified into one of five levels: Entering, Emerging, Transitioning, Expanding, and Commanding. Student previously classified take the New York State English as a Second Language Achievement Test (NYSESLAT) to determine current level of proficiency. Table A details the expected levels for students based on their initial ELP classification and years in the program.

Table A: Cumulative Progress (Expected Levels)

	Year			
Initial ELP	2	3	4	5
Entering	32.25	33.25	34.25	35
Emerging	33.25	34.25	35	
Transitioning	34	35		
Expanding	35			

Step 2: Determine progress goals for each student based on entry level and years in program.

Table B provides the expected growth of a student given an initial ELP level and year in program. ELP progress and levels are determined using the New York State English as a Second Language Achievement Test (NYSESLAT). Table C provides the probability of a student meeting the expected progress detailed in Table B using results from the 2016 NYSESLAT. A student's current level and year in program is then used to determine that student's progress goal for the year.

Table B. Progress Goals

	Year			
Initial ELP	2	3	4	5
Entering	1.25*	1	1	0.75
Emerging	1.25	1	0.75	
Transitioning	1	1		
Expanding	1			

* In levels

Table C: Expected Student Progress, Based on Statewide Probability of Meeting Progress Goal

Initial Level	Year	Probability	N	Std. Deviation
Entering	2	0.72	15045	0.45
	3	0.58	13403	0.49
	4	0.42	9664	0.49
	5	0.47	11718	0.50
Emerging	2	0.48	8071	0.50
	3	0.33	5459	0.47
	4	0.24	4187	0.43
Transitioning	2	0.29	6249	0.45
	3	0.29	4609	0.45
Expanding	2	0.08	17764	0.28

Step 3: Calculate each school's success ratio based on students' results compared to students' progress goals.

A school's success ratio is determined by comparing a student's actual progress to that student's progress goal. The formula for calculating the success ratio is as follows:

a. For all ELLs/MLLs in a school determine whether each student met the progress goal.
b. Aggregate (count) the number of students meeting the progress goal; this equals "# students meeting progress goals."
c. For all ELLs/MLLs in a school identify the initial ELP status and year combination and the uniform statewide likelihood that a student with that combination of initial status and year will meet the progress goal.
d. Aggregate (sum) each student's probability of meeting the progress goal; this equals "Sum of students expected progress."

Success Ratio = # students meeting progress goals / Sum of students expected progress

It is important to note that the statewide aggregate of "Sum of students expected progress" is equal to the statewide basis for the long-term goal.

Therefore, expectations for every continuously enrolled English language learner student with a current and prior year NYSESLAT score are used to compute the denominator while schools only get credit for students who make annual progress in the computation of the numerator.

Step 4: Use the computed school success ratio to assign the school a level 1-4 performance.

The resulting success ratio is then used to place schools into one of four Achievement Levels. The conversion to each of the four levels is detailed in Table D. From the examples above, a success ratio of 1.0 corresponds to a Level 3; a success ratio of 0.5 corresponds to a Level 2; and a success

ratio of 1.25 corresponds to a Level 4. Thus, to score at the highest level, schools must demonstrate substantial success in supporting student progress above what is expected.

Table D: Success Ratio to Achievement Level Conversion

Success Ratio	Level
0 - 0.49	1
0.50 - 0.99	2
1.0 - 1.24	3
1.25+	4

e. School Quality or Student Success Indicator(s). Describe each School Quality or Student Success Indicator, including, for each such indicator: (i) how it allows for meaningful differentiation in school performance; (ii) that it is valid, reliable, comparable, and statewide (for the grade span(s) to which it applies); and (iii) of how each such indicator annually measures performance for all students and separately for each subgroup of students. For any School Quality or Student Success indicator that does not apply to all grade spans, the description must include the grade spans to which it does apply.

New York State's selection of measure of school quality and student success was informed by extensive stakeholder engagement. More than 2,400 stakeholders responded to an online survey, and more than 1,000 persons attended regional meetings at which participants responded to direct questions about indicators of school quality and student success. New York State solicited feedback about indicators that could be used beginning with 2017-18 school year results, as well as those that might be added to the system in the future. See pages 8-20 for a discussion of the extensive process by which New York State sought public feedback on the proposed measures.

At the elementary-, middle- and high school levels, New York State will initially use chronic absenteeism as its measure of school quality and student success. Research shows that both student engagement and regular school attendance are highly correlated with student success. Students who miss more than 10% of instruction have dramatically lower rates of academic success than do students who are not chronically absent.[9] Using chronic absenteeism to differentiate between schools is intended to encourage schools to engage in aggressive efforts to ensure that students do not miss large amounts of instruction. In a survey conducted by the New York State Education Department, to which more than 2,400 persons responded, more than two-thirds strongly supported or supported the use of chronic absenteeism as a measure of school quality and student success.

The chronic absenteeism rate for a school is defined as the number of students who have been identified as chronically absent (excused and unexcused absences equaling 10% or more of enrolled school days) as a percentage of the total number of students enrolled during the school year (denominator). Chronically absent students will be identified as such based on the number of days that a student is enrolled. This is significant because students may enroll in a school or district

[9] Balfanz, R., & Byrnes, V. (2012). The Importance of Being in School: A Report on Absenteeism in the Nation's Public Schools. Baltimore: Johns Hopkins University Center for Social Organization of Schools. Available at http://new.every1graduates.org/wpcontent/uploads/2012/05/FINALChronicAbsenteeismReport_May16.pdf

Attendance Works. (2015). Mapping the Early Attendance Gap.

during different points in the school year. For example, a student who misses four days of school and was enrolled from September 1 through January 31 would not be considered chronically absent. However, a student who is enrolled only for the month of December, yet missed four days of school, may be categorized as such. This definition has the advantage of identifying chronically absent students regardless of the point in time at which they enter the district or school. Suspensions will not be considered absences because suspended students must receive alternate instruction, if the student is of compulsory school age. Similarly, a student who is not present in school for an extended period for medical reasons would receive instruction at home and would not be reported as absent. Preliminary modeling by the New York State Education Department indicates that there is significant dispersion of results on this measure across schools and subgroups, and thus, the measure meaningfully differentiates school performance.

For the Chronic Absenteeism Indicator, New York has established a long-term goal that no more than 5% of students statewide in each accountability subgroup within each school shall be chronically absent. New York has established a long-term goal to reduce the gap between current baseline performance and this end-goal by 20% within five years. The tables below provide the end-goal, long-term goal and measures of interim progress for each accountability subgroup. Separate long-term goals and measures of interim progress have been established for grades 1-8 and for grades 9-12:

Grades 1-8 Chronic Absenteeism End Goals, Long-Term Goals and Measure of Interim Progress

Grades 1-8 Chronic Absenteeism

Measure	Group Name	2016-17 Baseline	Gap from Ultimate Goal	5 Yr Gap Reduction Goal	Yearly Gap Reduction Goal	2017-18 Target	2018-19 Target	2019-20 Target	2020-21 Target	2021-22 Long Term Goal	End Goal
Chronic Absenteeism	All Students	15.4%	10.4%	2.1%	0.4%	15.0%	14.6%	14.2%	13.7%	13.3%	5.0%
	Asian/Pacific Islander	8.4%	3.4%	0.7%	0.1%	8.3%	8.1%	8.0%	7.9%	7.7%	5.0%
	Black	21.5%	16.5%	3.3%	0.7%	20.8%	20.2%	19.5%	18.9%	18.2%	5.0%
	Economically Disadvantaged	21.1%	16.1%	3.2%	0.6%	20.5%	19.8%	19.2%	18.5%	17.9%	5.0%
	English Language Learners	18.6%	13.6%	2.7%	0.5%	18.1%	17.5%	17.0%	16.4%	15.9%	5.0%
	Hispanic	21.0%	16.0%	3.2%	0.6%	20.4%	19.7%	19.1%	18.4%	17.8%	5.0%
	Multiracial	17.5%	12.5%	2.5%	0.5%	17.0%	16.5%	16.0%	15.5%	15.0%	5.0%
	American Indian/Alaska Native	22.0%	17.0%	3.4%	0.7%	21.3%	20.6%	20.0%	19.3%	18.6%	5.0%
	Students With Disabilities	22.9%	17.9%	3.6%	0.7%	22.2%	21.5%	20.8%	20.0%	19.3%	5.0%
	White	10.9%	5.9%	1.2%	0.2%	10.7%	10.4%	10.2%	10.0%	9.7%	5.0%

Grades 9-12 Chronic Absenteeism End Goals, Long-Term Goals and Measure of Interim Progress

Grades 9-12 Chronic Absenteeism

Measure	Group Name	2016-17 Baseline	Gap from Ultimate Goal	5 Yr Gap Reduction Goal	Yearly Gap Reduction Goal	2017-18 Target	2018-19 Target	2019-20 Target	2020-21 Target	2021-22 Long Term Goal	End Goal
Chronic Absenteeism	All Students	24.2%	19.2%	3.8%	0.8%	23.4%	22.7%	21.9%	21.1%	20.4%	5.0%
	Asian/Pacific Islander	14.8%	9.8%	2.0%	0.4%	14.4%	14.0%	13.6%	13.2%	12.8%	5.0%
	Black	33.9%	28.9%	5.8%	1.2%	32.7%	31.6%	30.4%	29.3%	28.1%	5.0%
	Economically Disadvantaged	32.4%	27.4%	5.5%	1.1%	31.3%	30.2%	29.1%	28.0%	26.9%	5.0%
	English Language Learners	36.4%	31.4%	6.3%	1.3%	35.1%	33.9%	32.6%	31.4%	30.1%	5.0%
	Hispanic	34.0%	29.0%	5.8%	1.2%	32.8%	31.7%	30.5%	29.4%	28.2%	5.0%
	Multiracial	24.7%	19.7%	3.9%	0.8%	23.9%	23.1%	22.3%	21.5%	20.8%	5.0%
	American Indian/Alaska Native	37.4%	32.4%	6.5%	1.3%	36.1%	34.8%	33.5%	32.2%	30.9%	5.0%
	Students With Disabilities	35.2%	30.2%	6.0%	1.2%	34.0%	32.8%	31.6%	30.4%	29.2%	5.0%
	White	16.6%	11.6%	2.3%	0.5%	16.1%	15.7%	15.2%	14.7%	14.3%	5.0%

Additionally, at the high school level, New York State will initially use a College, Career, and Civic Readiness Index as a measure of school quality and student success. Such an indicator drew substantial support from respondents to the survey mentioned above, with two-thirds strongly supporting or supporting the use of a College, Career, and Civic Readiness Index. New York State believes that a measure that incentivizes schools to ensure that students graduate with the most rigorous possible high school credential will enable more students to succeed than a measure that merely values completion. In addition, research demonstrates that students benefit from participation in advanced coursework, even if students are unable to achieve college-ready scores on exams associated with such coursework or to earn college credit when enrolled in a course that offers both high school and college credit.

New York State's College, Career, and Civic Readiness Index will give credit to schools for students who pass high school courses and additional credit for students who achieve specified scores on nationally recognized exams associated with these courses or who earn college credit for participation in dual enrollment courses. Including this indicator as a measure of school quality and student success will encourage more schools to offer advanced coursework to more students. Additional elements of the index will include successful completion of a career technical course of study, receipt of an industry-recognized credential, and completion of the Seal of Biliteracy, as well as results from students who participate in the New York State Alternate Assessments. Alternative means to create an indicator of civic engagement will also be pursued.

The College, Career, and Civic Readiness Index is a number that will range from 0 to 200[10] and will be computed by multiplying the number of students in an accountability cohort demonstrating college and career readiness by the weighting for the method by which the student demonstrated college and career readiness, divided by the number of students in the accountability cohort[11]:

Readiness Measure	Weighting
• Regents Diploma with Advanced Designation • Regents Diploma with CTE Endorsement • Regents Diploma with Seal of Biliteracy • Regents Diploma and score of 3 or higher on an AP exam • Regents Diploma and score of 4 or higher on IB exam • Regents Diploma and the receipt of an industry-recognized credential or	2

[10] It is theoretically possible for a subgroup to have an Index of more than 200 if all students in the accountability cohort for a subgroup graduate with a readiness measure than is weighed as a 2 and the subgroup also has students from a prior cohort who earn a high school equivalency diploma and are added to the index. Should this occur, the index will be capped with a score of 200.

[11] The weighting given to students who earn a high school equivalency diploma is not based on accountability cohort membership. Instead, a school earns credit for the student in the year in which the student earns his or her high school equivalency diploma, so long as the student earns the diploma within 24 months of the date in which the student was articulated by the high school to a high school equivalency program.

passage of nationally certified CTE examination • Skills and Achievement Commencement Credential with an average score of 4 on the New York State Alternate Assessment Examinations (NYSAA) in language arts, mathematics, and science.	
• Regents Diploma and high school credit earned through participation in an AP, IB, or dual enrollment course. • Regents Diploma with CDOS endorsement • Skills and Achievement Commencement Credential with an average score of 3 on the New York State Alternate Assessment Examinations (NYSAA) in language arts, mathematics, and science.	1.5
• Regents or Local Diploma • Skills and Achievement Commencement Credential with an average score of 2 on the New York State Alternate Assessment Examinations (NYSAA) in language arts, mathematics, and science.	1
• High School Equivalency Diploma • CDOS Credential	.5
• No High School or High School Equivalency Diploma	0

For the College, Career, and Civic Readiness, New York has preliminarily established the following end-goals, long-term goals, and measures of interim progress:

Measure	Group Name	2016-17 Baseline	Gap between Baseline and End Goal	5 Yr Gap Reduction Goal	Yearly Gap Reduction Goal	2017-18 Target	2018-19 Target	2019-20 Target	2020-21 Target	2021-22 Long Term Goal	End Goal
College, Career, and Civic Readiness Index	All Students	117.3	57.7	11.5	2.3	119.6	121.9	124.2	126.5	128.8	175
	Asian/Pacific Islander	142.0	33.0	6.6	1.3	143.3	144.6	145.9	147.2	148.6	175
	Black	84.3	90.7	18.1	3.6	87.9	91.5	95.1	98.7	102.4	175
	Economically Disadvantaged	97.5	77.5	15.5	3.1	100.6	103.7	106.8	109.9	113.0	175
	English Language Learner	28.5	146.5	29.3	5.9	34.4	40.3	46.2	52.1	57.8	175
	Hispanic	88.0	87.0	17.4	3.5	91.5	95.0	98.5	102.0	105.4	175
	Multiracial	116.1	58.9	11.8	2.4	118.5	120.9	123.3	125.7	127.9	175
	American Indian/Alaska Native	89.4	85.6	17.1	3.4	92.8	96.2	99.6	103.0	106.5	175
	Students with Disabilities	62.5	112.5	22.5	4.5	67.0	71.5	76.0	80.5	85.0	175
	White	140.1	34.9	7.0	1.4	141.5	142.9	144.3	145.7	147.1	175

The College, Career, and Civic Readiness Index will be reported based on the 4-year cohort as of June 30th.

As indicated previously, the Progress Measure that is used as another academic indicator for elementary and middle schools is used as a measure of school quality and student success at the high school level.

In addition, at the high school level, Science and Social Studies Performance Indices are also used as measures of school quality and student success. The PI for secondary-level science and social studies is calculated using the following equation:

PI = [(number of accountability cohort members scoring at Level 2 + (Level 3 *2) + (Level 4 * 2.5) ÷ number of accountability cohort members] × 100.

Example of High School Science and Social Studies Performance Indices

Accountability Group	Subject	# of Students in Accountability Cohort	# Level 1	# Level 2	# Level 3	# Level 4	Numerator	Denominator	PI
Low-Income	Science	100	40	30	20	10	95	100	95
Low-Income	Social Studies	100	25	25	25	25	138	100	138

Note: All students in the accountability cohort who do not take a Regents exam, the New York State Alternate Assessment, or an approved alternative to the Regents are counted as Level 1.

The school accountability cohort consists of all students who first entered Grade 9 anywhere four years previously (e.g., the 2013 accountability cohort consists of students who first entered Grade 9 during the 2013-14 school year), and all ungraded students with disabilities who reached their 17th birthday in that same school year, and did not transfer to another district's or school's diploma-granting program. Students who earned a high school equivalency diploma from or were enrolled in an approved high school equivalency preparation program on June 30 of the current school year are not included in the school accountability cohort.

Over time, this Index may be expanded to include such measures as post-secondary enrollment and persistence, successful completion of college credit earned through a dual enrollment course from an accredited college or university, college preparatory coursework completed, and successful completion of coursework leading to graduation. New York State will consider providing, in the future, additional points for students who meet more than one college, career, and civic readiness measure. The Regents may also consider creating a State Seal of Civic Engagement, similar to the Seal of Biliteracy, and including that in the Index.

For purposes of school differentiation, the chronic absenteeism indicator and College, Career, and Civic Readiness Index for each subgroup in a school is converted to an Index Level that ranges from 1-4, as follows:

	Did not meet Long-Term Goal	Met Long-Term Goal	Exceeded Long-Term Goal
Did not meet an MIP	1	NA	NA
Met lower MIP	2	3	4
Met higher MIP	3	4	4

As shown in the chart above, each subgroup's performance on each measure will be assessed against two MIPs: the State-level MIP for that year and the school-specific MIP that is established using the same methodology. In the chart above, the greater of these MIPs is referred to as the "higher MIP" and the lesser of these MIPs is referred to as the "lower MIP." For example, if a subgroup's state level MIP for chronic absenteeism for 2017-2018 is 12% and the school-specific MIP is 10%, the "higher MIP" is 10% and the "lower MIP" is 12% because a chronic absenteeism rate of 10% is more rigorous than a rate of 12%.

Each group's performance is also compared to the State's long-term goal. The state will determine if a subgroup meets, does not meet, or exceeds the relevant goal. The threshold to be classified as exceeding a subgroup's long-term goal is the long-term goal plus 50% of the difference between the long-term goal and the end goal. For example, for the CCCRI, if the end goal is 200 and the long-term goal is 150, exceeding the long-term goal is performance at or above 175. Thus, if a subgroup met the state long-term goal for chronic absenteeism or the CCCRI, but did not exceed it, and met the lower of its two MIPs, it would receive a level 3.

For each of these measures, a subgroup receives a score of 1-4 based on how it performs in relation to the State's long-term goals for the subgroup, the state's Measure of Interim Progress (MIP) in that year, and the school-specific measure of interim progress for the subgroup in that school year. Preliminary modeling by the New York State Education Department indicates that there is significant dispersion of results on this measure across schools and subgroups and thus the measure meaningfully differentiates school performance.

The Board of Regents is committed to, over time, incorporating additional measures of school quality and student success into the State's accountability system. The Regents plan to establish a workgroup that will be tasked with making recommendations regarding additional measures to incorporate into the accountability system and the way in which data about these measures should be gathered and the measures computed, the conditions necessary for the field to prepare for the

use of these measures for accountability, and the timeline for incorporating these measures into the State accountability system.

Beginning in the 2017-18 school year New York State will collect information on out-of-school suspensions at the individual student level. (Currently, schools report aggregate information on out-of-school suspensions that is reported by racial/ethnic group and gender, but not by low-income, English language learner, or disability status.) This 2017-18 school year data will serve as the baseline for holding schools accountable for out-of-school suspension rates. Beginning with 2018-19 school year results, the New York State Education Department will assign each school a Level 1-4 rating for each subgroup for which the school is accountable. Districts will be required to assist schools to address a school's out-of-school suspension rate for any subgroup that receives a Level 1 rating. New York State intends to include out of school suspensions as a measure of school quality and student success when the second cohort of Comprehensive Support and Improvement Schools is identified using 2020-21 school year data. Additional measures of school quality and student success are expected to be added to the system over time, beginning with a measure of the rate at which students are subject to out-of-school suspensions and a high school readiness measure for middle school students. When New York State adds a measure, New York State will amend its ESSA state plan and submit it to the United States Department of Education.

In addition to indicators that may be added to the accountability system and used for identifying schools for support and intervention, the Department will regularly publish a set of indicators that highlight school conditions and students' opportunities to learn. These will be used for diagnosing needs and progress in achieving quality and equity at the school, district, and State levels.

Among the measures that the Board of Regents will ask the workgroup to consider for accountability or reporting purposes are:

Indicator	Measure
	Opportunity to Learn Indicators
School Climate School Safety Per Pupil School Funding Access to Specific Learning Opportunities	Student experiences of school Incident rates Reported by function (e.g., total, instructional, capital, non-capital spending. Student access to types of courses/curriculum (e.g. preschool, full-day kindergarten, STEM, arts, physical education, history/ social studies) measured either through school reports of hours taught, # of courses offered, or # of students enrolled, or through student survey results)

Indicator	Measure
Student Access to Highly Qualified Teachers	% of fully certified/effective teachers % of in-field teachers in each school % experienced teachers (e.g., with 3+ years of experience)
Access to Staffing Resources Integration of Students	Student's class size Number of counselors per student A measure of the extent to which students of different subgroups (by race/ethnicity, socioeconomic status, English language learners and students with disabilities) are in schools and classrooms together, relative to their presence in the district as a whole.
High School Credit Accumulation / Completion of Required Credits / Successful completion of coursework for graduation	**High School, and Postsecondary Success** Average credit accumulation per year % of students reaching a specified # of credits % of students in a high school cohort who have successfully completed all credits for graduation
Student Attainment of Industry- Approved Licenses or Certificates Post-Graduation Outcomes Postsecondary Enrollment Rates Postsecondary Persistence Rates	Percentage of students acquiring an industry-recognized license or certificate Percentage of students going onto college or employment Percentage of students enrolling in 2- or 4-year colleges within a set time after graduation Percentage of students who persist to a 2nd or 3rd year of college
Teacher Turnover ---------- Teacher Absences Teaching Conditions Parent Involvement and Engagement	**Teacher/Parent Engagement** % of teachers leaving each year Average # of teacher absences per year Teacher Survey, such as TELL or similar tool Parent surveys; local evidence of participation

While these measures are being considered for inclusion in the accountability and reporting systems, the Department will develop a data dashboard that will be used to provide stakeholders with a transparent and intuitive way to assess the performance of schools in relation to a variety of

metrics that include both those that are used for accountability and those that measure important aspects of schooling, but are not appropriate to be used for high-stakes decisions.

v. Annual Meaningful Differentiation (ESEA section 1111(c)(4)(C))

a. Describe the State's system of annual meaningful differentiation of all public schools in the State, consistent with the requirements of section 1111(c)(4)(C) of the ESEA, including a description of (i) how the system is based on all indicators in the State's accountability system, (ii) for all students and for each subgroup of students. Note that each state must comply with the requirements in 1111(c)(5) of the ESEA with respect to accountability for charter schools.

New York State will differentiate all public schools in the State, including charter schools, into the following categories using each of the indicators specified in Section iv for which a subgroup will be held accountable: Comprehensive Support and Improvement Schools, Targeted Support and Improvement Schools, Schools in Good Standing, and Recognition Schools. To determine the category into which a subgroup will be differentiated, New York State assigns a Performance Level from 1-4 for each measure for which a subgroup in a school is held accountable.

b. Describe the weighting of each indicator in the State's system of annual meaningful differentiation, including how the Academic Achievement, Other Academic, Graduation Rate, and Progress in ELP indicators each receive substantial weight individually and, in the aggregate, much greater weight than the School Quality or Student Success indicator(s), in the aggregate.

New York State does not explicitly weight indicators, but rather uses a series of decision rules to differentiate between schools. These decision rules give the greatest weight to academic achievement and growth (in elementary and middle schools) and academic achievement and graduation rate (in high schools). Progress toward English language proficiency by ELLs/MLLs is weighted more than are academic progress, chronic absenteeism, and the college- and career-readiness index, which are weighted equally, but less than achievement, growth, and the graduation rate.

Within the Composite Performance Index (See below), academic achievement in language arts and math are weighted equally and science and social studies are weighted lower. For example, at the high school level, ELA and math combined are given three times the weight of science and six times the weight of social studies.

The following rules are applied when a school or subgroup has insufficient results to be held accountable for one or more accountability measures:

1. Composite Performance Index: If a school does not meet the minimum N count for a Composite Index determination, then the school will be held accountable using the established accountability process for small schools (self-assessment process), as discussed in section c below.

2. Growth Index (elementary and middle schools): If a subgroup does not meet the minimum N count for a Growth Index determination, the subgroup's initial classification will be determined using the Achievement Index only. If the school is identified as Level 1 for Achievement, then the school will also be Level 1 for Achievement and Growth Combined. Other measures will then be used to determine the final classification of the school.

3. Graduation Rate Index (High School): If a subgroup does not meet the minimum N count for a Graduation Index determination the subgroup's initial classification will be determined using the Achievement Index only. If the school is identified as Level 1 for Achievement, then the school will also be Level 1 for Achievement and Graduation Rate Combined. Other measures will then be used to determine the final classification of the school.

4. Other Measures (Progress, English language proficiency, Chronic Absenteeism and College Career and Civic Readiness Index): If a subgroup receives a combined achievement and growth Index or achievement and graduation index, and does not meet the minimum N count for at least one of these indicators, the subgroup will be subject to the self-assessment process. If a subgroup receives a combined Achievement and Growth Index or Achievement and Graduation Rate Index, and meets the minimum N count for at least one of these indicators, the determination of the subgroup's status will be made using the available measures. (Note: A subgroup that has sufficient results to generate an Achievement and Growth Index or an Achievement and Graduation Rate index are highly likely to have sufficient results for a determination to be made regarding the Progress Index; Chronic Absenteeism; and the College, Career, and Civic Readiness Index.)

c. If the States uses a different methodology or methodologies for annual meaningful differentiation than the one described in 4.v.a. above for schools for which an accountability determination cannot be made (*e.g.*, P-2 schools), describe the different methodology or methodologies, indicating the type(s) of schools to which it applies.

New York State uses a different methodology for annual meaningful differentiation than the one described in 4.v.a above only for schools for which the methodology described in 4.v.a is inappropriate or cannot be implemented, such as K-1 schools, schools with fewer than 30 continuously enrolled students, and. new high schools that have not yet graduated a cohort of students. As described below, New York has made special provisions for making annual meaningful differentiations when a school does not enroll students in grades in which state assessment are administered, does not have enough students to meet the minimum n-size to hold the school accountable for the academic achievement measure, or at the secondary level, does not have high school completion results for use in making graduation rate determinations.

Currently, New York State holds schools in which either Grades 1or 2 is the terminal grade accountable for the performance of former students when these students take the Grade 3 assessments in another school within the district (i.e., back mapping). These schools are responsible for the performance of students who were continuously enrolled in the school's highest grade (Grade 1 or 2). Schools serving only kindergarten are required to submit nationally normed (if available) achievement test data for English language arts and mathematics to the Department,

called the Self-Assessment process. New York State will maintain this current system under ESSA: Self-Assessment System for Schools for 2016-17.

Currently, schools with any configuration of Grades K through 12 that do not participate in the regular State assessment program are required to submit nationally normed (if available) achievement test data for English language arts and mathematics to the Department. Department staff then review these data to determine the accountability status of the school. New York State is considering maintaining this current system under ESSA.

Schools with fewer than 30 continuously enrolled students who have participated in State assessments during the prior two years combined, or any configuration of Grades K through 12 that do not participate in the regular State assessment program, are required to submit locally administered achievement test data for English language arts and mathematics to the Department, called the Self-Assessment process. If the LEA administers nationally normed assessments, it must submit the data from these assessments.

Schools for which data for all indicators are not available will have preliminary determinations made based upon indicators for which information is available, as well as alternative metrics mutually agreed upon by the school district and the State. For example, a newly opened high school might substitute the percentage of students who remain enrolled at the end of Grade 9 for the high school graduation rate.

vi. Identification of Schools *(ESEA section 1111(c)(4)(D))*

a. Comprehensive Support and Improvement Schools. Describe the State's methodology for identifying not less than the lowest-performing five percent of all schools receiving Title I, Part A funds in the State for comprehensive support and improvement, including the year in which the State will first identify such schools.

New York State will identify schools for Comprehensive Support and Improvement (CSI), based on lowest performance and low high school graduation rates, beginning with 2017-18 school year results and every three years thereafter. Schools that are identified will use the 2018-19 school year to develop their plans for implementation in the 2019-20 school year. New York State will identify approximately 5% of the public elementary and middle schools and 5% of the public high schools in the State for Comprehensive Support and Improvement by using the following decision rules:

Decision Rules for Identifying Elementary and Middle Schools for Comprehensive Support and Improvement:

- Compute the weighted average of a school's ELA, math, and science Performance Indices and assign a Level to this weighted average as follows:

Subgroup Percentile Rank on Weighted Average	Achievement Level
10% or Less	1

10.1 to 50%	2
50.1 to 75%	3
Greater than 75%	4

- Combine the results of weighted average with the Core Subject Performance Index to create a Composite Performance Index.

- Rank order the schools on the Composite Performance Index and determine the lowest 10% (Achievement = 1)
- Determine the Schools that are Level 1 for Growth (i.e., schools with a three year Mean Growth Percentile of less than 45%) (Growth = 1) Add the Achievement Index rank and the Growth Ranks and determine the lowest 10% (Combined Achievement & Growth = 1)
- Use the table below to identify schools for CSI

Classification	Composite	Growth	Combined Composite and Growth	ELP	Progress*	Chronic Absenteeism*
CSI	Both Level 1		1	Any	Automatically Identified	
CSI	Either Level 1		1	None	Any One Level 1	
CSI	Either Level 1		1	1	Automatically Identified	
CSI	Either Level 1		1	2	Any One Level 1	
CSI	Either Level 1		1	3-4	Any Two Level 1	

* New York State will identify a minimum of 5% of all Title I elementary and middle schools in the State, as well as what has historically been the small number of non-Title I schools in the State that perform at the level that caused these Title I schools to be identified.

Decision Rules for Identifying High Schools for Comprehensive Support and Improvement:

- Created a Weighted Composite Index by multiplying a school's ELA Performance Index by 3, Math Index by 3, Science Index by 2, and Social Studies Index by 1, and then summing this result and dividing it by nine and assign an Achievement Level as follows:

Subgroup Percentile Rank on Weighted Composite Level	Achievement Level
10% or Less	1
10.1 to 50%	2
50.1 to 75%	3
Greater than 75%	4

- Rank order the schools on the Weighted Composite Index and determine the lowest 10% (Composite Index = 1)
- Rank order the schools on the 4-, 5-, and 6-year unweighted graduation rate and determine the lowest 10%
- Add the Composite Index rank and the Growth Ranks and determine the lowest 10% (Combined Composite Index & Growth = 1)
- Use the table below to identify schools for CSI

Classification	Composite	Graduation Rate	Combined Composite Index and Graduation Rate	ELP	Progress*	Chronic Absenteeism*	College Career and Civic Readiness*
CSI	Both Level 1		1	Any	Automatically Identified		
CSI	Either Level 1		1	None	Any One Level 1		
CSI	Either Level 1		1	1	Automatically Identified		
CSI	Either Level 1		1	2	Any one Level 1		
CSI	Either Level 1		1	3-4	Any two Level 1		

New York State will identify a minimum of 5% of all Title I high schools in the State, as well as what has historically been the small number of non-Title I schools in the State that perform at the level that caused Title I schools to be identified.

b. <u>Comprehensive Support and Improvement Schools</u>. Describe the State's methodology for identifying all public high schools in the State failing to graduate one third or more of their students for comprehensive support and improvement, including the year in which the State will first identify such schools.

All public schools, beginning with 2017-18 school year accountability, that have graduation rates below 67% for the four-year graduation rate cohort and do not have graduation rates at or above 67% for the five- or six-year cohorts will be preliminarily identified for CSI based upon results as of August 2017 of the 2013 four-year graduation rate cohort, the 2012 five-year graduation rate cohort, and the 2011 six-year graduation rate cohort. Districts may appeal the preliminary determination because of extenuating or extraordinary circumstances such as the school has met the 67% criteria based on "non-lagged" 2017-18 school year data.

c. Comprehensive Support and Improvement Schools. Describe the methodology by which the State identifies public schools in the State receiving Title I, Part A funds that have received additional targeted support under ESEA section 1111(d)(2)(C) (based on identification as a school in which any subgroup of students, on its own, would lead to identification under ESEA section 1111(c)(4)(D)(i)(I) using the State's methodology under ESEA section 1111(c)(4)(D)) and that have not satisfied the statewide exit criteria for such schools within a State-determined number of years, including the year in which the State will first identify such schools.

New York State will identify schools with chronically low performing subgroups after a period of three years, if the subgroup(s) for which the school has been identified have not shown a specified level of improvement during that period. All districts will be given an opportunity to appeal the preliminary identification of schools prior to a final determination. Schools will first be identified using 2020-21 school year data.

d. Frequency of Identification. Provide, for each type of school identified for comprehensive support and improvement, the frequency with which the State will, thereafter, identify such schools. Note that these schools must be identified at least once every three years.

New York State will identify schools for CSI based on the lowest performing five percent and low high school graduation rates beginning with 2017-18 school year results and every three years thereafter.

e. Targeted Support and Improvement. Describe the State's methodology for annually identifying any school with one or more "consistently underperforming" subgroups of students, based on all indicators in the statewide system of annual meaningful differentiation, including the definition used by the State to determine consistent underperformance. (ESEA section 1111(c)(4)(C)(iii))

For Targeted Support and Improvement Schools (TSI), New York State will apply the same decision rules that are used for identification of CSI schools to identify the lowest 5% of public schools, annually, for the following subgroups: English language learners, low-income students, racial/ethnic groups, and students with disabilities.

If a school had been identified as a Priority or Focus School in the 2017-18 school year, and the school is identified as among the lowest 5% of public school for a subgroup, based on 2017-18 school year data, the school will be identified as Consistently Underperforming. All other schools will be identified as consistently underperforming is they are among the lowest 5% of public schools for a subgroup's performance for two consecutive years. This determination will be made annually.

f. Additional Targeted Support. Describe the State's methodology, for identifying schools in which any subgroup of students, on its own, would lead to identification under ESEA section 1111(c)(4)(D)(i)(I) using the State's methodology under ESEA section 1111(c)(4)(D), including the year in which the State will first identify such schools and the frequency with

which the State will, thereafter, identify such schools. ***(ESEA section 1111(d)(2)(C)-(D))***

By the beginning of the 2018-19 school year, the State will identify for additional targeted support any TSI if in the year in which the State identities schools for CSI the school has a subgroup whose performance on its own would have caused the school to be identified for CSI using the state's method for identification of CSI schools.

g. Additional Statewide Categories of Schools. If the State chooses, at its discretion, to include additional statewide categories of schools, describe those categories.

New York State will identify schools for recognition in accordance with criteria established by the Commissioner.

Any school not identified for Comprehensive Improvement and Support or Targeted Improvement and Support that performs at Level 1 on any accountability measure for any subgroup will be required to conduct a needs assessment to determine the additional support that the school needs to improve performance. Based on the school's needs assessment, the school district, in its State consolidated plan, will be required to identify the additional resources and professional development that the district will provide the school to improve performance. If performance on the measure does not improve, the district shall increase oversight of the school.

New York State also plans to continue to identify Target Districts, based on the following criteria:

- There are one or more Comprehensive or Targeted Support and Improvement Schools in the district, or
- The district is performing at the level that would have caused a school to be identified as TSI or CSI.

In the future, the Department will consider adding additional indicators to the process of identifying Target Districts. These indicators will be based upon information that can be collected at the district level, but not necessarily disaggregated to students (e.g., teacher engagement, class sizes, number of violent incidents.)

vii. Annual Measurement of Achievement ***(ESEA section 1111(c)(4)(E)(iii))*****: Describe how the State factors the requirement for 95 percent student participation in statewide mathematics and reading/language arts assessments into the statewide accountability system.**

NYSED will factor the 95% participation rate requirement into the Academic Achievement Index, as described above. The NYSED will require districts and schools with a consistent pattern of testing fewer than 95% of students in their general population and/or 95% of their students in one or more specific subgroups to create a plan that will address low testing rates resulting directly or indirectly from actions taken by the school or district, which we are calling institutional exclusion, while recognizing the rights of parents and students. New York State plans to use an n-size of 40 for determining participation rate in order to ensure that the non-participation of two students does not result in a group of students failing to meet the 95% assessment participation rate requirement. The Department will provide guidance that identifies the minimum requirements of this plan,

which will include an analysis of the cause for low participation and a list of potential mitigating actions that the school will seek to pursue in the following year. NYSED will also require districts that evidence exclusion to implement a corrective measure as part of a plan to be executed over the course of multiple years, such as the one listed below:

- Schools that persistently and substantially fail to meet the 95% participation requirement must conduct a participation rate self-assessment and develop a participation rate improvement plan. Schools that fail to meet the 95% participation requirement and that rank in the bottom 10% of participation across the State will be required to submit their self-assessment and participation rate improvement plan to NYSED for the Commissioner's approval no less than three months prior to the next test administration period.
- Schools that implement a school improvement plan and do not improve their participation rate receive a district participation rate audit, and the district must develop an updated participation rate improvement plan for the school.
- Districts with schools that implement the district's improvement plan and do not improve their participation rate must contract with a BOCES to conduct a participation rate audit and develop an updated participation rate improvement plan.
- Districts that have schools that implement the BOCES improvement plan and do not improve their participation rate may be required by the Department to undertake activities to raise student participation in State assessments.

New York State is continuing efforts to increase participation in the Grades 3-8 ELA and mathematics tests across the State:

- Responding to feedback from educators and parents, New York State reduced the number of test questions and converted to untimed testing so that students could work at their own pace and focus on their proficiency in the learning standards. New York State beginning in 2018-19 will reduce from three to two days the administration period for the grade 3-8 ELA and math assessments.
- The Department has engaged the advice of nationally recognized consultants, and its own Technical Advisory Committee, to ensure that the technical quality of the tests is maintained as changes are made.
- In addition, New York State intends to apply for participation in the Innovative Assessment Demonstration Authority, once the application is released. The Department will develop the application, in coordination with LEAs, to identify innovations that will address participation rates, as well as improve measurement of student proficiency.

The involvement of teachers, school administrators, parents, advocates, and the public in the development of new learning standards and assessments has significantly increased in recent years. Starting in 2015, all questions on the Grades 3-8 ELA and mathematics tests are reviewed by at least 22 New York State educators, and, starting in 2018, all test questions will be written by New York State educators. The Department has also engaged in extensive public outreach, including the AimHIGHNY online survey, which was completed by 10,500 participants; the creation of an Assessment Toolkit providing districts and schools with tools to communicate the importance of State assessments with their constituents; the informational website "Assessments 101" designed

for use by teachers and parents; and direct communications made by the Commissioner of Education through face-to-face meetings and an increased media presence across the State.

viii. Continued Support for School and LEA Improvement ***(ESEA section 1111(d)(3)(A))***

a. Exit Criteria for Comprehensive Support and Improvement Schools. Describe the statewide exit criteria, established by the State, for schools identified for comprehensive support and improvement, including the number of years (not to exceed four) over which schools are expected to meet such criteria.

To exit CSI status, a CSI school must for two consecutive years be above the levels that would cause it to be identified for CSI status. Schools may exit CSI status if, for two consecutive years:

- The school's Composite Index and Growth or Graduation Index are both Level 2 or higher, or
- Both the Composite Index and Growth Index or Composite Index and Graduation Rate Index are higher than at the time of identification; AND either growth/graduation or achievement is Level 2 or higher; AND none of the following is Level 1: Progress; English language proficiency; Chronic Absenteeism; and College, Career, and Civic Readiness.

Alternatively, if a school is not on the new list of schools that are created every third year, as a consequence of the school having improved performance on the measures used to identify schools, the school will be removed from identification.
Thus, for example, if a school is identified based on 2017-18 school year results, the school could first be exited if it is above the cut points for identification based on 2018-19 and 2019-20 school year results. The school could next be exited if the school is not identified when a new list of schools is promulgated based on 2020-21 school year results.

b. Exit Criteria for Schools Receiving Additional Targeted Support. Describe the statewide exit criteria, established by the State, for schools receiving additional targeted support under ESEA section 1111(d)(2)(C), including the number of years over which schools are expected to meet such criteria.

New York State's exit criteria require that a school identified for low-performing subgroups of students must, for two consecutive years, be above the levels that would cause a school to be identified for low-performing subgroups of students. For a school to be removed from TSI status, all identified subgroups must meet the specified exit criteria.

c. More Rigorous Interventions. Describe the more rigorous interventions required for schools identified for comprehensive support and improvement that fail to meet the State's exit criteria within a State-determined number of years consistent with section 1111(d)(3)(A)(i)(I) of the ESEA.

If a school identified for Comprehensive Support and Improvement does not meet the exit criteria, and that school is re-identified as a CSI school on the new list of schools that is promulgated every three years, New York State will place the re-identified Comprehensive Support and Improvement school into the New York State Receivership Program pursuant to Section 211-f of State Education law (the New York State School Receivership law) and Commissioner's Regulations 100.19. In addition, if a school that is currently identified as a Priority School does not meet the exit criteria and is identified as a CSI school on the initial ESSA Accountability Designation list, that school will also enter the Receivership program. The State will handle alternative high schools that are identified as among the lowest performing in the State for more than three years slightly differently from how it will handle other schools. Rather than automatically placing these schools into Receivership, the Commissioner will partner with the district to determine the most appropriate interventions for that school. The interventions under consideration may still include Receivership. The Receivership program is outlined in more detail later in this section. This tiered approach toward accountability aligns with the State's vision that the Department should support schools throughout the identification process and reserve the Department's more intensive supports and interventions for the schools that are struggling to make gains.

NEW YORK STATE'S DIFFERENTIATED SYSTEM OF SUPPORTS AND ACCOUNTABILITY

New York State's system of differentiated accountability allows the schools identified as having the greatest needs to be the ones that receive the most support from the State. This approach has been developed using feedback from stakeholders and the lessons that the Department has learned through our previous school improvement efforts.

In general, schools that are having difficulty making gains will receive more support and more oversight than will the schools that are showing improvement.

New York State's Role in School Improvement

The State's role in School Improvement will be rooted in helping schools identify and implement the specific solutions that schools need to address their specific challenges. This approach allows the State to support schools differently, based on the trajectory of the school and the length of time that the school has been identified.

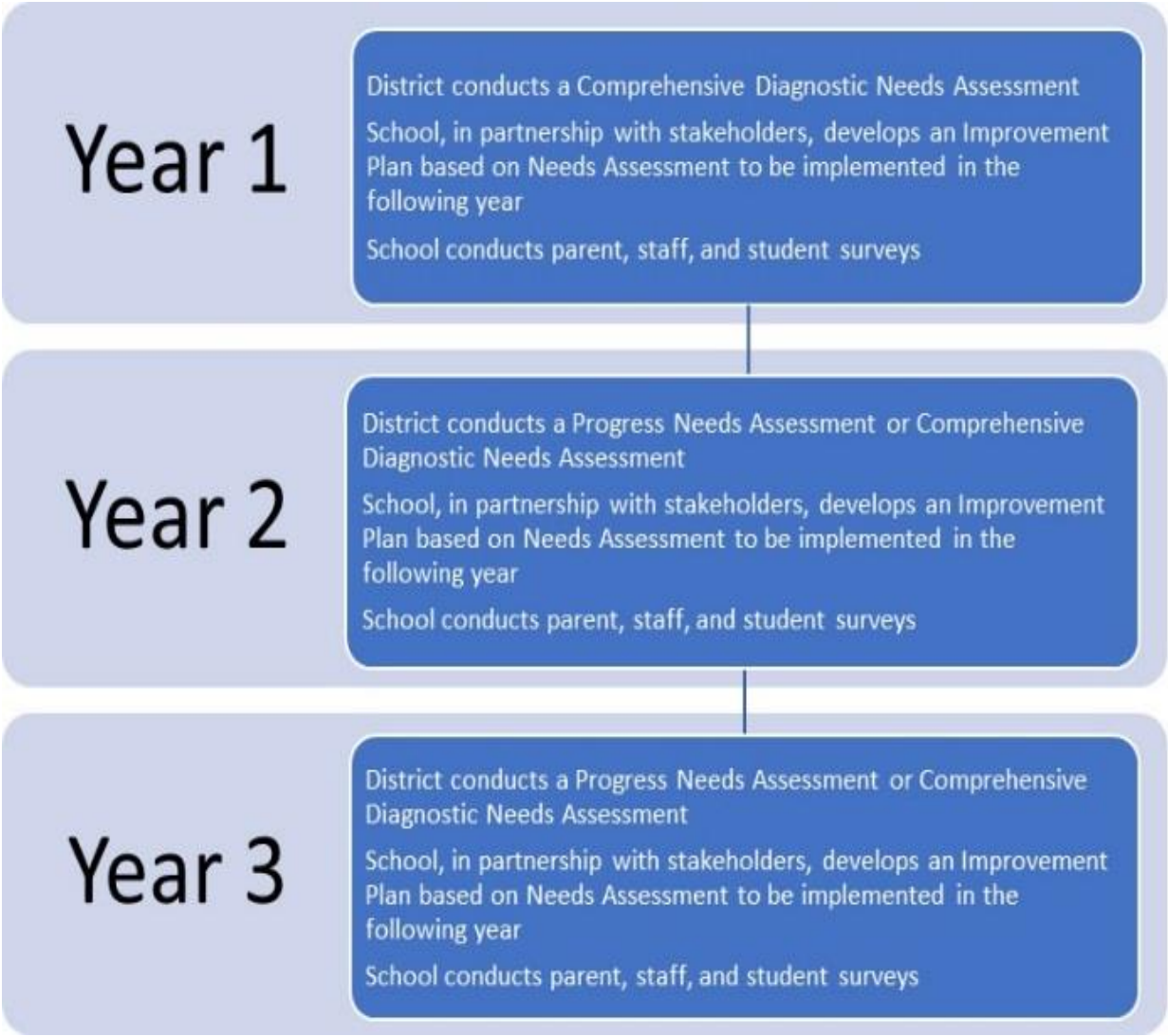
Department staff will utilize its collective knowledge, experience, access to data, ability to provide financial supports, and authority as an oversight entity to support the improvements necessary to increase student outcomes in struggling schools. The ways in which the State helps the school and district find the best solutions will vary. In some cases, the State may be best able to support the school through technical assistance and guidance. In other cases, the State may be best able to support the school through resource support. Additionally, the State may be able to best help the school through organizational shifts, and, when necessary, progressive interventions. Often, schools will best benefit from a combination of these supports, which is why the State sees support and technical assistance as being closely linked to oversight and intervention.

The State's efforts toward supporting identified schools involve eight critical components:

- Supporting the Comprehensive Diagnostic Needs Assessment process
- Supporting the development and implementation of schoolwide plans
- Supporting the implementation of Evidence-based Interventions and Improvement Strategies
- Promoting District-wide Improvement through Training and Support to Districts
- Providing data to inform plans and call attention to inequities
- Connecting schools and districts with other schools, districts, and professionals
- Allocating and monitoring school improvement funds
- Providing additional support and oversight for schools not making progress

The State will provide ongoing support and guidance to identified schools and districts as they undertake a series of required actions designed to best promote improvement and identify and implement the solutions best suited for each school. Under this model, Targeted Support and Improvement Schools will be supported by the district, which will be responsible for conducting TSI Needs Assessments and approving and monitoring TSI School Improvement plans. This will allow the State to direct its focus toward Comprehensive Support and Improvement Schools. After the initial year of identification, the State will focus its attention on the subset of CSI schools that are not making progress.

Improvement Steps for Targeted Support and Improvements Schools



The district will oversee the improvement steps for TSI schools, while the State will monitor and support the improvement steps for CSI schools. The steps are noted below.

Improvement Steps for Targeted Support and Improvements Schools

As stated earlier, the Department will provide support for CSI schools and TSI schools in eight different ways, each of which is outlined below:

Supporting the Comprehensive Needs Assessment process	Supporting the development and implementation of schoolwide plans	Supporting the implementation of Evidence-based Interventions and Improvement Strategies	Promoting District-wide Improvement through Training and Support to Districts
Providing data to inform plans and call attention to inequities	Connecting schools and districts with other schools, districts, and professionals	Allocating and monitoring school improvement funds	Providing additional support and oversight for schools not making progress

Supporting the Comprehensive Diagnostic Needs Assessment Process

In order for the State to help schools identify the best solutions for the specific challenges that the school faces, the State will support a needs assessment process that thoroughly examines qualitative and quantitative data in conjunction with an on-site analysis of the quality and effectiveness of the education program in identified schools. In order to develop improvement plans based on the specific needs of each school, CSI and TSI schools will be required to undergo an annual needs assessment. There will be two types of annual needs assessments, a Comprehensive Diagnostic Needs Assessment, which is described below and which will be done by all schools during the first year of identification and, when appropriate, in subsequent years, and a Progress Needs Assessment, which is described in more detail in the *Supporting the Development and Implementation of Schoolwide Plans* section and will be done in the years following the Comprehensive Diagnostic Needs Assessment.

Comprehensive Diagnostic Needs Assessment

- A review of school/district quality using the research-based Diagnostic Tool for School and District Effectiveness (DTSDE)
- A review of select State-Reported and State-Supported data indicators
- A Resource Audit that closely examines both the effectiveness of professional development along with how schools and districts use their time, space and staff in relation to best practices.

**Undertaken by all CSI and TSI schools in Year 1 and as needed in Years 2 and 3*

Progress Needs Assessment

- A Progress Review of the implementation of the School Improvement Plan
- A review of select State-Reported and State-Supported data in comparison to other schools and in comparison to last year
- A Resource Audit that examines the effectiveness of current professional development and compares allocations of time, space and staff from the previous year
- A review of parent, staff, and teacher survey results

**Undertaken by CSI and TSI schools in years when the Comprehensive Diagnostic Needs Assessment is not completed*

The Comprehensive Diagnostic Needs Assessment process in New York State will consist of three components:

- A review of school/district quality, using the research-based Diagnostic Tool for School and District Effectiveness (DTSDE)
- A review of select State-Reported and State-Supported data, such as suspension data or teacher turnover rates
- A Resource Audit that closely examines both the effectiveness of professional development and how schools and districts use their time, space, and staff in relation to best practices. Schools may also consider how additional time for student learning or teacher collaboration could be added to address the findings of the time audit.

The results of this three-part Comprehensive Diagnostic Needs Assessment will play a critical role in informing the school improvement plan. The multi-step Needs Assessment process is intended to provide a full picture of the school so that root causes for the school's identification can be identified and addressed.

The DTSDE review will look closely at how the school is organized for success through the DTSDE Tenets of leadership, curriculum, instruction, social-emotional developmental health, and family and community engagement.

The review of data will involve analyzing critical measures to learn more about the school and to consider possible root causes for the school's identification. Examples of data that may be reviewed during this process include:

1. Longitudinal data that show trends over time, including data by subgroup
2. Survey results from surveys of students, teachers, and families
3. Suspension data
4. Office referral data
5. In-School/Out-of-School Suspension Data
6. Teacher Turnover data
7. Teacher Attendance
8. The average number of professional learning opportunities that a teacher has within a school year
9. Promotion Rates by grade
10. Student Attendance
11. Average Class Size
12. Average number of minutes of instruction provided per day (exclusive of recess, lunch, study halls)
13. The percentage of students in each high school who earn 5 or more credits during the school year (HS)
14. Student participation in and performance on college entrance and/or college placement exams (HS)
15. Dropout rates (HS)
16. Percent of students passing Regents examinations with a score of 90 or higher (HS)
17. Percent of students receiving Regents Diplomas with advanced designation. (HS)
18. Student enrollment in and successful completion of dual-credit coursework (HS)
19. Student participation in Advanced Placement (AP), International Baccalaureate (IB), and honors courses (HS)
20. Student participation in and successful completion of Career and Technical Education (CTE) courses (HS)
21. Number of Counselors per students
22. Number of Social Workers per student
23. Number of Nurses per student
24. Number of Librarians per student
25. Student access to highly qualified teachers
26. The percent of all teachers teaching one or more assignments outside of certification.
27. Access to minimum Physical Education requirements
    a. Percent of K- Grade 3 students who receive daily physical education for a minimum total of 120 minutes per week (exclusive of recess)
    b. Percent of Grades 4-6 students who receive physical education three days per week for a minimum total of 120 minutes per week (exclusive of recess)
    c. Percent of Grades 7-8 students who receive physical education instruction equivalent to 3 periods for one semester and 2 periods for the other semester (exclusive of recess)
28. Access to recommended state arts requirements
    a. Percent of Grades 1-3 students who have 20% of the weekly time spent in school allocated to dance, music, theatre, and visual arts
    b. Percent of Grades 4-6 students who have 10% of the weekly time spent in school be allocated to dance, music, and theatre and visual arts

    c. Percent of Grades 7-8 students who receive 55 hours per year of instruction in dance, music, theatre, and visual arts taught by a certified arts instructor
29. Average number of minutes of Social Studies instruction per week (Elementary School)
30. Average number of minutes of Science instruction per week (Elementary School)
31. Average Attendance at PTA meetings
32. Participation Rate at Parent-Teacher Conferences
33. School Safety
    a. Number of Violent and Disruptive Incident Reports
    b. Number of Incidents of Discrimination and/or Harassment
    c. Number of Incidents of Cyber-bullying
34. Student access to safe and clean facilities
    a. The number of accidents reported annually
    b. The number of health and safety violations reported annually

To support schools and districts in their efforts to identify the best solutions and recommendations for identified schools, the State will provide representatives to conduct the DTSDE review of school quality in all CSI schools and will continue to support districts with training, materials, and guidance, so that LEAs can successfully conduct the DTSDE review of each of their TSI schools. In addition, the State will provide training and guidance to districts, supporting districts' ability to analyze additional data and conduct Resource Audits. These two steps of the Comprehensive Diagnostic Needs Assessment will be led by the district.

Diagnostic Tool for School and District Effectiveness

The Diagnostic Tool for School and District Effectiveness (DTSDE) rubric and review protocols will play a critical role in the Comprehensive Diagnostic Needs Assessment process.

The DTSDE was developed in 2012 and has been the cornerstone of New York State's school and district improvement efforts for the last five years. The DTSDE rubric is a research-based tool that outlines six critical tenets of school and district success, and, within each tenet, five Statements of Practice that are critical for success in each tenet. The DTSDE Tenets are organized as follows:

Tenet 1. District Leadership and Capacity

Tenet 2. School Leader Practices and Decisions

Tenet 3. Curriculum Development and Support

Tenet 4. Teacher Practices and Decisions

Tenet 5. Social and Emotional Developmental Health

Tenet 6. Family and Community Engagement

The comprehensive DTSDE process serves as the foundation of the improvement cycle by providing an in-depth analysis of the quality of the school's educational offerings. The DTSDE process allows for teams to examine closely multiple components of school success through the use of a

comprehensive rubric. Teams of reviewers provide their feedback on the quality and the effectiveness of the education offered to students, as opposed to visiting a school with a checklist for compliance purposes. This process allows the schools to reflect on both what is being done and how it is being done. This process also provides opportunities to ensure that schools are culturally responsive to the needs of the community. The team of reviewers will examine curricula to ensure that they are culturally responsive, in addition to meeting with students and their families to learn how the school is delivering culturally responsive educational offerings.

Since the 2012-13 school year, all Priority and Focus schools have been required to undergo an annual DTSDE review. The Department has led a portion of these reviews each year, with the assistance of an Integrated Intervention Team (IIT) consisting of a member from the district; an Outside Educational Expert (OEE) contracted by the State; and, when available, experts from the regional technical assistance centers for students with disabilities and English Language Learners. Since 2012, districts have overseen the reviews of schools not visited by the Department, while the State has conducted approximately 150 DTSDE reviews a year and conducts a full DTSDE review at Priority Schools at least once every three years.

The review process relies on clearly defined protocols to ensure consistency across New York State. Throughout the implementation of the DTSDE, the State has used feedback from the field to enhance the review process. These adjustments include revising the DTSDE Rubric in 2013-14 and modifying the visit protocols in 2014-15. Based on feedback and lessons learned from initial implementation, the State made refinements to the tools used for classroom visits, as well as to logistics, including adding an additional day following site visits for teams to discuss evidence and ultimately provide more accurate, immediate, actionable feedback.

In New York State's effort to ensure that the review process is as beneficial as possible to schools and districts, the State made significant enhancements to the process in 2015. These changes marked a shift from using the rubric and review as an evaluative instrument to using the rubric and review as a technical assistance opportunity. As a result, the review process is now much more of a collaboration between the IIT and the building principal. The lead reviewer and principal visit classrooms together and discuss potential recommendations throughout the review. With the focus of the IIT shifted from rating the school to identifying the best recommendations for improving student results, the school community is much more willing to openly discuss its challenges and engage in problem-solving with the IIT throughout the review. At the conclusion of every review, the IIT leaves approximately five concrete, actionable recommendations that are designed to be implemented within a short time frame.

As an additional means of providing technical assistance to building leaders, beginning in 2016-17, all IIT reviews now include a return visit to the school approximately six to eight weeks following the initial review. The return visit provides an opportunity for the principal to share with the lead reviewer the progress made in implementing the recommendations and to determine next steps. A summary of this meeting is included in an addendum to the final report that the school receives.

The shift from using the review process to rate schools toward using the review process to identify barriers and provide technical assistance aligns with the State's vision for supporting schools and identifying and implementing the best solutions for their circumstances. The feedback regarding

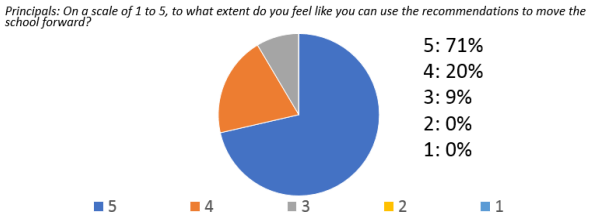
this shift toward technical assistance has been overwhelmingly positive. In a survey of 70 principals who received IIT reviews in 2016-17, the Department received the following responses:

- 71% of principals gave the highest rating, and an additional 20% of principals gave the second highest rating, when asked the extent to which they feel that they can use the recommendations provided to advance the school.
- 78% of principals describe the ideas beyond the recommendations that the principals have received as a result of the review as "numerous" or "transformative."
- 83% of principals gave the highest or second highest score when asked if they feel that the review has deepened their understanding of the school and the work ahead.
- More than 81% of principals say that their input has been taken into consideration "to a great extent."

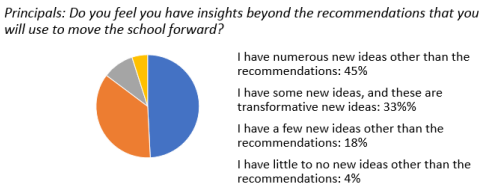
In addition to the survey results, principals from across the State have provided positive feedback about the process.

- "*This had to be one of the best experiences of my career. I beat my head in search of that 'tipping point' to increase student achievement. I now have the tools I need to move forward. A very humbling experience and I am grateful to have been a part of it*!" - Principal in Brooklyn
- "*The team was very clear that this process is not meant to be a 'gotcha' method. They were very collaborative throughout the entire review asking great probing questions to get myself and staff to think deeper. I felt extremely free to be candid and the strengths and areas of need in the school building. I was able to share were the school has come from and where I want to see the school go. The process was very tightly aligned*." – Principal in Rochester
- "*I really appreciate this year's format. The team that came to our school was extremely reflective, cooperative, and helpful*" – Principal in rural district

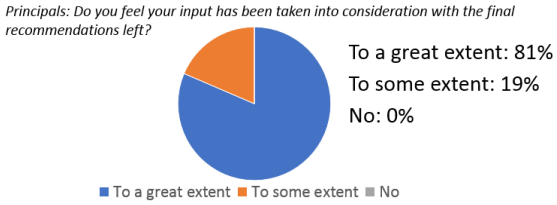
71% of Principals gave the highest rating when asked if they can use the recommendations to advance the school



78% of principals describe the ideas beyond the recommendations that they have as a result of the review as "numerous" or "transformative."



More than 81% of principals say their input has been taken into consideration "to a great extent."



83% of Principals gave the highest or second highest score when asked if they feel the review has deepened their understanding of the school and the work ahead.

In addition to the direct technical assistance that the State provides to principals through the DTSDE review process, New York State also uses the DTSDE rubric and review process as a means to build the capacity of LEA leaders and school leaders. Since 2012, the State has annually conducted several Focus District Institutes, at which district and school leaders are provided specific guidance concerning promoting school improvement strategies within the DTSDE rubric, conducting DTSDE reviews, serving as a member on a DTSDE IIT, and developing plans that are based on the DTSDE Needs Assessment.

The State has offered more extensive technical assistance to interested districts and school leaders through the development of Professional Learning Communities and a DTSDE Reviewer Certification program. In addition, to ensure that the DTSDE reviews conducted by LEAs are done with fidelity, the State has developed a Lead Reviewer Credential that must be obtained by any individual conducting two or more district-led DTSDE reviews. To receive the credential, reviewers must fulfil a training requirement and a shadowing requirement, in addition to passing an on-line assessment. To ensure that reviewer practices reflect current expectations, the Department requires those with the DTSDE District Lead Credential to renew the credential each year. In addition, the Department reviews reports submitted from District-led reviews and provides feedback to the district.

The State has partnered with the University of Albany to develop a DTSDE Resource Guide, which identifies research-based interventions and strategies for each of the 30 DTSDE Statements of Practice.

The DTSDE rubric, visit protocols, and subsequent reports have become part of the New York State educational culture and define how the State interacts with schools and districts regarding school improvement. At the State level, the DTSDE enables the Department to communicate with districts and schools, using a shared language/vocabulary of school improvement. Extensive professional development on the DTSDE process and rubric for Department staff has increased the Department's internal capacity to support districts and schools in the school improvement process. At the LEA level, the DTSDE has provided districts with a framework to assess school effectiveness, organize resources, and create targeted improvement plans through the District Comprehensive Improvement Plan (DCIP). Finally, at the school level, the DTSDE rubric and the associated professional development increase the capacity of administrators and staff to self-assess both the strengths and the weaknesses of the educational and student support programs. For example, the University of Rochester, in partnership with the Rochester City School District, is

implementing a plan to redesign East High School with the explicit intention of creating a school that will be rated "Effective" or "Highly Effective" on each DTSDE statement of practice.

Extensive documentation of the DTSDE process is available from the NYSED Office of Accountability.

For these reasons, the DTSDE process will continue to serve as the backbone of New York State's school improvement efforts under ESSA.

Supporting the Development and Implementation of Schoolwide Plans

New York State has developed a cycle of continual school improvement based on identifying school and district needs through the DTSDE review process and then having schools and districts develop improvement plans that are based on the results of the review. The State has promoted a continual improvement process that is based on five essential steps:

1. Identifying needs
2. Strategically identifying solutions to address those needs
3. Identifying benchmarks to determine whether the strategies have been successful
4. Monitoring the effectiveness of those strategies that have been implemented and tracking progress toward benchmarks
5. Revising the strategies when gains are not made and benchmarks are not reached

This process has been formalized through the improvement planning cycle. Under ESSA, identified schools will be required to work with stakeholders to develop an annual improvement plan, known as a School Comprehensive Educational Plan (SCEP). This plan must:

- Include an analysis of the achievement of previous goals
- Be based on the pertinent data from the school, including, but not limited to, the results of the school's DTSDE review or Progress Review, a review of additional State-reported and State-supported data, the results of the school's resource audit, and data from annual surveys
- Identify the measures for which the school has been identified
- Identify the initiatives that will be implemented within each of the six DTSDE Tenets to positively affect student learning
- Explicitly delineate the school's plan for annually increasing student performance through comprehensive instructional programs and services, as well as the plan for enhancement of teacher and leader effectiveness. The SCEP must focus on the accountability subgroup(s) and measures for which the school has been identified.
- Be developed in consultation with parents, school staff, and others in accordance with the requirements of Commissioner's Regulations §100.11 pertaining to Shared-Decision Making in order to provide a meaningful opportunity for stakeholders to participate in the development of the plan and comment on the SCEP before it is approved. The plan must be formally approved by the school board and be made widely available through public means,

such as posting on the Internet, distribution through the media, and distribution through public agencies. In addition, the plan will include a section that outlines the extent of stakeholder involvement in the improvement planning process. The State will reject plans from CSI schools that do not provide adequate evidence of involvement from parents and families.

- Be implemented no later than the beginning of the first day of regular student attendance

The Department has established Quarterly Leading Indicator Reports to provide a single "running record" that documents progress toward achieving the SMART (i.e., Specific, Measurable, Ambitious, Results-oriented, and Timely) goals identified in the SCEP. The template also serves as a tool to assist in strategic decision making based on concrete data. The report is to be completed by the school leader, in collaboration with the School Leadership Team, and submitted to the superintendent or his/her designee for review and verification each quarter.

The process has been designed to provide a road map for improvement that districts and schools can use throughout the year. In addition, the Department will continue to provide ongoing technical assistance through feedback on plans submitted, statewide trainings and webinars, and individual assistance and support. Under ESSA, the State will be responsible for approving and monitoring the improvement plans at CSI schools, while the district will approve and monitor the improvement plans at TSI schools. The State will provide guidance and support to districts to assist them with this responsibility.

As part of the New York State's efforts to ensure that the needs assessment process results in schools and districts identifying and implementing the best solutions for the challenges that the schools and districts face, the State will shift the needs assessment process under ESSA.

Currently, identified schools undergo a full diagnostic DTSDE review or a modified DTSDE review each year. Under ESSA, after the initial Comprehensive Diagnostic Needs Assessment, subsequent annual needs assessments will focus on assessing progress to determine the appropriate actions for future improvement plans. These needs assessments, known as Progress Needs Assessments, will consist of four components:

- A Progress Review that looks at the quality and effectiveness of the implementation of the School Improvement Plan
- A review of select State-Reported and State-Supported data that compares the school's data to other schools and compares the data to the school's results from previous years.
- A Resource Audit that examines the effectiveness of current professional development and compares allocations of time, space, and staff from the previous year
- A review of parent, staff, and teacher survey results

As part of the Progress Needs Assessment, schools will not receive a full DTSDE review, but will, instead, receive a "Progress Review" that provides feedback to schools regarding the quality of the implementation of their School Improvement Plan. This review will help address challenges that schools face and provide feedback to ensure that the plan will result in improved student outcomes. The State will use what is has learned during its implementation of the DTSDE review process and

work with stakeholders to ensure that the Progress Review process can provide useful feedback to schools. The additional components of the Progress Needs Assessment will allow the schools to use data to identify needs and to determine the extent to which progress has been made toward goals.

Districts will have the option to revisit their initial Diagnostic DTSDE review and conduct a new Comprehensive Need Assessment in lieu of a Progress Needs Assessment when it has been determined that the initial diagnosis may not have accurately identified the areas in need of support. In addition, all CSI schools that do not make progress in both Year 1 and Year 2 will receive a new Diagnostic DTSDE Review in Year 3 of identification. CSI schools that completed their second Diagnostic DTSDE Review in Year 2 will not be required to receive an additional Diagnostic Review in Year 3. The State will provide support by leading Progress Reviews in some CSI schools in Year 2 and leading second Diagnostic DTSDE Reviews in some schools that do not make progress in both Year 2 and Year 3.

Supporting the Implementation of Evidence-Based Interventions and Improvement Strategies

During conversations with a variety of stakeholders throughout New York State, the Department repeatedly heard that intervention is a serious step that must be applied selectively to schools that are struggling to make gains. The Department also heard from numerous stakeholders that it must remember that the struggles facing a school are often not the result of a lack of effort. Stakeholders suggested that one-size-fits-all requirements can present additional challenges or may not be appropriate for the circumstances of the school, and, therefore, flexibility was necessary for districts and schools to identify the best solutions for their specific circumstances.

New York State has incorporated the feedback from stakeholders with the lessons learned over the years to develop a system that moves away from overly prescriptive requirements upon identification, and instead uses the requirements for CSI schools as a way to promote best practices and better position schools and districts to be successful. Additional actions will be necessary for schools that do not show progress, a process that is outlined in the section: *Providing Additional Support and Oversight for Schools Not Making Progress*.

Under ESSA, CSI and TSI schools will be required to include at least one evidence-based intervention in their annual plans. Both CSI and TSI schools will be encouraged to utilize the DTSDE Resource Guide) when selecting interventions to address needs that were identified during the Comprehensive Diagnostic Needs Assessment process. In addition, the State will serve as a resource to connect districts and CSI and TSI schools to clearinghouses that have identified Evidence-based Interventions. CSI and TSI schools will have the flexibility to identify an Evidence-based Intervention to address the root causes identified during the needs assessment process.

To promote the adoption of organizational best practices, New York State will require all CSI schools to adopt at least one school-level intervention. To support schools and districts in their efforts to implement these interventions, during the 2017-18 school year, New York State will use data collected from current improvement plans and school-level reviews, along with the State's implementation of the *My Brother's Keeper* initiative, to identify a select number of school-level improvement strategies for which the State will offer learning and implementation assistance to CSI schools as possible interventions to pursue. New York State will offer a professional

development series for each of these strategies during the 2018-19 school year to assist districts and schools in beginning these interventions. The State will use this training as a means of providing technical assistance and establishing Professional Learning Communities for identified schools that are implementing similar strategies. CSI schools will have the flexibility to pursue a school-level improvement strategy that is not one of the strategies identified by the State. Within one year of identification, all CSI schools will be required to have begun implementing at least one school-level improvement strategy.

As an additional way to support CSI schools in their improvement efforts and position these schools for success, the State has identified two provisions from the former New York Whole School Reform models that CSI schools will be required to follow. All CSI schools must:

1. Beginning with the district's next Collective Bargaining Agreement, only permit incoming transfers of teachers who have been rated as Effective or Highly Effective in the most recent evaluation year.

2. Provide staff job-embedded, ongoing professional development that is informed by the diagnostic review and the teacher evaluation and support systems and is tied to teacher and student needs.

To empower parents and provide parents with choices in their child's education, New York State will provide a set amount of funds to all CSI schools and require that CSI schools implement a participatory budgeting process that allows parents to help determine how these funds are spent. As part of the participatory budgeting process, parents will help determine the most appropriate ways for the school to spend the funds connected to the results of the needs assessment. More detailed guidance and training will be provided to districts, school staff, school leadership teams, and parent organizations to support the implementation of the parent participatory budgeting process. In addition to providing parents with a voice in how funds are spent, the participatory budgeting process also addresses the goal of the State to promote reciprocal communication and parent engagement.

Based on feedback and experience, the State has concluded that Public School Choice did not always support school improvement or better opportunities for students, as higher-performing schools were not typically available, and the transfer of students could lead to greater segregation and inequity while increasing financial burdens for districts and schools already facing challenges. The State notes that most of the current districts with identified schools have been unable to offer Public School Choice. In the past, there has been no designated alternative to Public School Choice to empower parents; however, the addition of the Parent Participatory Budgeting process addresses that need and now allows parents in all CSI schools to have a voice. The process also allows opportunities for the voices of parents to be heard, ultimately helping advance the Department's goal of ensuring that the educational offerings within the State are culturally responsive to the stakeholders being served. While New York State values parent choice, the Department will work to ensure that the provision of choice supports, and does not work at cross-purposes with, the goal of improving student outcomes across the district. New York State will make Public School Choice an option, but not a requirement, for any district with a CSI school, when the district believes that Public School Choice will support stronger outcomes for students

and for CSI schools. In districts offering Public School Choice, a parent of a student attending a CSI school may request a transfer to a school classified as In Good Standing. If there are no schools In Good Standing available, the district may offer a transfer to a TSI School.

The State wants to ensure that parents of students attending schools experiencing significant decline are provided with options. Therefore, in any instances in which the Achievement Index of a CSI school declines for two consecutive years, public school choice will no longer be an option, but, instead, will be a requirement, and the district must offer Public School Choice for parents of students attending that specific CSI school.

As an additional way to promote best practices and to position schools for success, CSI and TSI schools will be required to conduct annual surveys of parents, teachers, and students. Previously, identified schools were required to conduct surveys of just teachers and students. Districts will have the flexibility to determine the survey instrument that best suits the needs of the district, and the State will support districts in identifying possible surveys to pursue. These surveys should be used to measure change over time, assist in the Needs Assessment process, and provide data to inform the annual planning process. **Promoting District-wide Improvement through Training and Support to Districts**

The Department will continue to convene representatives from LEAs for statewide trainings to provide professional development on how the district can best support its identified schools. These sessions will offer districts guidance on topics such as conducting needs assessments, developing plans based on needs assessments, identifying root causes, addressing root causes through Evidence-based Interventions, and monitoring and revising school-level plans.

New York State will also offer professional development strands based on the schoolwide improvement strategies outlined previously in the Evidence-based Intervention section. The State will provide guidance and training to schools undertaking these interventions. In addition, the State will convene those undertaking these interventions to share experiences with colleagues as a community of practitioners, so that schools can use one another as potential resources.

In addition, New York State plans on identifying Target Districts in need of additional support. Similar to the approach taken with schools, Target Districts will be expected to undertake an annual Needs Assessment and develop an improvement plan that is based on the results of that Needs Assessment. As part of this plan, Target Districts will be required to identify how they are assessing the capacities of and providing supports to the principals in identified schools. Target Districts will also be required to review school-level and district-level data and describe how the district will address identified resource inequities.

In addition, the State recognizes the important role that locally elected school boards have in improving student outcomes. The State is hopeful that its deliberate approach toward school and district improvement will further drive efforts at the school board level. The State's plan to make critical data more prominent and accessible, which is described in more detail below, is intended to spearhead improvement and promote equity both within districts and between districts. In addition, the Board of Regents has expressed a need for additional training and support to be provided to school boards in carrying out their critical functions. The Board of Regents has previously advocated for legislative proposals that would allow the Department to take steps to

intervene when school boards are struggling to ensure that the basic educational needs are being met in the district.

Providing Data to Inform Plans and Call Attention to Inequities

The Department has access to multiple sources of data that can be helpful for schools and districts seeking to identify areas in need of improvement. The State will share this data so that schools and districts can make comparisons within the district and across the State. This review will help inform the Need Assessment process so that schools and districts can identify specific areas to address and identify specific goals and benchmarks to determine if progress is being made. The State will provide guidance so that schools and districts can analyze these data to determine where improvement is necessary and where inequities have been identified.

As part of the State's ESSA plan, New York State will annually publish on its website the per-pupil expenditures for each LEA and each school in the State for the preceding fiscal year, and also publish a State Equity Report, which will compare the rates of assignment of ineffective, out-of-field, and inexperienced teachers between minority and low-income students in Title I schools and non-low-income, non-minority students in non-Title I schools. These data will provide an additional source of information for districts and schools as they attempt to identify and address areas of need.

In addition, New York State will establish annual cycles of resource allocation reviews of districts with significant numbers of Comprehensive and Targeted Support and Improvement Schools. These reviews will include an analysis of the school and district Resource Audits conducted during the Needs Assessment process, along with an analysis of school-level fiscal data, human resource data, data from certain Opportunity to Learn Standards, and data from the district-level Equity Report described below, to determine if there are gaps in resource allocation among TSI, CSI, and Schools in Good Standing. These data will be presented to LEAs, comparing allocations between LEAs and within LEAs. Following this review, the State will engage districts in which inequities are identified to determine the most appropriate actions that may be necessary to reduce and eliminate these inequities.

Connecting Schools and Districts with Other Schools, Districts and Professionals

The Department's extensive provision of technical assistance and support allows the Department to be uniquely positioned to learn which schools and districts are attempting to address similar challenges. Consequently, the Department is able to connect schools and districts with similar challenges to create a community of practitioners. During the first year of identification, the State will form Professional Learning Communities based on the professional development series it will offer for a number of school-level improvement strategies. After the initial year of identification, the State will focus its attention on the schools that have not made gains in subsequent years so that those schools can receive more intensive supports. One way that the State will implement this is by connecting schools and districts that are addressing similar challenges and convening these schools and districts to provide guidance and allow those in the field to share their challenges and work together to think of solutions.

In addition, the State is uniquely positioned to connect CSI schools to schools that have successfully addressed challenges and made gains. The State will connect CSI schools and districts to other schools and districts of similar demographics when the State believes that the CSI schools and districts can learn from the higher-performing schools. One way that the State will do this is by identifying schools that have met certain criteria for success and identifying them as "Recognition Schools." From this list, the State will be able to identify Title I Recognition Schools and consider ways to have Recognition Schools provide support to CSI schools. The State is currently conducting a similar program that involves Reward Schools providing direct support to Priority and Focus schools through activities such as mentoring principals and serving as instructional training sites.

The State also has a number of Regional Technical Assistance providers able to support identified schools. The Board of Regents portfolio includes 37 regional Boards of Cooperative Educational Services (BOCES). Each BOCES is led by a District Superintendent, who is both its Chief Executive Officer and the Commissioner's representative in the field. This structure is unique within the United States and allows the Department to have an unparalleled statewide presence and effect at the local level. The BOCES are linked through a formal network that includes the Assistant Superintendents of Instruction from each BOCES, instructional administrators from each of the Big 5 city school districts, and Department senior staff. These representatives convene and communicate regularly, serving as a conduit for the exchange of information and best practices across the State. BOCES employ more than 34,000 staff, who provide services to school districts and operate 12 Regional Information Centers (RICs) that annually provide districts with over $300 million in technology-related services. The BOCES governance structure; their statewide presence; and their cadre of practitioners and experts in data analysis, assessment, curriculum and instruction, and technology have made BOCES a reliable and consistent infrastructure for the delivery of professional development programs and technical assistance as New York State.

New York State has a long history of providing extensive specialized Technical Assistance to identified subgroups of students through External Technical Assistance Centers. Regional Special Education Technical Assistance Support Centers (RSE-TASC) and Regional Bilingual Education Resource Networks (RBERNs) have continued to provide high-quality technical assistance, professional development, and information dissemination (materials) to school districts. Under ESSA, both the RSE-TASC and RBERN will continue to provide representatives for DTSDE reviews. These individuals often provide support to the identified schools prior to the review and after the review as well.

Another major resource for teachers in New York State is the State's network of Teacher Centers. Teacher Centers collaborate with teachers, districts, schools, institutions of higher education, and other education stakeholders (including several private sector partners) to provide tens of thousands of professional development opportunities every year. Teacher Centers are primary supporters and trainers of the development and implementation of New York State's Professional Development Plan requirement and its alignment with the New York State Professional Development Standards. Teacher Centers also support the Department's implementation of APPR requirements.

Allocating and Monitoring School Improvement Funds

New York State recognizes the important role that resources can play in improvement, and the State is committed to ensuring that schools are not just receiving funds for improvement, but that schools are also using their resources strategically to promote success and develop sustainable solutions.

Over the years, New York State has modified the School Improvement Grant (SIG) 1003 (a) and 1003 (g) monitoring process so that attention is focused not just on whether the money is being spent as intended, but whether the spending decisions are resulting in improved outcomes. This shift to expecting districts and schools to consider the return on investment has led districts and schools to look more closely at the implementation of their various initiatives. Districts and schools are more focused on improving achievement because the Department is monitoring for results. This shift also allows New York State to identify the districts in which expenditures are not having their desired effects so that technical assistance can be provided.

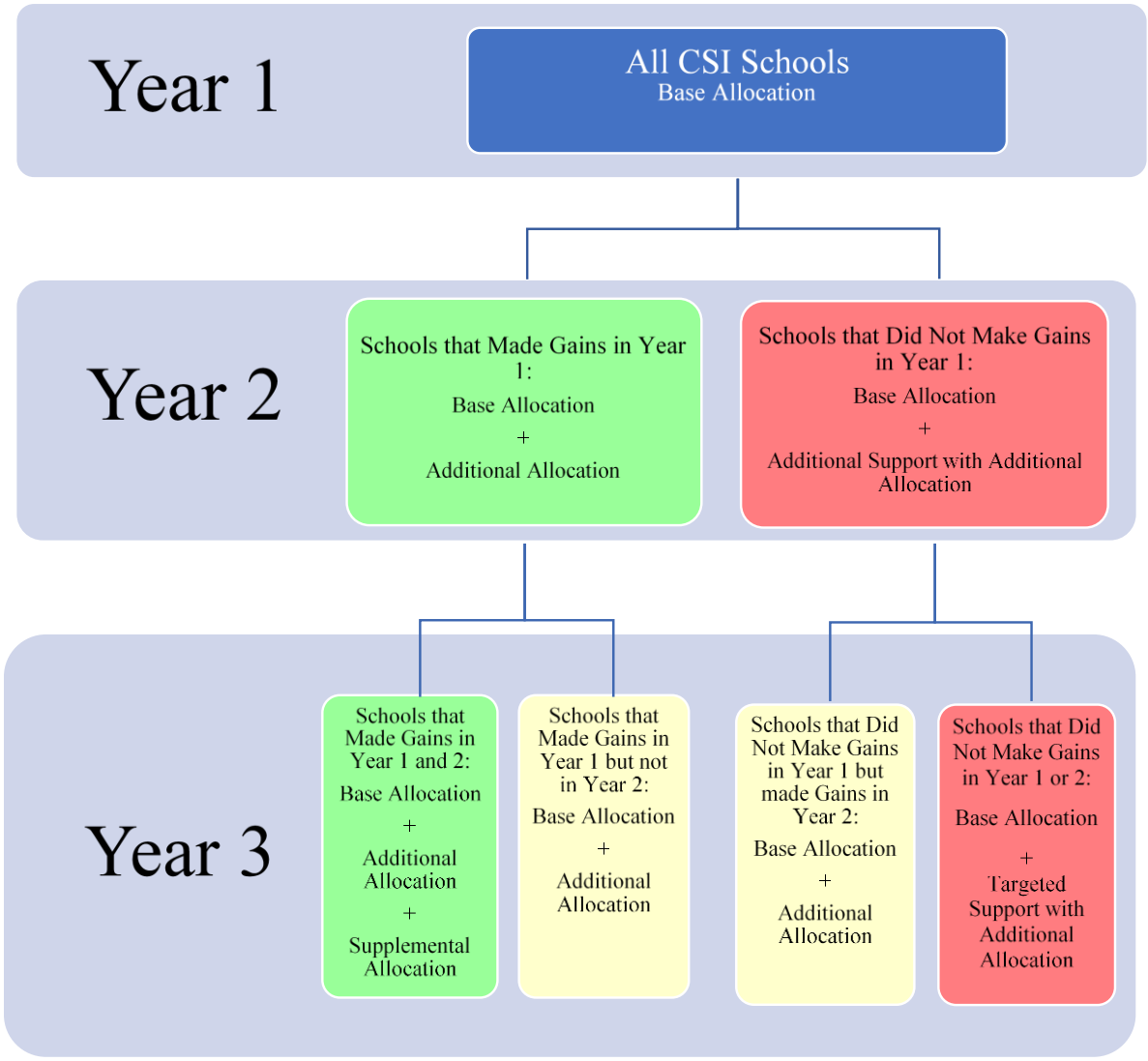
New York State also has found that those receiving school improvement funds need flexibility. With the focus shifting toward ensuring a return on investment, schools and districts need to be able to amend their budgets so that schools and districts can revise their approaches when gains are not being made. While the State strongly believes that allocations should be applied to areas identified through a needs assessment, New York State has found that prescribing actions based on the needs assessment can result in spending that may not address school-specific challenges. Several years ago, New York State developed a mechanism that outlined specific restrictions for how school improvement allocations were to be spent as the result of a school's last DTSDE review. The State learned that this approach was too narrow, and has since adopted a more holistic approach toward the use of school improvement funds. New York State has found that this flexibility is necessary and consistent with the State's expectations that school improvement expenditures result in tangible improvements. In order to monitor for improved outcomes, the State must ensure that schools and districts have ownership over the spending choices that districts and schools have made.

New York State will provide school improvement funds to schools and to districts to support the annual needs assessment process and the development and implementation of the annual School Improvement Plan. All Title I TSI and CSI schools will receive funds, with CSI schools receiving more money than Title I TSI schools. Initially, all Title I CSI schools will receive a baseline allocation during their first year of identification. Following that year, the Department will establish a tiered system for Title I CSI schools to best promote the effective use of resources and provide assistance when necessary. As part of this system, Title I CSI schools that reach progress benchmarks established by the Department will be eligible for a base allocation and an additional allocation. Schools that do not make progress will also receive the base allocation. The State will then provide these schools with additional support and technical assistance in conjunction with the distribution of the additional allocation. Title I CSI schools that do not make gains would need to participate in this support in order to access the additional allocation. Ongoing progress will result in additional funding and/or flexibility of funding in future years. In addition, Title I CSI schools that make gains for two consecutive years will receive a supplemental allocation designed to assist the school in transitioning to improvement efforts that can be sustained, should the school no

longer be identified. On the other hand, Title I CSI schools that do not meet progress benchmarks for two consecutive years will receive additional support and technical assistance before they receive additional funding. This approach will enable New York State to best direct its support to the districts and schools that need it the most while promoting effective spending decisions and helping to ensure that school improvement resources can result in improved student outcomes. This model is further outlined in the diagram below.

Resource Distribution to Title I CSI Schools

New York State will support the strategic use of resources in other ways, such as through the Needs Assessment process and through the annual cycles of resource allocation reviews of districts identified earlier. New York State will also provide grants to districts to promote diversity and reduce socio-economic and racial-ethnic isolation, as part of a comprehensive school improvement strategy. In addition, Department staff will continue to use an approach toward monitoring that focuses on the effect of spending choices, rather than on compliance, through its current performance management system.



Providing Additional Support and Oversight for Schools Not Making Progress

New York State will enhance its current system of differentiated accountability, so that schools identified as having the greatest needs will receive the most attention from New York State. Central to this approach is recognition that because the needs of schools and districts vary, New York State should base its approach on the specific needs of each school and district. The required interventions will look different at CSI schools, based on whether the school has shown progress.

CSI Schools that do not make gains after one year

During the 2018-19 school year, Department field staff will focus their attention on supporting all CSI schools through the variety of improvement initiatives scheduled for that year, such as the Needs Assessment process and the evidence-based intervention training. In Year 2, Department staff will focus their on-site and off-site technical assistance on schools that do not make gains after Year 1. Staff will conduct Progress Reviews at a sampling of these schools and provide additional guidance and support through training and feedback on plan development and resource allocation.

As part of the annual district improvement plan, districts will be required to identify how they will be assessing the capacity of principals of CSI and TSI schools and outline how the districts will support these principals. In addition, districts with CSI schools that did not make progress in Year 1 will be required to submit a Principal Support Report for each CSI school that did not make progress that identifies any areas in which the principal has been rated as "Developing" or "Ineffective" in his or her annual evaluation. The purpose of this document is to allow the Department to determine areas where more support is needed across New York State and to have the district determine if there is any potential dissonance between the evaluation system being used and the results of the school. The report is intended to provide information for the district and New York State, and will not be used for punitive purposes. As part of this report, LEAs will be required to identify how they will support the principal in any areas identified as Developing or Ineffective.

CSI Schools that do not make gains in both Year 1 and Year 2

Schools that do not make gains in both Year 1 and Year 2 will be the focus of the Department's technical assistance and oversight during Year 3. Since this category will represent a subset of all CSI schools, the Department will be able to focus its attention on a limited number of schools and provide targeted support based on the needs of the school.

CSI schools that do not make gains for two consecutive years will be required to partner with a Regional Technical Assistance Center. In addition, these schools must also complete a second Comprehensive Diagnostic Needs Assessment, unless the school completed a second Comprehensive Diagnostic Needs Assessment in the previous year.

Districts with schools that do not make gains for two consecutive years will be required to complete a comprehensive assessment of the principal's capacity by using a tool such as the Interstate School Leaders Licensure Consortium (ILSSC) standards, the DTSDE Rubric Leadership Statements of Practice, or the district's leadership evaluation system. Districts will be

required to let the State know what measurement instrument the district will use. The tool should be used to identify the areas to which the district will direct its support. The District will be required to submit the results of this assessment along with a plan for support based on the assessment.

Additional Interventions Available

In past years, New York State has pursued dramatic school change through a variety of interventions and policy initiatives that will continue to be available for use. These initiatives have been supported by a strong statutory and regulatory framework. The range of interventions allows New York State to identify an approach toward intervention and support that is most appropriate in addressing the specific needs of the district or school.

The current interventions available for addressing the needs of low-performing schools in New York State include the Schools Under Registration Review (SURR) process, Education Partner Organizations (EPOs), Distinguished Educators, Joint Intervention Team reviews, Commissioner's Regulations concerning requirements for identified schools, and the New York State Receivership Law.

Schools Under Registration Review (SURR)

Any public school in a school district that is identified as being among those that are farthest from meeting the benchmarks established by the Commissioner or as being a poor learning environment may be identified as a School Under Registration Review (SURR). A SURR must undergo a resource, planning, and program audit, and develop and implement a restructuring plan that outlines how the school will implement one of four federal intervention models. If a SURR fails to demonstrate adequate improvement within three academic years, the Commissioner shall recommend to the Board of Regents that its registration be revoked. Following revocation of a school's registration, the Commissioner has the authority to develop a plan to ensure that the educational welfare of affected students is protected.

In July 2015, the Board of Regents made adjustments to the SURR provisions to incorporate the New York State Receivership Law that was adopted in 2015. As a result, any school identified as being under Registration Review that was also identified as a Struggling School or Persistently Struggling School pursuant to Section 100.19 under the Receivership Law was required to implement school receivership.

As a result of this adjustment, schools that have been identified as being among the lowest-performing for more than three consecutive years are placed under Receivership. Alternative schools (e.g., Transfer high schools and Special Act schools) will not be automatically placed into Receivership; instead, the Commissioner will work with the district, should any alternative school be identified as among the lowest-performing for more than three consecutive years, to determine the most appropriate interventions for that school. The School Under Registration Review process remains in effect and can be utilized for schools that have been identified as the farthest from

meeting the benchmarks established by the Commissioner or as being a poor learning environment.

In July 2015, the Board of Regents revised the conditions for which a school could be identified as a poor learning environment and, therefore, be identified as a SURR by the Commissioner. A school may now be identified as a poor learning environment if there is evidence that the school does not maintain required programs and services or evidence of failure to appropriately refer for identification and/or provide required programs and services to students with disabilities pursuant to Commissioner's Regulations or evidence of failure to appropriately identify and/or provide required programs and services to English language learners pursuant to Commissioner's Regulations.

Education Partner Organization (EPO)

Under Education Law 211-e, districts with schools that have been identified as Priority under New York State's approved ESEA Flexibility Waiver have the ability to contract with Educational Partnership Organizations (EPOs) to turn around the identified school(s). The EPO assumes the powers and duties of the superintendent of schools for purposes of implementing the educational program of the school, including, but not limited to, making recommendations to the board of education on budgetary decisions, staffing population decisions, student discipline decisions, decisions on curriculum, and determining the daily schedule and school calendar, all of which shall be consistent with applicable collective bargaining agreements. The EPO contract includes district performance expectations and/or benchmarks for school operations and academic outcomes, and failure to meet such expectations or benchmarks may be grounds for termination of the contract prior to the expiration of its term.

Distinguished Educators

A school district designated as Focus or a school designated as Priority or Focus may be required to cooperate with a distinguished educator appointed by the Commissioner, pursuant to section 100.17(c)(3)(i) of Commissioner's Regulations. The distinguished educator also provides oversight of the district comprehensive improvement plan or school comprehensive improvement plan, and serves as an ex-officio member of the local board of education. All improvement plans are subject to review by the distinguished educator, who shall make recommendations to the board of education. The board of education must implement such recommendations, unless it obtains the Commissioner's approval to implement an alternate approach.

Joint Intervention Team Review Process

Currently, all schools identified as Priority Schools or Focus Schools are required to undergo an annual diagnostic review, using a diagnostic tool of quality indicators as prescribed by the Commissioner. The Commissioner appoints a Joint Intervention Team, typically referred to as an Integrated Intervention Team, to conduct an on-site school review. More information about this process can be found in the *Diagnostic Tool for School and District Effectiveness* section above.

New York State Receivership

In April 2015, the New York State Legislature passed Subpart H of Part EE of Chapter 56 of the Laws of 2015 – Education Law 211-f. This law established school receivership. Under New York State's receivership law, a school receiver has the authority to: develop a school intervention plan;

convert schools to community schools providing wrap-around services; reallocate funds in the school's budget; expand the school day or school year; establish professional development plans; order the conversion of the school to a charter school in a manner that is consistent with applicable State laws; remove staff and/or require staff to reapply for their jobs, in collaboration with a staffing committee; and negotiate collective bargaining agreements, with any unresolved issues submitted to the Commissioner for decision. The school receiver may be either the superintendent of the district or an independent receiver.

Section 211-f designates current Priority Schools that have been in the most severe accountability status since the 2006-07 school year as Persistently Struggling Schools and vests the superintendents of these districts with the powers of an independent receiver. The superintendent is given an initial one-year period to use the enhanced authority of a receiver to make demonstrable improvement in student performance at the Persistently Struggling School, or the Commissioner will direct that the school board appoint an independent receiver and submit the appointment for approval by the Commissioner. The law also establishes that any school that was a Priority School for three consecutive years is considered a Struggling School, and the superintendent is given the powers of a receiver. For these schools, the superintendent is given an initial two-year period to make demonstrable improvement, as opposed to the one-year period given to Persistently Struggling Schools. If a "Struggling School does not make demonstrable improvement, the Commissioner will direct that the school board appoint an independent receiver and submit the appointment for approval by the Commissioner.

An independent receiver, which can be an individual, a not-for-profit organization, or another school district, has sole responsibility to manage and operate the school and has all the enhanced authority of a school receiver. Independent receivers are appointed for up to three school years, and serve under contract with the Commissioner. If a school fails to make demonstrable improvement while subject to Independent Receivership, then the Commissioner shall direct that the school be converted to a charter school, placed under management of the State University of New York or the City University of New York, or phased out and closed.

For the 2015-16 and 2016-17 school years, the Governor and State Legislature appropriated $150 million to support schools that had been identified as Persistently Struggling as of July 2015 and schools that had been identified as Persistently Struggling or Struggling for the entirety of the 2016-17 school year. Funds that were not used by schools in 2015-16 and 2016-17 remain available for use in the 2017-18 school year.

CSI schools that are part of the receivership program will have the same interventions as above, with the additional accountability requirement of needing to make demonstrable improvement to avoid being taken over by an independent receiver. In addition, CSI schools in the Receivership program will continue to be closely monitored by Department staff through the use of the Receivership Demonstrable Improvement Leading Indicators reports, along with monitoring visits and phone check-ins between Receivership schools, the district, and the Department.

In addition to the supports and interventions outlined for CSI schools and TSI schools, New York State will require any school that is not identified as a CSI or TSI school, but receives a Level 1 on any indicator for any accountability subgroup, to complete a self-assessment and inform its district

of the additional assistance that the school needs to improve. The district, in turn, must identify the support that the district will provide in its consolidated application for federal funds.

New York State believes that the combination of having progressive intervention systems and multiple levers available for more extensive interventions, when necessary, will allow New York State to consider the most appropriate interventions for the identified school and selectively apply interventions as deemed appropriate.

d. Resource Allocation Review. Describe how the State will periodically review resource allocation to support school improvement in each LEA in the State serving a significant number or percentage of schools identified for comprehensive or targeted support and improvement.

New York State recognizes that the strategic use of resources is a critical component of improving student outcomes. New York State will support effective resource allocation through the cycles of resource allocation reviews of districts with significant numbers of Comprehensive and Targeted Supports and Improvement Schools described previously. The State will also promote the effective use of resources by ensuring that resources are closely analyzed as part of the Needs Assessment process. The Resource Audit that schools must perform will closely examine how schools use their time, space, and staff. In addition, New York State understands the critical role that professional development can play in school improvement, and thus will require identified schools and districts to analyze the effectiveness of previous professional development during the Resource Audit. LEAs will receive guidance and training to support their ability to conduct Resource Audits and promote the effective use of resources.

e. Technical Assistance. Describe the technical assistance the State will provide to each LEA in the State serving a significant number or percentage of schools identified for comprehensive or targeted support and improvement.

New York State will significantly expand its current technical assistance offerings to provide support so that the schools identified as having the greatest needs will be the ones that receive the most attention from New York State. New York State will provide support and technical assistance through the eight key functions outlined previously:

- Supporting the Comprehensive Diagnostic Needs Assessment process
- Supporting the development and implementation of schoolwide plans
- Supporting the implementation of Evidence-based Interventions and Improvement Strategies
- Promoting District-wide Improvement through Training and Support to Districts
- Providing data to inform plans and call attention to inequities
- Connecting schools and districts with other schools, districts, and professionals
- Allocating and monitoring school improvement funds
- Providing additional support and oversight for schools not making progress

Supporting the Comprehensive Diagnostic Needs Assessment process

- Supplying a Department representative to conduct DTSDE reviews for CSI Schools (Year 1)
- Supplying a Department representative to conduct Progress Reviews and DTSDE reviews in CSI schools not making progress (Years 2 and 3)
- Providing training to Districts on conducting Comprehensive Needs Assessments in TSI Schools
- Providing feedback to Districts on Comprehensive Needs Assessments conducted for TSI schools
- Administering a Reviewer Credential program to ensure that those conducting reviews for districts have specific skills
- Providing guidance and training on conducting Resource Audits and analyzing Tier 2 and Tier 3 indicators

Providing additional support and oversight for schools not making progress

- Offering on-site and off-site technical assistance to schools that do not make gains each year
- Having all DTSDE reviews after Year 1 focused on CSI schools that have not made gains
- Requiring districts with CSI schools that did not make gains in Year 1 to complete a Principal Support Report to identify areas where assistance is needed
- Requiring districts with CSI schools that do not make progress in Year 1 and Year 2 to complete an assessment of School Leader capacity
- Requiring CSI schools that do not make progress in Year 1 and Year 2 to partner with a Regional Technical Assistance Center
- Placing all CSI schools that are re-identified as CSI schools into the Receivership program
- Placing any current Priority School that is identified as a CSI school on the initial list into the Receivership program
- Considering additional interventions when applicable, such as identifying a school as SURR or utilizing the Distinguished Educator

Supporting the development and implementation of schoolwide plans

- Providing guidance and training to schools and districts on the development of improvement plans
- Providing feedback on CSI plans
- Approving CSI plans
- Conducting Progress Reviews in select CSI schools that provide feedback and recommendations on the implementation of the current plan (Years 2 and 3)
- Providing training to Districts on conducting Progress Needs Assessments
- Using a performance management system that documents progress toward goals
- Providing on-site and off-site support to assist schools in the Receivership program

Supporting the implementation of Evidence-based Interventions and Improvement Strategies

- Connecting schools and districts to Evidence-based Interventions
- Identifying select Schoolwide Improvement Strategies for CSI schools to consider and providing training to support the planning and implementation of those strategies
- Limiting the transfer of incoming teachers at CSI schools to those who have been rated Effective or Highly Effective in the most recent evaluation year (consistent with Collective Bargaining Agreements)
- Requiring CSI schools to ensure that staff receive PD on the implementation of the plan
- Providing training and guidance to CSI schools and districts to support the establishment of a Parent Participatory Budget process
- Requiring CSI and TSI schools to complete annual surveys of parents, teachers, and students
- Assisting districts with identifying surveys to use

Promoting District-wide Improvement through Training and Support to Districts

- Providing training on supporting identified schools through topics such as:
  - conducting Comprehensive Diagnostic Needs Assessments and Progress Needs Assessments
  - identifying root causes
  - addressing root causes through Evidence-based Interventions,
  - developing and approving improvement plans
  - establishing a Parent Participatory Budgeting process

Providing data to inform plans and call attention to inequities

- Offering data comparing schools to schools within the district and across New York State
- Publishing per-pupil expenditures for each district and school on the New York State website
- Publishing a New York State Equity Report that identifies rates of assignment to Ineffective, Out-of-Field, and Inexperienced teachers between minority and low-income students in Title I schools and non-low-income, non-minority students in non-Title I schools at the district level
- Establishing annual cycles of resource allocation reviews of districts with significant numbers of identified schools
- Engaging with districts where inequities are identifed to determine the most appropriate actions that to reduce and eliminate these inequities

Connecting schools and districts with other schools, districts, and professionals

- Providing opportunities for identified schools and districts to connect with schools and districts facing similar challenges
- Providing opportunties for identified schools to connect with higher-performing schools with similar demographics
- Connecting schools to Regional Technical Assistance providers, such as BOCES, RSE-TASC and RBERNs

Allocating and monitoring school improvement funds

- Providing Title I identified schools with a base allocation to develop and implement their improvement plan
- Offering an additional allocation to Title I CSI schools that make progress, and an additional allocation in conjunction with technical assistance to schools that do not make progress
- Incentivizing socioeconomic integration through grants

Providing additional support and oversight for schools not making progress

- Offering on-site and off-site technical assistance to schools that do not make gains each year
- Having all DTSDE reviews after Year 1 focused on CSI schools that have not made gains
- Requiring districts with CSI schools that did not make gains in Year 1 to complete a Principal Support Report to identify areas where assistance is needed
- Requiring districts with CSI schools that do not make progress in Year 1 and Year 2 to complete an assessment of School Leader capacity
- Requiring CSI schools that do not make progress in Year 1 and Year 2 to partner with a Regional Technical Assistance Center
- Placing all CSI schools that are re-identified as CSI schools into the Receivership program*
- Placing any current Priority School that is identified as a CSI school on the initial list into the Receivership program*

  **Transfer schools will not automatically be placed in Receivership, but will instead be reviewed to determine the appropriate intervention.*

- Considering additional interventions when applicable, such as identifying a school as SURR or utilizing the Distinguished Educator

f. <u>Additional Optional Action. If applicable, describe the action the State will take to initiate additional improvement in any LEA with a significant number or percentage of schools that are consistently identified by the State for comprehensive support and improvement and are not meeting exit criteria</u>

established by the State or in any LEA with a significant number or percentage of schools implementing targeted support and improvement plans.

New York State's system of differentiated accountability will allow New York State to focus its attention on the districts and schools that are not making progress. New York State's process of identifying districts allows districts to be involved with New York State's efforts to support improvement and encourages districts to pursue a cohesive, systemic approach to improvement at both the district and school level. In addition to the supports and interventions outlined earlier, the Department is currently piloting a district-level Technical Assistance Review process and will expand this pilot and implement a district-level review process to assist districts with multiple identified schools.

5. Disproportionate Rates of Access to Educators (*ESEA section 1111(g)(1)(B)):* Describe how low-income and minority children enrolled in schools assisted under Title I, Part A are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers, and the measures the SEA will use to evaluate and publicly report the progress of the SEA with respect to such description.[12]

As described further in Section D of this plan, the Department has undertaken many initiatives over the past seven years that focused on the goal of ensuring that all students across New York State, regardless of their physical location, acquire the knowledge, skills, and abilities that students need to realize personal success in college, career, and life. Despite earnest effort, we have not yet achieved this goal, and past NYSED efforts have not yet delivered the desired improvements in equity and educational excellence. As we know, too many schools and students chronically struggle, and subgroup achievement gaps persist.

We also know that, among school based factors, nothing matters more to improving student outcomes than teaching and school leadership.[13] Accordingly, the Department is committed to the principle that all students should have equitable access to great teachers and school leaders.

Consistent with the requirements of ESSA, what follows is a technical description of the rates at which low-income and minority students in Title I schools are assigned to ineffective, out-of-field, and inexperienced teachers, compared to non-low-income, non-minority students in non-Title I schools. For a description of how the Department intends to improve equitable access to experienced, qualified, and effective teachers and school leaders, please see Section D.

The Department will use the following definitions for low-income students, minority students, ineffective teachers, out-of-field teachers, and inexperienced teachers:

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[12] Consistent with ESEA section 1111(g)(1)(B), this description should not be construed as requiring a State to develop or implement a teacher, principal, or other school leader evaluation system.

[13] See, e.g., Leithwood, K., Seashore-Louse, K., Anderson, S., and Walhstrom, K., "How Leadership Influences Student Learning: Review of the Research". New York City, NY: Wallace Foundation and "Teachers Matter: Understanding Teachers' Impact on Student Achievement". Santa Monica, CA: RAND Corporation, 2012.

Key Term	Statewide Definition
Ineffective teacher	Teacher who receives an Ineffective rating on his/her overall composite rating.[14]
Out-of-field teacher	Teacher who does not hold certification in the content area for all the courses that he/she teaches.[15]
Inexperienced teacher	Teachers with three or fewer years of experience.
Low-income student	Student who participates in, or whose family participates in, economic assistance programs, such as the free or reduced-price lunch programs, Social Security Insurance (SSI), Food Stamps, Foster Care, Refugee Assistance (cash or medical assistance), Earned Income Tax Credit (EITC), Home Energy Assistance Program (HEAP), Safety Net Assistance (SNA), Bureau of Indian Affairs (BIA), or Family Assistance: Temporary Assistance for Needy Families (TANF). If one student in a family is identified as economically disadvantaged, all students from that household (economic unit) may be identified as economically disadvantaged.
Minority student	Student who is identified as American Indian or Alaska Native, Asian, Black or African-American, Hispanic or Latino, Native Hawaiian/Other Pacific Islander, or multiracial.

Using the most recently available data (2015-16 school year), the Statewide analysis is as follows[16]:

STUDENT GROUPS	Rate at which students are taught by an	Disproportionality between rates	Rate at which students are taught by an	Disproportionality between rates	Rate at which students are taught by an **inexperienced** teacher	Disproportionality between rates

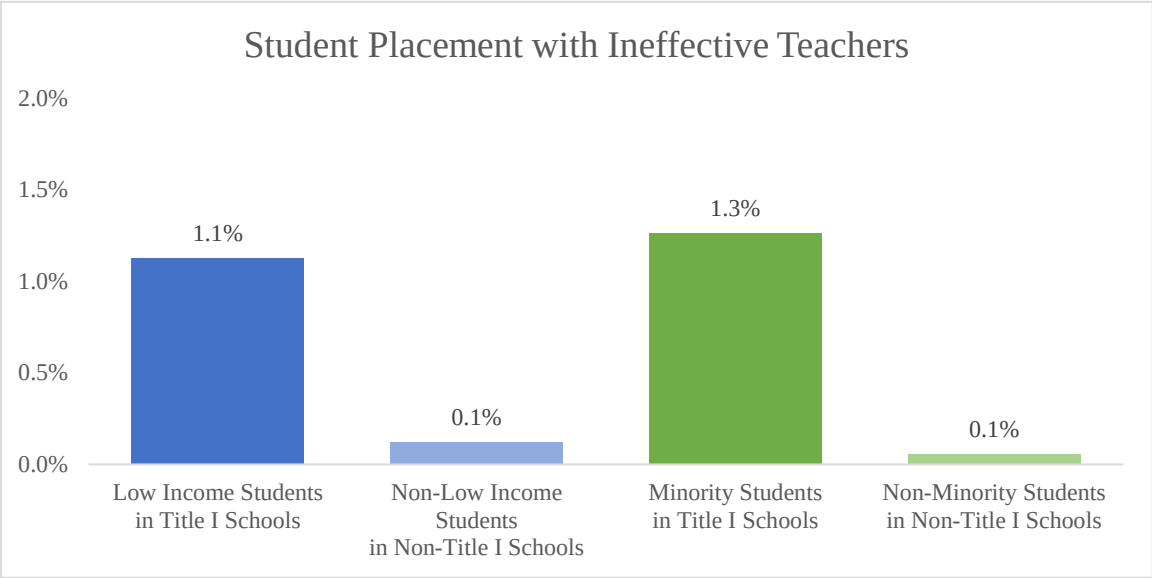
[14] Teaching and school leadership are multi-dimensional professions and research overwhelmingly confirms the importance of using multiple measures of educator effectiveness when determining summative evaluation ratings for teachers and school leaders. Teacher and principal summative annual evaluation ratings in New York State include measures of student growth (multiple measures where collectively bargained) and observations of practice based on rubrics aligned to the State's Teaching and Leadership Standards. The Department is currently undergoing a multi-year process to review and revise its ELA and math Learning Standards, State assessment program, and educator evaluation system. During this time, measures based on the State's growth model and grades 3-8 ELA and math State assessments will be used for advisory purposes only. Educators whose original evaluations included these measures will receive a second set of scores and ratings that use alternate measures of student growth ("transition ratings"). These transitions ratings will be used in applicable school years for the purposes of the equity analysis.

[15] Although the Department currently has student-teacher linkage information for all courses, we do not yet have the ability to determine whether or not every course that every teacher teaches is a course for which he/she is appropriately certified. Until that time, we will calculate rates of student assignment to out-of-field teacher by using our existing indicator of whether a teacher is not certified for any of the courses that they teach.

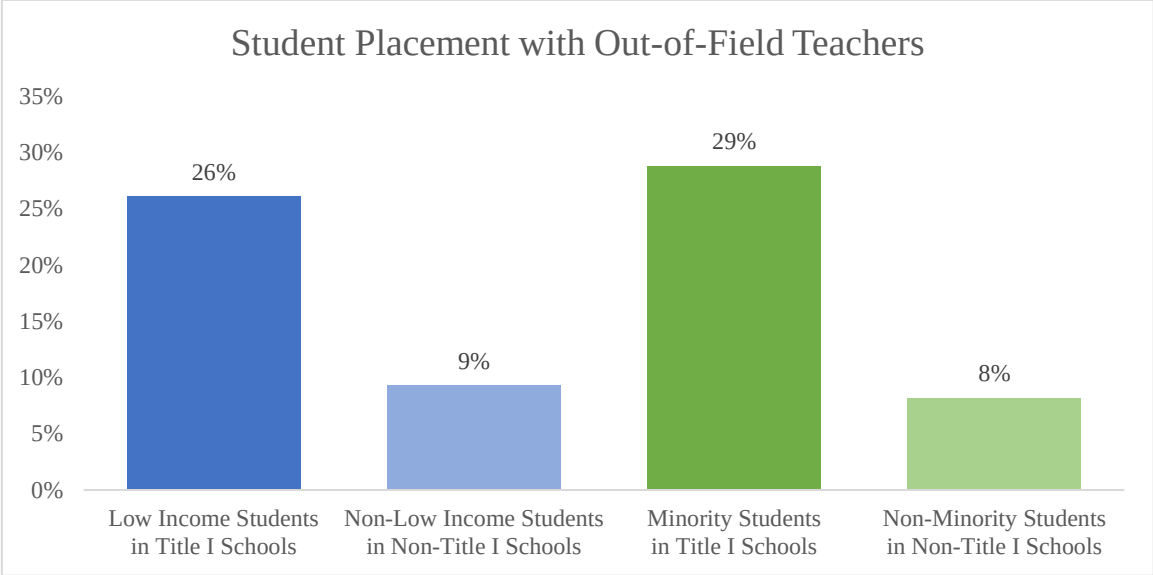
[16] This analysis is based on 1,538,156 students and includes elementary, middle, and high schools.

	ineffective teacher		**out-of-field** teacher			
Low-income students enrolled in schools receiving funds under Title I, Part A	Box A: enter rate as a percentage 1.1%	Enter value of (Box A) – (Box B) **1.0%**	Box E: enter rate as a percentage 26%	Enter value of (Box E) – (Box F) 17%	Box I: enter rate as a percentage 32%	Enter value of (Box I) – (Box J) **16%**
Non-low-income students enrolled in schools not receiving funds under Title I, Part A	Box B: enter rate as a percentage 0.1%		Box F: enter rate as a percentage 9%		Box J: enter rate as a percentage 16%	
Minority students enrolled in schools receiving funds under Title I, Part A	Box C: enter rate as a percentage 1.3%	Enter value of (Box C) – (Box D) **1.2%**	Box G: enter rate as a percentage 29%	Enter value of (Box G) – (Box H) 21%	Box K: enter rate as a percentage 33%	Enter value of (Box K) – (Box L) **17%**
Non-minority students enrolled in schools not receiving funds under Title I, Part A	Box D: enter rate as a percentage 0.1%		Box H: enter rate as a percentage 8%		Box L: enter rate as a percentage 16%	

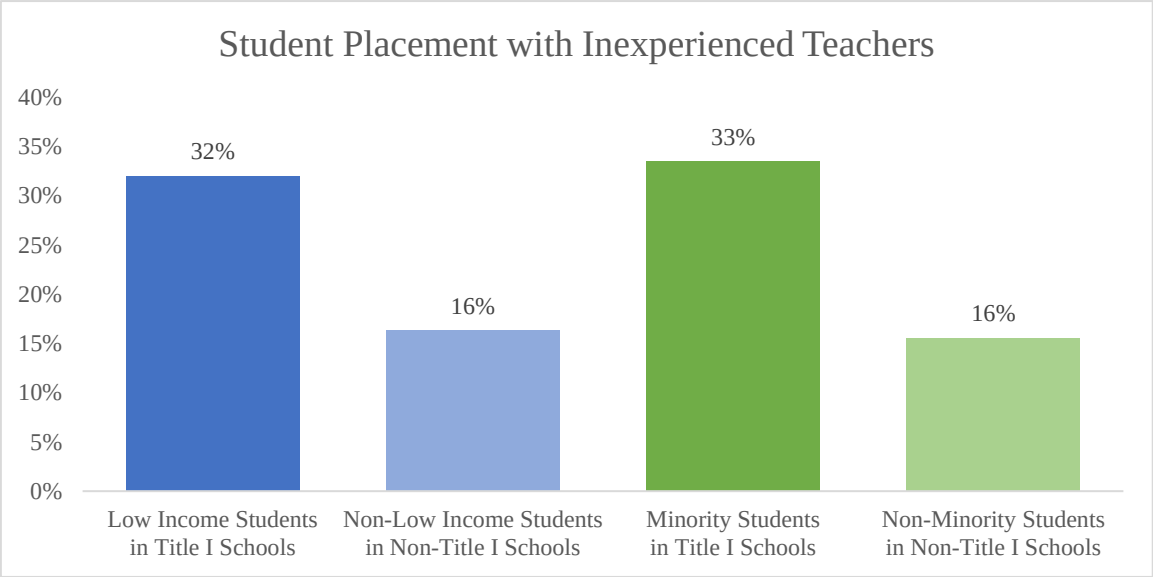
As the table above makes clear, across New York State, low-income and minority students are much more likely to be assigned to ineffective, out-of-field, and inexperienced teachers. Specifically:



- Low income students in Title I schools are **11 times more likely** to be taught by a teacher who received a rating of Ineffective, compared to students who are not low income in non-Title I schools.
- Minority students in Title I schools are **13 times more likely** to be taught by a teacher who received a rating of Ineffective, compared to non-minority students in non-Title I schools.

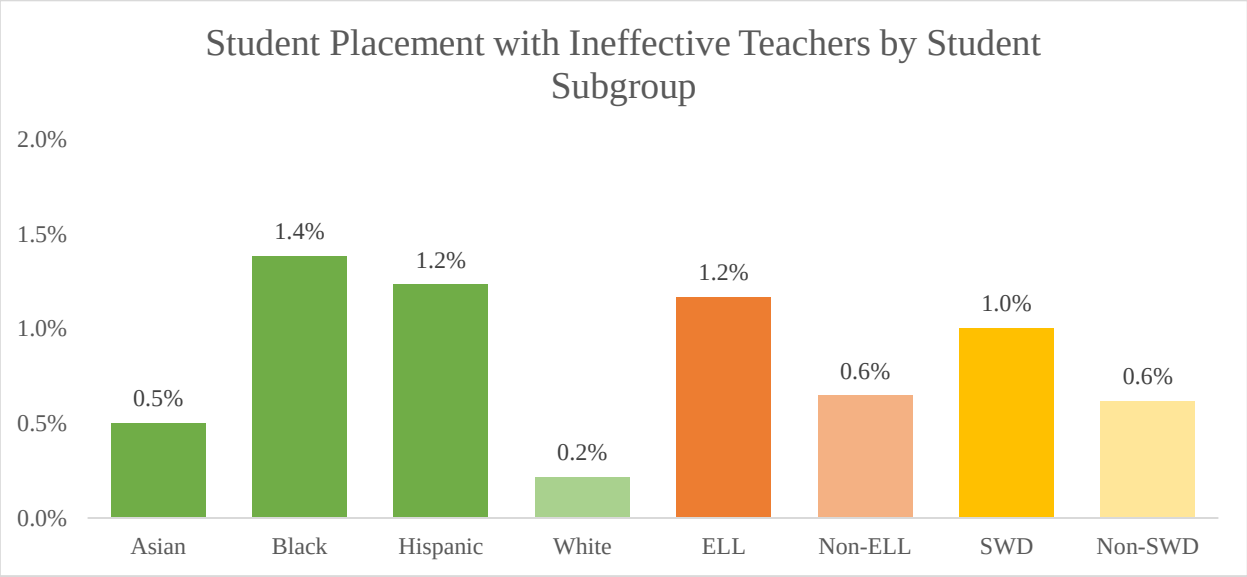


- Low income students in Title I schools are **nearly three times more likely** to be taught by an out-of-field teacher, compared to students who are not low income in non-Title I schools.
- Minority students in Title I schools are **more than three and a half times more likely** to be taught by an out-of-field teacher, compared to students who are not low income in non-Title I schools.

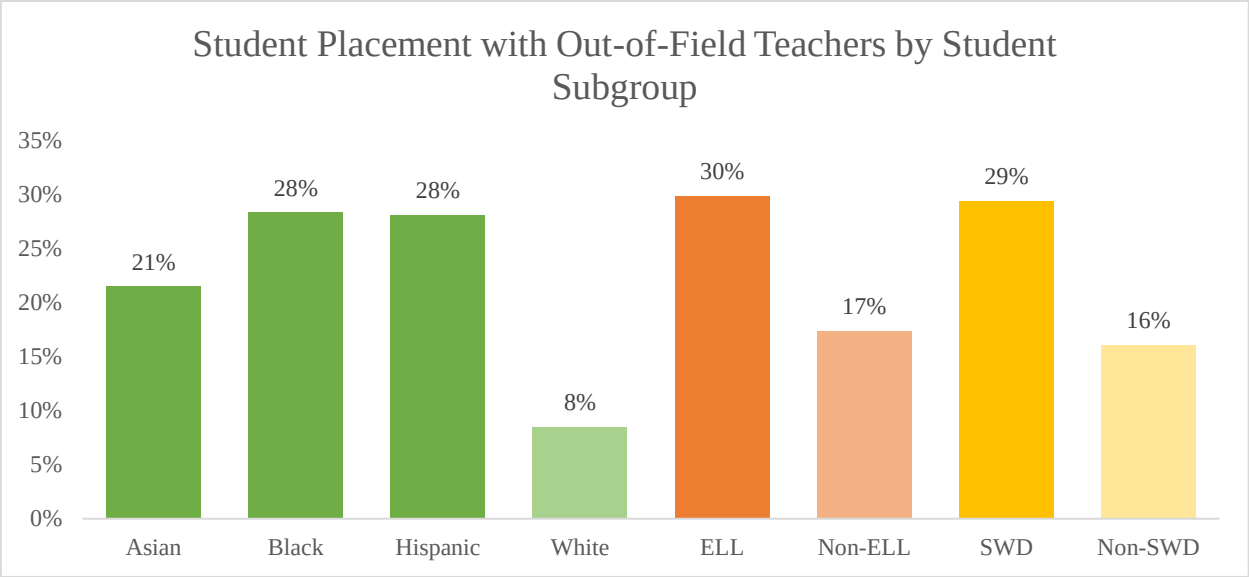


- Low income students in Title I schools are **twice as likely** to be taught by a teacher with 3 or fewer years of experience, compared to students who are not low income in non-Title I schools.
- Minority students in Title I schools **more than two times more likely** to be taught by a teacher with 3 or fewer years of experience, compared to non-minority students in non-Title I schools.

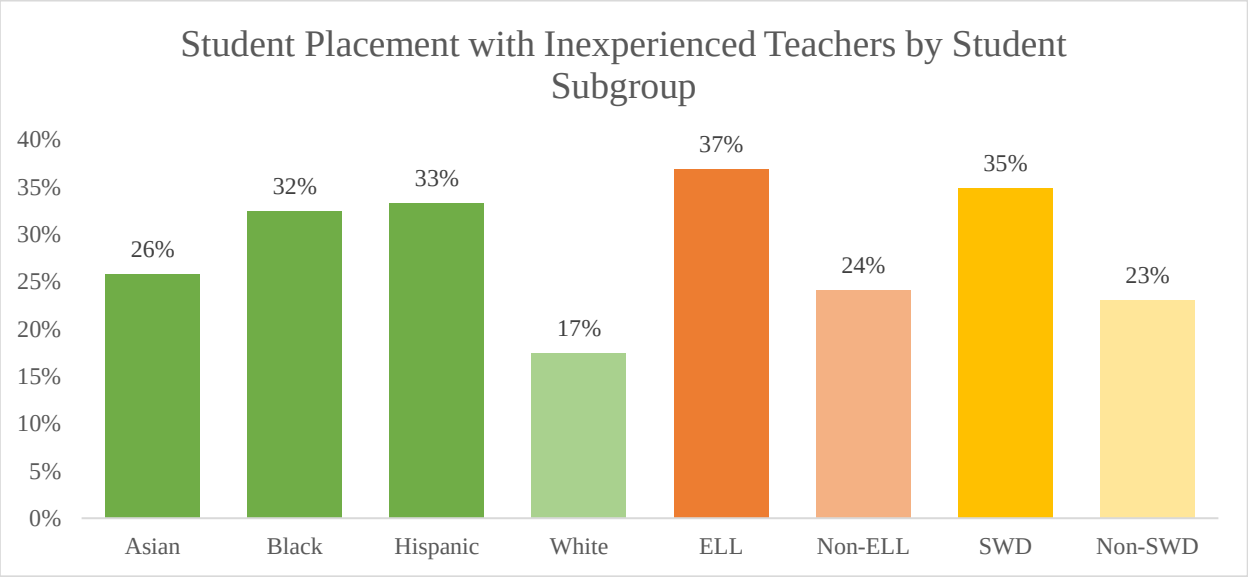
Similar trends are seen within student subgroups:



- Asian students are **more than twice as likely**, and Black and Hispanic students **more than ten times as likely** as White students to be placed with a teacher who received a rating of Ineffective.
- ELL students are **twice as likely,** and students with disabilities are **nearly twice as likely,** to be placed with a teacher who received a rating of Ineffective, compared to their counterparts.



- Asian students are **more than two and a half times as likely**, and Black and Hispanic students **more than three times as likely,** as White students to be placed with an out-of-field teacher.
- ELL students and students with disabilities are **nearly twice as likely** to be placed with an out-of-field teacher than are their counterparts.



- Asian students are **more likely than White students**, and Black and Hispanic students are **nearly two times as likely** as White students, to be placed with an out-of-field teacher than are their counterparts.
- ELL students and students with disabilities are all **more likely** to be placed with an out-of-field teacher than are their counterparts.

As previously stated, the Department seeks to ensure that all students have equitable access to effective, qualified, and experienced teachers and school leaders. Given our persistent subgroup achievement gaps, this goal is one that we must achieve with great urgency.

The Department firmly believes that investment in our educator workforce is the critical component in closing the achievement gap and helping all of New York State's students become college, career, and civic ready. Specifically, the Department believes that by:

1) Strengthening the preparation of new teachers, principals, and other school leaders through the development of P-20 educator preparation partnerships;
2) Recruiting and supporting promising, diverse candidates to enter those preparation programs;
3) Ensuring that new teachers and school leaders have comprehensive, differentiated supports that help them transition from pre-service to employment and leveraging experienced, effective teachers and school leaders to serve as mentors;
4) Establishing a collective understanding of what great teaching and leadership looks like for all educators across the entire continuum of their careers and ensuring that teachers and school leaders have comprehensive systems of feedback and support;
5) Providing tools and resources to support LEAs to implement these systems of feedback and support, including through building the capacity of school leaders;
6) Ensuring that there are opportunities for job-embedded professional learning and collaboration that promote the ability of teachers and school leaders to meet the needs of our diverse student population, including building an understanding of the principle of Universal Design for Learning, positive behavior interventions and supports, and social and emotional learning; and
7) Creating and sustaining teacher and school leader leadership opportunities through career continuum pathways that are responsive to local needs.

We will better be able to meet our goal of ensuring that all students have access to great teachers and school leaders who can provide them with the support that they need to be college, career, and civic ready. Research and our own New York State-specific experience tells us that the combination of strong preparation, mentoring and induction; meaningful systems of feedback and support for educators; professional development; and leadership opportunities, when implemented as part of a comprehensive system that leverages partnerships between schools and educator preparation programs, are important parts of district-wide strategies to increase student achievement and equitable access.

Although there are districts and BOCES across the State that are already engaged in some or all the strategies outlined above, we know that the familiarity and readiness of districts and BOCES varies. To assist those LEAs that are already undertaking some or all this work while at the same

time building capacity Statewide, the Department will provide the following types of technical assistance and support to LEAs:

1. Provision of equity reports
2. Continued investments in the professional development of teachers and school leaders
3. Expansion of toolkits and other resources associated with the Educator Effectiveness Framework and Leadership Pathway Continuums
4. Outlines of key indicators for Talent Management Systems
5. Example LEA profiles

As described further in Section D of this plan, the Department will provide support and technical assistance to LEAs as they work to understand the equity metrics; identify sources of appropriate data and methods for additional local analyses; and guide LEAs in the design of comprehensive systems of professional learning, support, and advancement for all educators. There will be regular opportunities for diverse stakeholders to reflect upon, refine, and help shape enhancements to the Department's plan.

To promote transparency, the Department will annually publish Equity Reports at both the State and district level on its Public Data Access site, data.nysed.gov, that describe differences in rates of assignment to ineffective, out-of-field, and inexperienced teachers between minority and low-income students in Title I schools and non-low-income, non-minority students in non-Title I schools. These reports will be published annually so existing gaps and progress in closing those gaps will be able to be compared from year to year. For a complete description of the metrics that may be included in these reports, please see Section D of this application.

6. School Conditions (*ESEA section 1111(g)(1)(C)):* Describe how the SEA agency will support LEAs receiving assistance under Title I, Part A to improve school conditions for student learning, including through reducing: (i) incidences of bullying and harassment; (ii) the overuse of discipline practices that remove students from the classroom; and (iii) the use of aversive behavioral interventions that compromise student health and safety.

It is a priority of the Board of Regents that New York State schools foster a culture and climate that makes school a safe haven where every student feels welcome and free from bias; harassment; discrimination; and bullying, especially for traditionally marginalized youth, including, but not limited to, youth of color; Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) youth; and youth with disabilities. A meta-analysis of 80 studies analyzing bullying involvement rates (for both bullying others and being bullied) for 12 to 18-year-old students reported a mean prevalence rate of 35% for traditional bullying involvement and 15% for cyberbullying involvement.[17] Students who experience bullying are at increased risk for poor school adjustment, sleep

[17] *Modecki, K. L., Minchin, J., Harbaugh, A. G., Guerra, N. G., & Runions, K. C. (2014). Bullying prevalence across contexts: A meta-analysis measuring cyber and traditional bullying. Journal of Adolescent Health, 55, 602-611.* Retrieved from http://www.jahonline.org/article/S1054-139X(14)00254-7/abstract

difficulties, anxiety, and depression[18] and are twice as likely as non-bullied peers to experience negative health effects, such as headaches and stomachaches.[19]

Respect is a learned behavior, and it has never been more important than today that schools take proactive steps to keep students safe from bullying and harassment. Prevention starts before an incident occurs, and, to be successful, schools must:

- Send a unified message against bullying, harassment, intimidation, and discrimination to students, staff, and parents
- Ensure supportive and positive classroom environments
- Practice de-escalation techniques
- Communicate with students, staff, and parents about their roles in prevention and intervention
- Take student complaints seriously and ensure that they are addressed quickly and competently
- Ensure that student discipline practices are equitable and proportionate to the incident
- Reduce the overuse of punitive and exclusionary responses to student misbehavior

With these goals in mind, the Department will support districts in creating conditions that maximize all students' learning, especially for traditionally marginalized youth, including youth of color, LGBTQ youth, and youth with disabilities, through activities, policies, and strategies that reduce bullying, harassment, and the overuse of punitive and exclusionary responses to student misbehavior. The Department will also promote the understanding of diverse cultural characteristics, positive disciplinary practices, improving school climate, and providing students with social-emotional support. The Department continues to develop and build upon existing guidance and resources to combat harassment, bullying, and discrimination, and to enhance efforts to build and maintain positive and healthy school climates. Efforts will be expanded to provide capacity-building guidance; strategies; best-practice resources; and professional development for school administrators, instructional staff, and non-instructional staff in the following areas to advance these initiatives:

Dignity for All Students Act (DASA)

New York State's Dignity for All Students Act seeks to provide New York State's public elementary and secondary school students with a safe and supportive environment that is free from discrimination; intimidation; taunting; harassment; and bullying on school property, and at school functions, including, but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

Social-Emotional Wellness and Adverse Childhood Experiences (ACES)

[18] Center for Disease Control, National Center for Injury Prevention and Control (2015). Understanding bullying.
[19] Gini, G., & Pozzoli, T. (2013). Bullied children and psychosomatic problems: A meta-analysis. Pediatrics.

One out of four children attending school has been exposed to a traumatic event that can affect learning and/or behavior.[20] Trauma can affect school performance and learning and cause unpredictable or impulsive behavior, as well as physical and emotional distress. It is critical to develop and create trauma-sensitive schools that help children feel safe so that they can learn.

Reduce Exclusionary Discipline and Implement Restorative Practices

Recent research has demonstrated that student suspensions and expulsions do long-term harm, and students who are suspended are disproportionately more likely to drop out of school, and, in adulthood, be unemployed, reliant on social-welfare programs, and imprisoned.

To be successful in implementing a positive school climate in all schools, we must evaluate current school discipline practice, move away from zero-tolerance discipline policies, and encourage the use of restorative practices in schools. Restorative practices encourage healthy relationships between staff and students and seek to resolve conflict rather than just punish offenders. Successful implementation of restorative practice results in reducing harmful behavior, repairing harm, and restoring positive relationships.[21]

Eliminate Aversive Behavioral Interventions

The Department defines aversive interventions as an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors. Beginning in 2006, the Department set a general prohibition on the use of aversive behavioral interventions, and existing Commissioner's Regulations 200.22 specifically prohibits the use of aversive interventions as part of a behavioral intervention plan. The Department will continue to leverage staff expertise and resources created by the Office of Special Education to provide technical assistance related to the effective use of Positive Behavioral Intervention and Supports (PBIS) systems; functional behavioral assessments; behavioral intervention plans; behavioral specialists; suspension monitoring; and other professional development to support schools, particularly those that are identified under IDEA and/or the State Performance Plan.

Measure School Climate by Using School Climate Surveys

The Department is encouraging schools to administer the U.S. Department of Education school climate surveys to students, parents, and staff. Students' ability to succeed in school relies not only on quality teaching and academic resources, but also on a supportive school environment that fosters students' growth as individuals and affirms their worth as human beings within the educational and social setting of school.[22] A school culture where differences are not merely

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[20] *National Child Traumatic Stress Network Schools Committee. (October 2008). Child Trauma Toolkit for Educators. Los Angeles, CA & Durham, NC: National Center for Child Traumatic Stress*

[21] *Restorative Practices: Fostering Healthy Relationships & Promoting Positive Discipline in Schools A Guide for Educators*

[22] *Payne, E., & Smith, M. (2013). LGBTQ kids, school safety, and missing the big picture: How the dominant bullying discourse prevents school professionals from thinking about systemic marginalization or... Why we need to rethink LGBTQ bullying. QED: A Journal in GLBTQ Worldmaking, (1), 1-36*

tolerated and accepted, but are embraced and integrated into school life and curriculum, requires a thoughtful examination of school culture.

To facilitate incorporating these tenets into daily practice in schools, the Department will continue to develop and build upon existing guidance and resources and to enhance efforts to build and maintain positive school climates. Efforts will be expanded to provide capacity-building guidance, strategies, best-practice resources, and professional development for school administrators, instructional staff, and non-instructional staff, as follows:

- Require that LEAs collect data on incidents of violence and bullying, discrimination or harassment, and report these to the Department
- Identify Persistently Dangerous, and Potentially Persistently Dangerous Schools, using a School Violence Index (SVI) that is a proportion of violent incidents to enrollment
- Provide on-site monitoring and training in the reporting and preventing of school violence to LEAs that are identified as Persistently Dangerous and Potentially Persistently Dangerous Schools and upon request
- Evaluate LEA reporting practices as a part of the Department's targeted technical assistance
- Publish and distribute guidance to LEAs about the importance of developing sound violence prevention programs to assist schools in developing policies and practices to build a culture and climate that is free of intimidation, harassment, and bullying
- Issue guidance for parents in the most frequently spoken languages in New York State, consistent with the information provided in Section (A)(3) related to Native Language Assessments
- Collaborate with New York State and local agencies (e.g., departments of social services) to provide training programs for school counseling and pupil personnel services staff in Adverse Childhood Experiences (ACEs) and restorative practices
- Develop guidance for schools on best practices for student discipline to reduce disproportionate suspension and exclusion policies
- Require that LEAs collect and submit data on incidents in schools of corporal punishment, which is prohibited in New York State
- Collaborate with New York State and local agencies (e.g., departments of social services) to develop resources for LEAs related to improving school climate
- Expand and build upon existing guidance and resources to enhance efforts to build and maintain a positive school climate, in particular in the areas of DASA training for school and district personnel, including LGBTQ students, students of color, and students with disabilities
- Expand efforts to provide school staff with capacity-building guidance, strategies, and best-practice resources in social-emotional wellness and in supporting the social-emotional needs of marginalized students
- Develop guidance and technical assistance for schools to assist them in implementing policies to transition away from exclusionary discipline practices
- Support a pilot implementation of the USDE surveys in a small number of districts in the 2016-17 school year to develop a business process for a larger implementation in 2017-18. Consider future use of climate surveys as part of the ESSA accountability system

- Continue to promote the use of the USDE climate surveys as an effective tool for measuring school climate during statewide and regional meetings with the field

In addition, the Department will continue to foster school climates that are safe and engaging. When students are physically healthy; emotionally supported; have safe routes to school; and access to quality after school programs, recess and extra-curricular activities, and health and wellness programs, student attendance will improve.

7. School Transitions ***(ESEA section 1111(g)(1)(D))*****: Describe how the State will support LEAs receiving assistance under Title I, Part A in meeting the needs of students at all levels of schooling (particularly students in the middle grades and high school), including how the State will work with such LEAs to provide effective transitions of students to middle grades and high school to decrease the risk of students dropping out.**

To meet the needs of New York State's richly diverse students and families, the Department will support the development of resources, the coordination of aligned initiatives, the provision of technical assistance, and support of LEA-planned and LEA-implemented prekindergarten through Grade 12 (P-12) transition programs.

The Department recognizes that all transitions are critical processes rather than isolated events. Students and families experience many transitions as they move into, through, and out of the school setting: from home environments to school, from school level to school level, from program to program, and from school to higher education and/or career. The ease and continuity of transitions play a significant role in each student's learning, well-being, and desire to stay in school. Successful transition programs reduce dropout rates and increase graduation rates.[23] There are key transition points along the P-12 continuum that can be targeted for transition programs, including early childhood education to elementary, elementary to middle, middle to high school, and high school to postsecondary education and careers.

Various New York State dropout prevention initiatives align well with quality P-12 transition programs. Strategically planned multifaceted and multi-tiered transition programs at key transition points and aligned dropout prevention initiatives significantly affect student postsecondary education and career success. These programs assist students in meeting the demands of the P-12 New York State Learning Standards; support appropriate promotion practices; decrease dropout rates; and increase graduation rates, ultimately leading students to earn a New York State Regents Diploma.

The Department supports school districts in facilitating successful P-12 transitions by encouraging the entire school community (district leadership, teachers, support service personnel, students, families, community partners, and other relevant stakeholders) to form collaborative transition teams that are an ongoing presence in each cohort's P-12 academic experience. The transition team's purpose is to ensure that the needs of each cohort of students are identified and met before,

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[23] *Chappell, S. L., PhD, O'Connor, P., PhD, Withington, C., MA, & Steglin, D. A., PhD. (April 2015).* A Meta-Analysis of Dropout Prevention Outcomes and Strategies *(pp. 1-41, Tech.). Clemson University, SC: National Dropout Prevention Center/Network.*

during, and after key transition points. Successful transition teams should begin planning two years before each transition point, and implement activities no later than one year before each transition point. Transition teams will:

- Be composed of decision-makers at both ends of each key transition point
- Reflect the diverse characteristics, circumstances, and needs of the district's community of learners and families
- Develop and implement whole group, small group, and individual outreach strategies to engage families – especially families whose circumstances do not provide for many opportunities to, or who are reluctant to, engage with the school community
- Continually analyze the strengths and weaknesses of various transition program components by surveying and collecting feedback from students, families, teachers, and other stakeholders

The Department will provide ongoing guidance and technical assistance to school districts as they develop before school, afterschool, summer, and extra-curricular activities. Schools that are intentional about offering and connecting youth with quality out-of-school-time programs see increases in academic achievement, positive behavior, and family and student engagement. Schools that regularly convene an advisory committee that includes community-based partners can help ensure that afterschool and summer offerings are coordinated and that community resources are effectively leveraged to provide student supports that extend beyond the school day. Students and families should also be informed about the process to obtain available guidance and counseling supports.

Coordinating Transitions from Early Childhood Education to Elementary School

The Department believes that high-quality early childhood education programs are critical as children transition from home to a formal school setting. This vision is supported by the Governor and the State legislature, which currently allocates over $800 million in annual funding for prekindergarten programming in school districts throughout New York State. Each year, the Board of Regents recommends the continued expansion of investments in early childhood programs so that all school districts and families benefit from the assurance of ongoing, coordinated, and dependable funding for early childhood educational programs in their communities.

Child-focused, experiential learning starts before kindergarten and must build on individual child needs and experiences, and exposes young children (birth through age eight) to planned interactions and stimulation so that children can develop the full range of knowledge, skills, and dispositions needed to be successful learners. Instruction in early childhood programs should be focused on the five domains of children's development and should be designed to meet a child's individual needs and experience. The domains are: Approaches to Learning; Physical Development and Health; Social and Emotional Development; Communication, Language and Literacy; and Cognition and Knowledge of the World.

In 2015, New York State began a process of review and revision of its current English Language Arts (ELA) Learning Standards, which were adopted in 2011. Through numerous phases of public comment and virtual and face-to-face meetings with committees, the NYS P-12 ELA Learning Standards were developed. These revised standards reflect the collaborative efforts and expertise of all constituents involved. An Early Learning Standards Task Force (Task Force) was also convened in 2017 to conduct an in-depth review of the Prekindergarten – Grade 3 ELA standards for clarity, alignment, and developmental appropriateness, and to provide guidance and support for the early grades.

To maximize success in early education experiences for children and to prepare them to transition to elementary school, districts must actively engage families as home-school partners. One way to welcome families is by performing home visits, an approved use of Title I and Title III funding. Home visits have been shown to lead to improvement in child and family outcomes by increasing parental involvement in children's education, supporting parents' capacity to develop their children's early literacy and language skills, and helping children achieve school success into the elementary grades.[24] In addition, schools should partner with Head Start, day care centers, before and after school programs, and other community-based organizations to promote a shared vision and understanding of how what children need to know and be able to do at various stages of development. With this in mind, the Department's Office of Early Learning convened a Think Tank with staff from the New York State Head Start Collaboration office and local Head Start providers, with the mutual goal of creating a tool to improve coordination, communication and collaboration between school districts, Head Start, and other community-based organizations in providing early childhood education programs. The Department working in collaboration with the ESSA Think Tank has developed a comprehensive Collaboration Tip Sheet, which has been distributed to hundreds of early childhood education providers across New York State.

One of the first and most dramatic transitions for young children and their families is the transition of children into kindergarten. Whether children are coming from home, day care, a prekindergarten program, or another early childhood setting, building relationships and collaborations between families and schools is critical to facilitating a smooth transition of students to kindergarten. This is a time of great change for children, parents, and families, during which new relationships, new expectations, and new competencies are being developed. Often, this is the period in a child's life when the length of a structured school day becomes longer, and there is a shift to a more academic focus. The Department believes that full-day kindergarten should be fully funded and available to all children. Research shows that the value of children attending a full-day kindergarten program allows teachers more time to promote formal and informal learning, reduces the number of transitions in a child's day, and allows children to get used to a schedule similar to that which they will have in first grade.[25] For all children, even those who are away from home for the first time,

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[24] *Association of State and Tribal Home Visiting Initiatives. Home Visiting Provisions in Every Student Succeeds Act. December 2015*

[25] *Walston, J. T., and West, J. (2004). Full-day and half-day kindergarten in the United States: Findings from the Early Childhood Longitudinal Study, U.S. Department of Education, National Center for Education Statistics*

full-day kindergarten sets the stage for first grade and beyond by helping students make the transition to more structured learning.[26]

To help educators navigate these changes for children and families, the Department supports LEAs in having a comprehensive plan for supporting the incoming students and their families as they transition into a P-12 system. The Department's Tool to Assess the Effectiveness of Transitions from Prekindergarten to Kindergarten provides schools and their partners with a means to assess the effectiveness of their existing transitional supports and to plan for improvement. This tool provides strategies in four areas: Analysis of Early Childhood Programs Serving Students Prior to Kindergarten; Analysis of Shared Professional Development; Analysis of how Data are used to Improve Instruction; and Analysis of Parent Engagement and Family Support. As critical as the transition into kindergarten is, it is not the only transition for which LEAs should have a plan.

The Department also encourages LEAs to extend their plans to include the transition of students from kindergarten to first grade, first grade to second grade, and so forth, with particular attention paid to those periods in a child's education during which milestone shifts in environment and learning take place: when moving from elementary school to middle school and middle school to high school. Of particular importance is the transition from second to third grade, which should be a gradual, ongoing process, requiring support and collaboration between school staff, families, and communities. The process is multi-dimensional, including physical, emotional, social, and cognitive development. Children who make smooth transitions from second to third grade are better able to make the most of learning opportunities.[27]

Coordinating Transitions from Elementary School to Middle School

The Department acknowledges and respects the many adjustments that elementary students and their families make transitioning to middle school and will serve as a repository for evidence-based transition tools to assist LEAs in determining the most effective strategies for children as they move through this developmentally dynamic time.

Incoming middle school students are faced with challenges of having to more heavily rely on themselves to independently navigate and function in a much larger and more complicated logistical and academic environment with many more teachers and classrooms. Initial challenges result from leaving the elementary school environment in which, traditionally, one classroom teacher manages the education, schedule, and logistics of one group of students who navigate the school year together as one unit. Not only can a middle schooler's individual class schedule change from day to day, but also sometimes an entire school's bell schedule can vary from day to day. Families may need assistance in acquiring and utilizing successful strategies to support children navigating this new academic landscape. Adjusting to this new introduction to the secondary school environment is an academic and social-emotional challenge for students as they are provided more individual freedom and responsibility.

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[26] *National Education Association and Collaborative Communications Group. Full-Day Kindergarten: An Advocacy Guide*

[27] *Public Schools of North Carolina State Board of Education | Department of Public Instruction (date) Transition Planning for 21st Century Schools*

An appropriate transition program from elementary to middle school includes opportunities for elementary students and families to gain insight into anticipated changes in how middle school students experience school. Starting at the end of elementary school, through the summer, and well into the first middle school year, LEAs are encouraged to hold meaningful in-person information sessions, meetings, and activities, such as middle school visits designed for students and for families. For example, encouraged student activities include providing opportunities for middle school students to mentor elementary school students; middle school orientation and student shadowing days; and student panels, support groups, or clubs designed specifically for transitioning to middle school. Elementary school to middle school transition teams for incoming sixth graders should begin their planning in fourth grade. Planned activities should be implemented during fifth grade; the summer between fifth and sixth grade; and the beginning of and well into, if not entirely, through sixth grade.

Coordinating Middle School to High School Transitions

The Department serves as a resource in supporting LEA transition teams to develop appropriate transition activities designed for middle school students to learn about themselves, each other, their academic futures, and various career fields that may align with students' interests. LEAs participating in the dropout prevention initiatives presented above are encouraged to align them with the LEA's transition programs. An appropriate transition program from middle school to high school includes opportunities for middle school students and families to gain insight into anticipated changes in how students experience high school. The Department allows continued opportunities for New York State middle school students to earn high school credit, as mentioned in Section (A)(2). For example, many New York State students spend their middle school years meeting high school graduation requirement in Languages Other Than English (LOTE)/World Languages.

It is advantageous for entering high school students and their families to already have a working understanding of high school-specific topics and policies, such as requirements for each pathway to graduation in New York State; high school credits; Advanced Placement courses; and policies in areas such as attendance and homework and participation in expanded learning activities, sports, and clubs.

Starting during middle school, over each summer, and well into entering high school, LEAs are encouraged to hold meaningful in-person activities, information sessions, meetings, and events such as high school visits designed for entering students and their families. A sampling of encouraged student activities includes providing opportunities for high school students to mentor middle school students; high school orientation and student shadowing days; and student panels, support groups, or clubs designed specifically for transitioning to high school.

Entering high school is a major milestone for students, but information of mixed quality gathered from siblings, friends, and the media can bring about unrealistic expectations. It is important that incoming high school students and their families are well-informed and well-equipped with information to support students before, during, and after their transition to high school.

Coordinating Secondary Transitions

New York State is committed to preparing every student for success in college, career, and citizenship. Achieving this will require significant attention to critical transition points for students within our education system, particularly into and through our secondary system. By strengthening secondary transitions in partnership with critical partners, New York State will provide every child with equitable access to the highest quality educational opportunities, services, and supports designed to make these transitions seamless. New York State's plan illustrates an intentional effort to expand initiatives that serve students traditionally underrepresented in postsecondary education.

Successful secondary schools involve teachers, students, and families in continual planning to support students' academic and social success in middle school, high school, and beyond. Students who have a successful transition into ninth grade are more likely to achieve academically, emotionally, and socially – mitigating dropout risks and improving graduation rates. Research demonstrates that the most significant evidence-based dropout prevention strategies are family engagement, behavioral intervention, and literacy development. Additional strategies are academic support, afterschool programs, health and wellness, life skills development, mentoring, school/classroom environment, service-learning, and work-based learning.[28]

The above dropout prevention strategies align well with components of successful transition strategies across the P-12 spectrum, but more acutely during secondary and postsecondary transitions. Strategies include providing students and their families accurate and useful information, supporting students' academic and social success, and continual monitoring and strengthening of transition programs based on success criteria such as attendance, achievement, and dropout rates.[29] To improve dropout and graduation rates, the Department encourages LEAs to incorporate transition strategies into a variety of related Department-coordinated initiatives such as:

- The Liberty Partnerships Program (LPP) is an initiative that offers comprehensive pre-collegiate/dropout prevention programs and services to middle school and high school youth in New York State's urban, suburban, and rural communities through collaboration between higher education institutions, schools, and community stakeholders. Dropout prevention strategies are designed around family engagement, youth development/leadership, and support services for families. Program activities include skills assessment, tutoring, academic and personal counseling, family counseling and home visits, mentoring, and dropout prevention staff development.

- The Science and Technology Entry Program (STEP) initiative funds colleges and universities to work in collaboration with LEAs. Students in STEP are 7th to 12th graders who are either economically disadvantaged, or African American, Hispanic/Latino,

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[28] *Chappell, S. L., PhD, O'Connor, P., PhD, Withington, C., MA, & Steglin, D. A., PhD. (April 2015). A Meta-Analysis of Dropout Prevention Outcomes and Strategies (pp. 1-41, Tech.). Clemson University, SC: National Dropout Prevention Center/Network. http://dropoutprevention.org/meta-analysis-dropout-prevention-outcome-strategies/*

[29] *Williamston, R. (2010) Transition from Middle School to High School. Education Partnerships, Inc.*

Alaskan Native or American Indian. While the programs were originally designed to specifically prepare students to enter college and to improve their participation rate in mathematics, science, technology, health-related fields, and the licensed professions, the services and programming that students receive throughout the middle and high school years promote graduation from high school by navigating students through any obstacles that students may encounter. These programs have evolved into a gathering of students with similar interests and goals who are provided leadership and guidance by caring adults, leading to success in the pursuit of educational attainment.

- The Smart Scholars Early College High School Program is an initiative where Institutions of Higher Education (IHEs) partner with public school districts to create early college high schools that provide students with the opportunity and preparation to accelerate the completion of their high school studies while, concurrently, earning between 24 and 60 transferable college credits. This program is targeted at students who are traditionally underrepresented in postsecondary education. Many of these students would be at risk of not graduating from high school, let alone not pursuing postsecondary studies, were it not for the academic and social supports that students receive from this program, and the motivation that earning college credits provides. Students receive additional academic and social support from the school/college partnerships to ensure that students are at grade level and are ready to participate in rigorous high school and collegiate courses. This "dual or concurrent enrollment" initiative serves to increase high school graduation and college completion rates, while reducing student tuition costs because of the compressed time needed to complete a college degree.

- NYS Pathways in Technology (P-TECH) is a six-year program in collaboration with an IHE and industry partner designed to have students graduate with a high school and associate's degrees and an offer of employment. This initiative is designed to target those students who have often experienced feelings of marginalization due to factors such as race/ethnicity/gender; socio-economic status; lack of familial academic achievement; attendance issues; and disability status. Few students entering high school have a concrete understanding of what it takes to graduate high school, successfully complete college, and find a career. For those students, whose lives and academic goals have been negatively affected by feelings of marginalization and isolation, that concept is even more abstract. Getting through the day becomes a singular focus, with little energy left to plan for the future. These students are at risk of dropping out of high school, as they cannot see that high school graduation serves as the first rung on the ladder to their future success. The emphasis of the NYS P-TECH Program is on small learning cohorts, starting in 9th grade, focused on individualized supports, project-based learning, and professional skills that will assist students in completing the requirements for their high school diploma and the two-year college degree needed to obtain employment in targeted, high-demand, middle skills jobs. Additionally, integrating workplace learning with industry partners positions these students to be first in line for job opportunities, as these students will have already made industry connections and exhibited competency by the time that they complete their two-year degree. This integrated approach, beginning Day 1 of 9th grade, is the key to helping struggling students remain in school and invest in their futures.

- The MBK Challenge Grant Program funds LEAs to implement at least two of the six My Brother's Keeper milestones. Each of the MBK Challenge grant milestones contribute to keeping students in school and moving them to a high school diploma, entry to postsecondary education, and career:

    - Entering school ready to learn, as evidenced by universal Pre-K access
    - Reading at grade level by third grade, as evidenced by a significant narrowing of the achievement gap for disadvantaged youth, particularly boys of color
    - Graduating from high school ready for college and career, as evidenced by a closing of graduation rate achievement gaps for disadvantaged youth, particularly young men of color
    - Increasing access to postsecondary education or training, as evidenced by an increase of disadvantaged youth, particularly young men of color, completing Advanced Placement, International Baccalaureate, or college credit courses while in high school
    - Entering the workforce successfully with middle skills jobs, as evidenced by disadvantaged youth, particularly young men of color, having access to internship experiences while in high school
    - Reducing code of conduct violations and providing a second chance, as evidenced by disadvantaged youth, particularly young men of color, having a reduction in in-school and out-of-school suspensions, and behavior-related referrals.

- The Family and Community Engagement Program is an initiative focused on building respectful and trusting relationships between home, community, and school. When that trust is established, students not only fare better in school, but also they complete their education and go on to college and career success. Family and community engagement in education has become an essential strategy in building a pathway to college and career readiness. Research repeatedly correlates family engagement with student achievement.[30,31] To support students in today's competitive global society, schools must make family engagement not only a priority, but an integral part of the education process.

These Department-coordinated initiatives help to improve graduation rates and prevent students from dropping out of school by creating a positive educational experience. The Department will ensure that schools identified for CSI and/or TSI will have access to these resources to the degree that a school's Comprehensive Needs Assessment or DTSDE findings suggest is appropriate.

Coordinating High School to Postsecondary Transitions

When students transition out of elementary school, their destination is middle school. When they transition from middle school, their collective destination is high school. Transitioning out of high school is quite complex because there is a wide variety of individual destinations, including, but

[30] *Southwest Educational Development Laboratory. A New Wave of Evidence; The Impact of School, Family, and Community Connections on Student Achievement. Annual Synthesis 2002*
[31] *Castrechini, S., & London, R. A. (2012). Positive student outcomes in community schools. Washington, DC: Center for American Progress*

not limited to, entering the workforce, military, technical schools, and college. For many students, choosing a path that fits them is the first real high-stakes life decision that they make for themselves. The sooner that they choose, the more time that they have to prepare. Nevertheless, as is well known, the process of making such life decisions can be quite complicated and time-consuming.

In addition to ensuring that students progress through academic curricula, including college preparatory Advanced Placement classes, and actively explore and/or pursue specific career-related coursework and experiences in the arts, languages, and Career and Technical Education, schools should be sure to include meaningful opportunities very early on during the high school experience for students to learn about themselves and their interests, strengths, needs, resources, and aspirations. To support that preparation process, the Department will utilize the College, Career, and Civic Readiness Index as a measure of school quality and student success. This approach is intended to incentivize schools to ensure that students graduate with the most rigorous possible high school credential that will enable more students to succeed, rather than a measure that merely values completion.

Also, to ensure that students are well informed and develop reasonable expectations for postsecondary destinations, the Department encourages LEAs to provide students with many hands-on opportunities to explore options. Early exposure to the realities of postsecondary destinations, such as the workforce, military, and college (such as commuting versus living on campus), can equip students with the tools that the students need to make informed postsecondary plans.

Once the decision-making process is complete and a high school student has chosen a postsecondary path, even harder preparatory work begins. One of the most difficult parts of transitioning out of high school is procedural. Each postsecondary path has its own set of what can be quite comprehensive and time-consuming preparatory requirements. To allow students sufficient time to follow through on postsecondary plans, LEAs are encouraged to be early and proactive in their outreach to high school students and their families. It is important to have open, varied, and, if necessary, language-diverse lines of communication to convey important deadlines, and family support services to help students and their families prepare and submit documentation by their corresponding deadlines.

Even though it is important for students not to rush through such an important process, it is also important for LEAs to convey to high school students and their families, by example and explicitly through instruction, the importance of organization, strategic planning, and time management. It is never too early in the high school experience for students to develop these skills. Due to the scope of the demands on students who are transitioning out of high school, the transition team for each graduating class should start planning as early as when the class is in ninth grade for activities to be implemented as early as tenth grade. Ultimately, the goal of a successful high school-to-postsecondary transition program is for students to develop the knowledge and skills to meaningfully transition to postsecondary opportunities and to exercise civic responsibility.

A. Title I, Part C: Education of Migratory Children

1. <u>Supporting Needs of Migratory Children</u> *(ESEA section 1304(b)(1))*: Describe how, in planning, implementing, and evaluating programs and projects assisted under Title I, Part C, the State and its local operating agencies will ensure that the unique educational needs of migratory children, including preschool migratory children and migratory children who have dropped out of school, are identified and addressed through:

- **i. The full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;**
- **ii. Joint planning among local, State, and Federal educational programs serving migratory children, including language instruction educational programs under Title III, Part A;**
- **iii. The integration of services available under Title I, Part C with services provided by those other programs; and**
- **iv. Measurable program objectives and outcomes.**

New York State is committed to providing migratory children and youth with the resources and supports necessary to enable them to progress steadily toward college and career readiness. The full range of services that are available for migratory children and youth begins with the identification and recruitment of eligible migrant children, ages 3 through 21, including preschool migratory children and youth and migratory children and youth who have dropped out of school. "Identification" is the process of determining the location and presence of migrant children. "Recruitment" is defined as establishing contact with migrant families, explaining the New York State Migrant Education Program (NYS-MEP), securing the necessary information to make a determination that the child involved is eligible for the program, and certifying the child's eligibility on the national Certificate of Eligibility (COE).

Upon migratory students' identification and recruitment, New York State will assess the unique needs of migratory children and youth to determine what educational programs and support services these students need to participate effectively in school. These needs assessments occur at the statewide level, as well as at the individual level, as part of a larger continuum of processes and practices to better serve the needs of migrant children and their families.

As per requirements under ESSA Sec. 1306. *[20 U.S.C. 6396]*, the Comprehensive Needs Assessment (CNA) seeks to identify the concerns and needs of migrant students and to gather input on developing evidence-based solutions from a broad-based group of stakeholders at the statewide level through the Needs Assessment Committee (NAC). The NAC represents the geographic diversity of New York State and includes, but is not limited to, parents; guardians; school and district administrators; guidance counselors; Title III/English as a New Language (ENL) program directors and staff; teachers; program and administrative staff from community health, legal, and support service agencies; and farmers and fishers from agricultural and fishing organizations. The CNA process is also intended to be ongoing, with annual data updates and subsequent trend analysis, and serves as the foundation for the continual improvement cycle for future development and revision of the State Migrant Service Delivery Plan (SDP) in response to emerging or immediate needs.

At the same time, the regional Migrant Education Tutorial and Support Services (METS) Program Centers, in consultation with schools and parents, assess the needs of all individual migrant-eligible students by using the Student Intake Form and Academic Services Intensity Rubric (ASIR) each year, as per requirements of the approved Service Delivery Plan (SDP) and Measurable Performance Outcomes (MPOs).

In this continuum of needs assessments, the CNA yields global, wide-ranging information that informs the development of a comprehensive and inclusive menu of programs and services, while the individual assessment that is conducted once during the academic year and once during the summer through the Student Intake Form and ASIR addresses students' individual needs for specific educational programs and support services.

Upon the completion of the CNA, as outlined above, the improvement cycle continues with establishing the State Migrant Service Delivery Plan Planning Committee to translate the CNA findings into Measurable Program Outcomes and State Performance Targets (SPTs).

The SDP Committee reviews the legislative mandate, the non-regulatory guidance, and the CNA statewide trend analysis to identify subgroups of children with unique needs, including preschool migratory children and youth and migratory children and youth who have dropped out of school. The SDP Committee then designs a collaborative planning structure to solicit feedback from all stakeholders including, but not limited to, program staff at the regional METS Program Centers and Statewide Support Services Program Centers, as well as parents with the Local and State Parent Advisory Councils (PACs), in order to leverage local, State, and federal educational programs serving migratory children and youth, including language instruction educational programs under Title III, Part A, and to integrate services available under Title I, Part C with services provided by those other programs.

At the same time, the regional METS Program Centers and Statewide Support Services Program Centers provide a full range of services based on individual student needs. These services ensure that the unique needs of migratory children and youth and their families are addressed appropriately. As outlined in the SDP, and in consultation with schools and parents, these services are provided to each focus population during the summer and regular school year. The regional METS Program Centers provide direct instructional and support services and also participate in joint planning with school- and district-based services through Title I, Part A; Title III, Part A; early childhood programs; and other local, State, and federal programs to ensure the integration of services available under Title I, Part C with services provided by these and other programs. Services to the targeted subgroups include:

1. Preschool Children:
    - Instructional services in response to academic needs
    - Referrals to community or district preschool
    - Referrals to district kindergarten
    - Support services and advocacy in response to needs
2. Grades K-8 Students:

- Instructional services in response to academic needs
- Support services and advocacy in response to needs

3. Grades 9-12 Students:
   - Graduation Plan (GP)
   - Instructional services in response to academic needs
   - Support services and advocacy in response to needs
4. Out-of-School Youth and Students Who Have Dropped Out of School:
   - Personal Learning Plan (PLP)
   - Instructional Services in English as a New Language (ENL)
   - Support services and advocacy in response to needs

The NYS-MEP Measurable Program Outcomes (MPOs) are:

Goal Area: English Language Arts	
State Performance Target	*Decrease the gap between Grades 3-8 migrant students and the economically disadvantaged subgroup on the NYS Assessment in English Language Arts by 15% each year, starting in 2017.*
Overall Strategy	*Provide academic instruction to support the development of foundational skills and content knowledge based on State and local standards.*
Strategy 1.1	*Each year, beginning in fall 2016, all migrant students in Grades K-12 will have a complete, updated NYS-MEP Migrant Student Needs Assessment within 45 school days of enrollment in the METS program.*
Strategy 1.2	*Each migrant student in Grades K-8 on the Academic Services Intensity Rubric Level 3 will complete an initial NYS Migrant ELA Assessment within 45 school days of enrollment in the METS program each school year. Level 3 students will complete a post assessment, using the same instrument, following a schedule to be determined annually by the NYS-MEP.*
Strategy 1.3	*Beginning in fall 2016, all K-8 migrant students at Level 3 on the Academic Services Intensity Rubric targeted for ELA services through the NYS-MEP Migrant Student Needs Assessment will receive 30 or more hours of supplemental instruction in ELA during the regular school year, and 5 or more additional hours of ELA instruction if present during summer.*
Implementation Indicator	*1.1. Each year, beginning in fall 2016, 90% of migrant students in Grades K-12 will have a complete, updated NYS-MEP Migrant Student Needs assessment within 45 school days of enrollment in the METS program.*

Implementation Indicator	*1.2 Each year, 90% of K-8 migrant students targeted for Level 3 ELA services will receive 30 or more hours of supplemental instruction in ELA during the regular school year and additional 5 or more hours of instruction if present during summer.*
Measurable Program Outcome	***1.3 Beginning in fall 2016, 80% of Grades 3-8 migrant students receiving Level 3 supplemental academic instruction in ELA during the regular school year will gain 10 or more NCEs from the Fall to Spring administration of the NYS Migrant ELA Assessment.***

Goal Area: Mathematics	
State Performance Target	*Decrease the gap between Grades 3-8 migrant students and the economically disadvantaged subgroup on the NYS Assessment in Mathematics by 15% each year, starting in 2017.*
Overall Strategy	*Provide academic instruction to support the development of foundational skills and content knowledge based on State and local standards.*
Strategy 2.1	*Each migrant student in Grades K-8 on the Academic Services Intensity Rubric Level 3 will complete an initial NYS Migrant Mathematics Assessment within 45 school days of enrollment in the METS program each school year. Level 3 students will complete a post assessment using the same instrument following a schedule to be determined annually by the NYS-MEP.*
Strategy 2.2	*Beginning in fall 2016, all K-8 migrant students at Level 3 on the Academic Services Intensity Rubric targeted for Mathematics services through the NYS-MEP Migrant Student Needs Assessment will receive 30 or more hours of supplemental instruction in Mathematics during the regular school year, and an additional 5 or more hours of Mathematics instruction if present during summer.*
Implementation Indicator	*2.1 Each year, 90% of K-8 migrant students targeted for Level 3 Mathematics services will receive 30 or more hours of supplemental instruction in Mathematics during the regular school year, and an additional 5 or more hours of instruction if present during summer.*
Measurable Program Outcome	***2.2 Beginning in fall 2016, 80% of Grades 3-8 migrant students receiving Level 3 supplemental academic instruction in Mathematics during the regular school year will gain 10 or more NCEs from the Fall to Spring administration of the NYS Migrant Mathematics Assessment.***

Goal Area: Graduation	
State Performance Target	*Decrease the gap in the statewide 4-year cohort graduation rate between migrant students and all NYS students by 10% annually, beginning in 2017.*
Overall Strategy	*Provide academic instruction to support the development of foundational skills and content knowledge based on State and local standards.*
Strategy 3.1	*Each year, beginning in fall 2016, all Grade 9-12 migrant students at Level 3 on the Academic Services Intensity Rubric will receive 30 or more hours of supplemental academic instruction during the regular school year, and an additional 5 or more hours of instruction if present during summer.*
Strategy 3.2	*Each year, beginning in fall 2016, all migrant students in Grades 9-12 at Level 3 on the Academic Services Intensity Rubric will complete a MEP Graduation Plan Part One, within 45 school days of enrollment in the METS program.*
Strategy 3.3	*Each year, beginning in fall 2016, all migrant students in Grades 9-12 will participate in 4 or more hours of advocacy and individual support.*
Implementation Indicator	*3.1 Each year, beginning in fall 2016, 90% of Grades 9-12 migrant students at Level 3 on the Academic Services Intensity Rubric will receive 30 or more hours of supplemental academic instruction during the regular school year, and an additional 5 or more hours of instruction if present during summer.*
Implementation Indicator	*3.2 Each year, beginning in fall 2016, 90% of migrant students in Grades 9-12 at Level 3 on the Academic Services Intensity Rubric will complete or update a NYS-MEP Graduation Plan Part One within 45 school days of enrollment.*
Implementation Indicator	*3.3 Beginning in 2016, 70% of migrant students in Grades 9-12 will participate in 4 or more hours of advocacy and individual support.*
Measurable Program Outcome	***3.4 70% of migrant students who started Grade 9 while enrolled in the NYS-MEP will pass Algebra I[32] by the start of Grade 11.***

[32] *The focus on Algebra I is based on the Government Performance and Results Act (GPRA) of 1993. It was enacted by Congress to provide for the establishment of strategic planning and performance measurement in the Federal Government, in this case of the Migrant Education Program. It states: "4. The percentage of MEP students who entered 11th grade that had received full credit for Algebra I." The thinking here is that Algebra I is considered a gateway course and those students who complete it (or a higher Mathematics course) are considered more likely to graduate.*

Goal Area: Out-of-School Youth (OSY)	
State Performance Target (Statement of Intention)	*Provide and coordinate education and support services that meet the prioritized needs of out-of-school youth.*
Strategy	*Provide instruction to support the development of language proficiency, educational goals or life skills.*
Strategy 4.1	*Beginning in fall 2016, all migrant OSY will have a complete, updated NYS Migrant Student Needs Assessment within 45 working days of enrollment in the METS program.*
Strategy 4.2	*Each OSY determined to be a candidate for educational services will have a NYS-MEP Personal Learning Plan (PLP) within 45 working days of enrollment in the METS program.*
Strategy 4.3	*Beginning in fall 2016, OSY determined to be candidates for instruction in English through the NYS-MEP Migrant Student Needs Assessment will participate in 12 or more hours of English instruction within each program year.*
Implementation Indicator	*4.1 Beginning in fall 2016, 65% of migrant OSY determined to be candidates for educational services, increasing to 75% by 2018, will complete a NYS-MEP Personal Learning Plan (PLP) within 45 working days of their COE approval date.*
Implementation Indicator	*4.2 Each year, beginning in fall 2016, 70% of OSY determined to be candidates for instruction in English on the Migrant Student Needs Assessment will participate in 12 or more hours of English language instruction within each program year.*
Measurable Program Outcome	***4.3 80% of migrant OSY who participate in 12 or more hours of English instruction will demonstrate pre-post gains of 10% on the NYS Migrant Assessment of English Learning.***

Goal Area: Preschool Migratory Children	
State Performance Target	*Provide and/or coordinate education and support services that meet the prioritized needs of preschool children, ages 3-5.*

(Statement of Intention)	
Strategy	*Provide referrals and/or educational services to migratory children, ages, 3-5, to prepare them to enter Kindergarten ready to learn.*
Strategy 5.1	*Beginning in fall 2016, all migratory preschool children, ages 3-5, will have a complete, updated NY State Migrant Student Needs Assessment (SNA) to drive programs and services.*
Strategy 5.2	*Each Level 2 migratory preschool child, ages 3-5, determined to be a candidate for educational services will have an initial NY State Early Childhood Assessment (ECA) score.*
Strategy 5.3	*Beginning in fall 2016, Level 2 migratory preschool children, ages 3-5, determined to be candidates for educational services will participate in 12 or more hours of educational services within each program year.*
Implementation Indicator	*Each year, beginning in fall 2016, 70% of Level 2 migratory preschool children, ages 3-5, determined to be candidates for educational services will participate in 12 or more hours of educational services within each program year.*
Measurable Program Outcome	*70% of Level 2 migratory preschool children, ages 3-5, who participate in 12 or more hours of educational services will demonstrate pre-post gains of 10% on the NYS-MEP Early Childhood Assessment (ECA).*

2. Promote Coordination of Services (*ESEA section 1304(b)(3)*): Describe how the State will use Title I, Part C funds received under this part to promote interstate and intrastate coordination of services for migratory children, including how the State will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether such move occurs during the regular school year.

The New York State Migrant Education Program (NYS-MEP) is responsible for promoting inter- and intra-state coordination of services for migrant children, including the provision for educational continuity through the timely transfer of pertinent school records and relevant health information when students move from one school to another, regardless of whether such a move occurs during the regular school year. To comply with this requirement, New York State uses Title I, Part C funds to employ and deploy two student information systems – the MIS2000 system and the national Migrant Student Exchange System (MSIX) – to input, analyze, report, and share accurate and timely migrant student information, both within New York State and across the country.

Statewide, recruiters and migrant educators work collaboratively with other states, local educational agencies, and other migratory student service providers to identify and recruit migrant students who make inter- and intra-state moves. To ensure interstate collaboration, the NYS-MEP is committed to using the MSIX "advanced notification system" with regional partner states, including Pennsylvania and Vermont, as well as with any other states to which students relocate during the year. The MSIX advanced notification system allows users to send or receive notification via email through MSIX regarding the move of a student. For example, when a student moves from New York State to another state, the NYS-MEP sends notification through the MSIX advanced notification system, indicating that the student has moved to the receiving state. If possible, information on the destination town or county will be provided, as well. Similarly, when a student is identified in New York State who recently moved here from another state, the NYS-MEP sends a notification, indicating that the student has moved to New York State.

To promote intrastate coordination of services for eligible migrant children, the NYS-MEP employs the MIS2000 student data management system to transfer students' records within New York State through the different regional Migrant Education Tutorial and Support Services (METS) Program Centers. When a migrant-eligible student and family moves within New York State, the regional recruiter and the data specialist involved will contact the receiving METS and regional recruiter, accordingly, to provide the intra-state referral, along with any other pertinent data. Concurrently, the Statewide Identification and Recruitment/MIS2000/MSIX (ID&R) Program Center forwards every departure form showing a move within New York State to the regional recruiter responsible for the relevant catchment area. This system of information redundancy ensures that, when a student moves from one area of New York State to a different location within New York State, all relevant personnel can retrieve educational information, including services, and needs assessment information, from the New York State server through the MIS2000 student information management system to help ensure educational continuity for the student.

In collaboration with the regional METS Program Centers, the Statewide ID&R Program Center also introduces the features and functions of the MSIX systems at statewide, regional, and local meetings and conferences to school and district personnel and, if appropriate, grants access and provides training, to better serve the needs of migrant children and their families. At the same time, such information is shared and corroborated with the Office of Information and Report Services (IRS) at the Department, in order to verify relevant student data from New York State's Student Information Repository System (SIRS). Such data is collected and reported in accordance with all New York State and federal regulations to safeguard the security and privacy of student information at all levels of program implementation.

The NYS-MEP seeks to maintain ongoing interstate and intrastate coordination of services for migratory children and youth, both within New York State and with other states, local educational agencies, and other migratory student service providers in order to improve the effectiveness of programs. In addition to the timely exchange of school records, as well as information on health screenings and health problems that might interrupt the student's education, the NYS MEP uses Title I, Part C funds to support credit accrual and recovery programs internally within New York State and externally as students move between states. This includes having Migrant Educators raising awareness of and providing information to all stakeholders regarding such subjects as:

- Self-contained, semi-independent programs of study available through the National Portable Assisted Study Sequence (PASS) Program Center
- Graduation requirements and the utilization of different pathways toward graduation
- Making up incomplete or failed courses
- Designing customized programs for students who either failed courses or did not complete courses, in order to facilitate on-time graduation
- Independent study and online or blended courses
- Exemptions from certain course(s) and/or exam requirements
- The awarding of transfer credit for work done outside of the registered New York State high school awarding the credit.

The NYS-MEP also collaborates with other states by utilizing Title I, Part C funds to participate in the national Consortium Incentive Grant (CIG) Programs overseen by the Office of Migrant Education (OME) at USED. These grant programs include the Graduation and Outcomes for Success for Out-of-School Youth (GOSOSY) and the Identification and Recruitment Rapid Response Consortium (IRRC) that serve to build capacity in states with growing secondary-aged migrant out-of-school youth populations, as well as to improve the proper and timely identification of all migrant children. These initiatives, among others, help to strengthen inter- and intra-state coordination of services for migratory children and youth and their families.

3. Use of Funds *(ESEA section 1304(b)(4))*: Describe the State's priorities for the use of Title I, Part C funds, and how such priorities relate to the State's assessment of needs for services in the State.

New York State's priorities for the use of Title I, Part C funds are driven by the approved State Service Delivery Plan (SDP) which, by turn, was developed in response to the mandated Comprehensive Needs Assessment (CNA). As per requirements under ESSA Sec. 1306. *[20 U.S.C. 6396]*, and as part of the larger comprehensive State plan, the SDP addresses the special educational needs of migratory children and youth and ensures that the New York State Migrant Education Program (NYS-MEP):

- Is integrated with other programs under the Elementary and Secondary Education Act (ESEA), as amended by ESSA
- Provides migratory children and youth opportunities to meet the same challenging State academic content and academic achievement standards that all children are expected to meet
- Provides migratory children and youth opportunities to develop life skills, including self-advocacy, identity development, self-efficacy, job and career planning, and professional development
- Specifies measurable program goals and outcomes
- Is the product of joint planning for the use local, State, and federal resources, including programs under Title I Part A; language instruction educational programs under Title III, Part A; and early childhood programs

- Encompasses the full range of services that are available for migrant children from appropriate local, State, and federal educational programs
- Provides for the integration of available NYS-MEP services with other federal-, state-, or locally operated programs

To accomplish these goals, the CNA process incorporated a systematic set of procedures that was used to determine the unique educational needs of migratory children and youth, including preschool migratory children and youth and migratory children and youth who have dropped out of school. This included the development of a NYS-MEP Theory of Action (ToA) that focuses on (1) Subject Content and Instruction, (2) Advocacy to Self-Advocacy, and (3) Identity Development – the trinity of foci that forms the base of the NYS-MEP and its implementation – as evidenced by identified needs and the research literature. The CNA process set priorities and determined criteria for solutions through the use of Title I, Part C funds in terms of money, people, facilities, and other resources. This initiative led to actions taken that seek to improve programs, services, and organizational structure, and operations of the NYS-MEP. From the CNA process, the following Concern Statements were identified and the subsequent Solution Statements (i.e., the Plan) were developed in response:

Goal Area: Meeting NYS Learning Standards - Pre-K Through Grade 5

#	Solution Statement	Required or Suggested
We are concerned that migrant students lack the foundational skills and learning strategies necessary to meet New York State Learning Standards.		
1A (3)	Support local curricula and implement instructional strategies, in order to ensure that our students have foundational skills.	**Required**
1A (4)	Collaborate with school personnel as to how to best meet the instructional needs of children served and provide academic instruction in skills and strategies necessary to meet the New York State Learning Standards.	**Required**
We are concerned that not all migrant preschoolers (P3-P5) have access to community preschool programs, including access to community special needs programs.		
2A (2)	Refer migrant children and families to local early childhood programs and services, where available. Provide lists to staff and families of local programs and services.	**Suggested**
2A (3)	Provide annual training to migrant educators and families on opportunities and resources for early childhood programs and services.	**Required**
We are concerned that migrant students are unable to navigate content-area vocabulary, literacy and text, and identify and utilize Tier 2 vocabulary, as defined by the New York State Learning Standards.		
3A (1)	Provide training to migrant educators on strategies to promote and support language acquisition, literacy development, and content learning.	**Required**

3A (2)	Provide experiential "hands-on" learning opportunities.	**Required**

Goal Area: Meeting NYS Learning Standards - Grade 6 Through Graduation

#	Solution Statement	Required or Suggested
<u>We are concerned</u> that migrant adolescents lack the specific skills and strategies necessary for success on the NYS Regents exams or comparable NYS Learning Standards assessments.		
1B (1)	Staff will provide opportunities for students to engage in high-order, standards-aligned thinking and application activities.	**Required**
1B (2)	Staff will participate in professional development to learn the skills and strategies necessary to be successful on assessments, which they will share/teach and/or reinforce with their students (such as: test-taking strategies, academic vocabulary, writing process, building background/foundational knowledge).	**Required**
1B (3)	Promote migrant students' participation in the school community (such as: before/after school activities, clubs, sports, music, drama activities) and provide advocacy and assistance to help overcome barriers. *Includes 3B (4).*	**Required**
<u>We are concerned</u> that migrant adolescents lack exposure to non-traditional credit accrual, as well as to college, career and vocational opportunities.		
2B (3)	The Migrant Education Program (MEP) will create a flowchart of approved pathways toward high school graduation, and staff will be trained to support and advocate for their students using this information.	**Required**
2B (new solution)	Facilitate students' participation in activities related to post-secondary options (such as: college visits, vocational training site visits, information on apprenticeships, military options).	**Required**
<u>We are concerned</u> that migrant students face cultural, linguistic, and immigration status barriers and, therefore, experience challenging social and emotional issues.		
3B (1)	Staff will work with each student to identify a caring adult in the student's life to support his or her social and emotional development.	**Required**

Goal Area: Basic Skills, Language, Acculturation and Life Skills

#	Solution Statement	Required or Suggested
<u>We are concerned</u> that OSY's lack of English Proficiency limits their full participation in the community, especially in the areas of expanded work opportunities.		

1-C (1)	Provide access to ESL instruction (such as: in-home instruction, transportation to classes, virtual learning, field trips [optional, based on safety], independent study etc.).	**Required**
1-C (2)	Employ OSY advocates and/or educators (preferably bilingual) who inspire and motivate youth, remove barriers, and form relationships that teach self-advocacy skills.	**Required**
We are concerned that OSY are at high risk of being exploited.		
2-C (2)	Provide instruction via mini-lessons or ongoing instruction that includes issues of workers' rights, health, human rights, sexual exploitation, housing regulations, immigration laws, history of agricultural labor, self-advocacy, leadership skills, identity development, resilience, etc.	**Required**
2-C (3)	Develop collaborations and relationships with organizations that specialize in workers' rights and/or provide essential services and resources to farmworkers. Create and implement protocols for documenting concerns and making referrals.	**Required**
We are concerned that OSY students face barriers that isolate them, limit their community participation, and prevent them from accessing needed services and resources.		
3-C (1)	Provide comprehensive professional development to METS staff such as: • Networking with Community Resources (Health, Legal, Emergency Assistance, etc.) and how to access needed services • Migrant lifestyle, immigration policy, workers' rights, history of agricultural labor, discrimination, human trafficking and sexual exploitation, human rights, cultural competencies, etc. • Case management skills, prioritizing needs, confidentiality, professionalism, maintaining healthy boundaries, etc. • Training on current topics/issues affecting farmworkers (bed bugs, Dream Act, DACA, Comprehensive Immigration Reform, Affordable Care Act, Farmworker Fair Labor Practices Act, etc.)	**Required**
3-C (2)	Assign a bilingual advocate to each OSY to provide ongoing support and outreach.	**Suggested**
3-C (4)	Provide opportunities for OSY to share their experiences and engage in discussions of current events, issues affecting the migrant community, and other areas of interest.	**Suggested**

Migrant Education Program Evaluation

NYSED's commitment to and strategy for comprehensive evaluation of the New York State Migrant Education Program (NYS-MEP) are outlined in the State Service Delivery Plan (SDP). NYSED will evaluate the SDP in a manner congruent with the law, regulation and guidance that pertain to the Title I, Part C – Education of Migratory Children program using program

monitoring, MEP-specific assessments, structured and supported statewide migrant data collection, and third-party evaluation of joint planning and integration with statutorily specified programs, program implementation, state performance targets, and Measurable Performance Outcomes (MPOs). The MEP program evaluation is designed to drive program improvement and determine the extent to which:

- The NYS-MEP jointly plans and coordinates with Title III, Part A, McKinney-Vento Homeless Assistance Act, and other federal, state and local programs as specified by the Every Student Succeeds Act (ESSA) of 2015;
- The NYS-MEP is meeting and/or making progress towards the State Performance Targets for migrant students established to meet the goals of the Title I, Part C migrant education program;
- The specific implementation efforts outlined in the SDP are implemented; and
- SDP implementation efforts are associated with progress on the MPOs.

Evaluation Plan:
The NYS-MEP and the evaluation process are designed to support the new data and implementation measures as specified in the SDP. These include the NYS-MEP Migrant Student Needs Assessment (SNA); NYS-MEP Academic Services Intensity Rubric (ASIR); NYS-MEP Student Graduation Plan (GP); NYS-MEP Personal Learning Plan (PLP); NYS-MEP English Language Arts (ELA) and Mathematics Assessments; and the NYS-MEP Basic Oral Language Screening Tool (BOLST). Among these, the NYS-MEP Academic Services Intensity Rubric (ASIR) and the NYS-MEP Student Needs Assessment (SNA) are most central to understanding changes in the approach and strategies to serving migratory children and youth. The ASIR and SNA were adopted to increase uniform statewide determination of the level and type of academic services each migrant student will receive, including assurances for serving Priority for Services (PFS) students. The service levels and types established in the ASIR inform the implementation indicators and MPOs outlined in the SDP and will be reviewed annually. Each new measure, together with other data relevant to the evaluation, will be included in an annual, comprehensive data collection plan that identifies the specific data to be collected, by whom, for whom, by when, and where it is to be recorded. Evaluation of the NYS-MEP will be conducted annually beginning in the 2017-2018 program year. The evaluation will examine and report on progress toward each state performance targets, implementation indicators, and MPOs, both statewide and by the Migrant Education Tutorial and Support Services (METS) program centers. Statewide migrant student performance on state performance targets will be disaggregated by PFS, non-PFS, and by the level of services targeted and received. Data will be drawn from the Migrant Student Information Exchange (MSIX), the statewide migrant student data and information system (MIS2000), the NYSED Student Information Repository System (SIRS), MEP assessments and implementation documents (outlined above), and METS and parent surveys as needed. To aid in improving program performance, the evaluation will provide statewide and regional estimates of the relationship between program implementation and student outcomes, including measures of statistical confidence in those estimates.

Data regarding the extent to which regional programs are jointly planning and coordinating with other programs and implementing the SDP as specified will be gathered through the NYS-MEP

monitoring process and supplemented where needed by the external evaluators. Using a rubric and monitoring guide that are aligned to the specific components of the SDP; the regional METS Annual Work Plans (WP) and Annual Performance Reviews (APR); and Title I, Part C regulations and guidance; the NYS-MEP conducts monitoring annually. Additionally, regional and statewide interim results will be provided to and reviewed with each regional METS program center in February and August of each year, beginning in 2017, for the purpose of promoting ongoing internal data review and related decision-making.

Evaluation results will be used to drive program improvement, inform regional and state-level staff members of progress and performance, inform migrant parents of the status of NYS-MEP efforts, communicate with NYSED staff about the NYS-MEP, and comply with the reporting requirements of the Office of Migrant Education (OME) at USDE. The ongoing data collection plan, semi-annual progress reporting, and external evaluation will each be used to inform implementation changes and program improvements. Program monitoring will be used to assure compliance with federal regulations and the approved SDP plan, as well as to provide input into program improvement. The annual external evaluation reports will be used to communicate with parents, migrant program staff, NYSED, and OME about the status of the NYS-MEP state performance targets, MPOs, and program implementation.

NYS-MEP evaluation activities will occur as follows:

Evaluation Component	Timeframe	Conducted By
Revised Data Collection Framework	Fall 2016; revised annually	NYS-MEP staff and contractors with external evaluator input
SDP Implementation	Fall 2016 and ongoing	METS and NYS-MEP contractors
Interim results	February 2018, and each subsequent August and February	NYS-MEP with external evaluator support
Program Monitoring	Spring 2018 and annually thereafter	NYS-MEP
External Evaluation	Initial results: Fall 2018, Full Report Fall 2019	External evaluator

C. Title I, Part D: Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk

1. Transitions Between Correctional Facilities and Local Programs *(ESEA section 1414(a)(1)(B))*: Provide a plan for assisting in the transition of children and youth between correctional facilities and locally operated programs.

Youth in the juvenile justice system face many barriers to completing education while these youth are held in facilities (and once the youth are released). For example, according to data from the National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth, 14% of students served under Subpart 1 in New York State had IEPs and 41% of students served under Subpart 2 had IEPs.[33] However, significant delays in the transfer of youth's educational records between schools and facilities, including Individualized Educational Plans, often result in delays in the provision of appropriate academic and/or non-academic services. In addition, many facilities do not consistently utilize curricula aligned with New York State standards, which can result in credits not transferring or being accepted by the home school district. As a result, national data shows that the majority of youth – 66 percent – do not return to school after release from secure custody.[34]

In addition to the barriers faced by many students served in neglected and/or delinquent facilities, recently enacted "Raise the Age" legislation will affect service delivery models. Under the new legislation, 16 and 17-year-old students previously served in County Jails will instead be served at other facilities, such as secure/non-secure detention facilities and other voluntary placement agencies. There are major concerns about the system's capacity to support students, as there are currently only 8 secure detention facilities across New York State, as opposed to more than 60 County Jails. Beyond simply the number of facilities, detention facilities do not receive State Aid for core educational services in the same manner as do jails. The Office of Children and Family Services (OCFS) and the placing county share the cost of care, maintenance, and supervision through a 49/51 percent split of the cost for care for such youth. Removing 16 and 17-year-old students will reduce the total amount of funding available to operate the educational program for 18-21-year-old students served in County Jails by approximately 30%. The new funding levels and capacity limitations will make it difficult for County Jails, secure/non-secure Detention Facilities, and other voluntary placement agencies to adequately address the educational, social, and emotional and needs of students, especially students with disabilities and ELL/MLL students.

To ensure that students served in Neglected and Delinquent facilities graduate from high school and meet college-and career-readiness standards, the Department will work closely with the New York State Office of Children and Family Services (OCFS), the New York State Department of Corrections and Community Supervision (DOCCS), Local Educational Agencies (LEAs), and other agencies, as appropriate, to identify criteria that can be included in a formal transition plan that the Department will direct all Neglected and Delinquent facilities across New York State to implement in order to transition youth seamlessly between schools, facilities, and agencies. Anticipated actions include:

- Developing an advisory group consisting of, but not limited to, appropriate Department staff from Title I, Part D; ACCES-VR (Vocational Rehabilitation); Career and Technical Education; OCFS and DOCCS staff; representatives from other State agencies such as the Division of Criminal Justice Services-Juvenile Justice who work with Neglected and Delinquent students; community service partners; LEAs; and other organizations to explore criteria to be included in the Statewide Transition Plan
- Designing a Statewide Transition Plan (STP), based on research, best/promising practices, and input from the advisory group
- Providing training resources/guidance to Neglected and Delinquent facilities regarding the implementation of STP via webinars and online resources
- Disseminating and implementing the STP in each Neglected/Delinquent facility in New York State. Department staff will provide technical assistance to facilities and LEAs. The Department will direct facilities to complete transition plans for all youth.

The Department will collaborate with DOCCS and OCFS and other Neglected and Delinquent educational programs/agencies to ensure that students in neglected and delinquent facilities are provided a well-rounded educational program that is comparable to students in traditional public schools. Specifically, the Department will ensure that students receive the appropriate number of hours of daily instruction by certified teachers in mathematics, science (including labs), social studies, English Language Arts, physical education, technology, art/music, health, foreign language, career and technical education, and high school equivalency (if applicable). The Department will also work with partnering agencies to ensure that special education services, including related services such as speech therapy, counseling, physical therapy, and occupational therapy, and appropriate services for English Language Learners/Multi-Language Learners are provided to all identified students. In addition, the Department will seek to ensure that every student has access to library services and technology-based learning opportunities in support of credit recovery and college/career exploration activities.

To support this work, the Department will direct each LEA in New York State to identify a dedicated liaison to support all students upon entry into a facility, while they are in the facility, and as the student returns to their district from a Neglected and Delinquent facility and ensure that they receive all appropriate educational () and "wrap-around" supports, services, and opportunities to promote social-emotional growth.

In addition, NYSED will study the effect on State and local funding for core instruction at county jails and detention centers of the recently enacted "Raise the Age" legislation. The Department will generate field guidance to districts and facilities in order to address programmatic and fiscal changes that result from the new legislation.

2. <u>Program Objectives and Outcomes</u> *(ESEA section 1414(a)(2)(A))*: Describe the program objectives and outcomes established by the State that will be used to assess the effectiveness of the Title I, Part D program in improving the academic, career, and technical skills of

[33] National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth.
[34] *Federal Interagency Reentry Council, "*Reentry Myth Buster: On Youth Access to Education upon Reentry *(New York, 2012).*

children in the program.

To ensure that students served in Neglected and Delinquent facilities graduate from high school, develop career and technical skills, and meet college- and career- readiness standards, the Department has established the following process-based and outcome-based objectives:

Process-Based Objectives:

- The Department will convene a Neglected and Delinquent Advisory Group composed of appropriate statewide stakeholders to develop a Statewide Transition Plan within one year
- The Department will design, disseminate, and provide training on a Statewide Transition Plan with input from the Neglected and Delinquent Advisory Group within two years
- Neglected and Delinquent Facilities will implement the Statewide Transition Plan
    - 30% of facilities will implement within three years
    - 60% of facilities will implement within four years
    - 100% of facilities will implement within five years

Outcome-Based Objectives:

- Academic Achievement: Increase the percent of eligible students achieving grade level performance on assessments in ELA, Mathematics, Social Studies and Science by 10% by the end of school year 2021-2022.
- Career and Technical Education (CTE): Increase the percent of eligible students who receive CTE credits in each eligible program by 5% the end of school year 2021-2022.
- Graduation Rate: Increase the percent of eligible students who graduate from high school with a diploma by 10% by the end of school year 2021-2022.

D. Title II, Part A: Supporting Effective Instruction

B. <u>Use of Funds</u> *(ESEA section 2101(d)(2)(A) and (D))*: Describe how the State educational agency will use Title II, Part A funds received under Title II, Part A for State-level activities described in section 2101(c), including how the activities are expected to improve student achievement.

Over the past seven years, the Department has focused its initiatives on a single goal: ensuring that all students across New York State, regardless of their physical location, acquire the knowledge, skills, and abilities that they need to realize personal success in college, career, and life. Central to this goal is the belief that we must increase student achievement for all students in New York State while at the same time close gaps in student achievement between our lowest- and highest-performing students. Taken together, these initiatives have been designed to create a comprehensive, systemic approach to advance excellence in teaching and learning and to promote equity in educational opportunity throughout New York State. This system consists of:

- Well-designed learning standards and aligned curricula that are measured by meaningful assessments
- Core instruction (standards, curricula, and assessments) delivered by well-prepared, highly effective, racially/ethnically/linguistically diverse and culturally competent teachers, principals, and other school leaders who have received high quality, differentiated professional development that is informed by evidence of educator practice and data on the longitudinal academic growth of students
- The analysis and use of these data to inform improvements in instruction to propel and accelerate the yearly academic progress of students

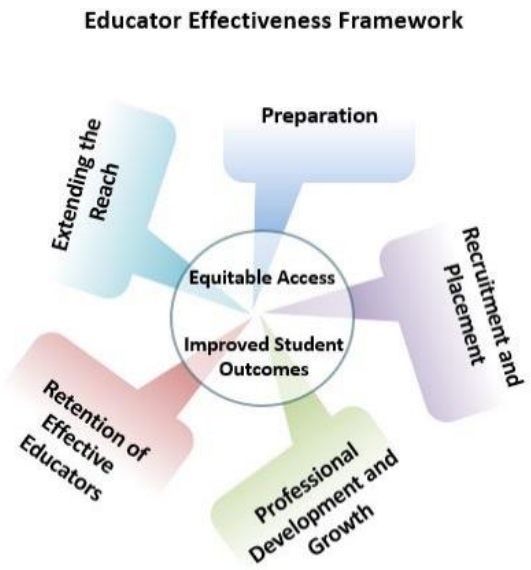
The Department has consistently affirmed its commitment to this goal over the past seven years, including through recent projects such as our 2015 Plan to Ensure Equitable Access to Effective Educators ("State's Equity Plan"), the Strengthening Teacher and Leader Effectiveness (STLE) Grant, the Teacher Incentive Fund ("TIF") 3 Grant, the Teacher Opportunity Corps, and the New York State My Brother's Keeper Initiative ("My Brother's Keeper") - all of which are focused on the management of human capital in ways that help close and, over time, eliminate equity gaps so that all young people have the chance to reach their full potential. More recently, with assistance from the Wallace Foundation, the Department launched the Principal Preparation Project to enhance the preparation of future school building leaders and support for the development of current school principals.

Although data collected by the Department suggest that these initiatives are having a positive effect on student outcomes (e.g., rising graduation rates, increases in student proficiency on State assessments), there are still persistent gaps in achievement for our most vulnerable students (e.g., ELLs/MLLs, students with disabilities, students in poverty). The Department believes, and research consistently demonstrates, that, among school-based factors, teaching matters most to improving student outcomes, and leadership is second only to classroom instruction as an influence on student learning.[35] As such, the Department proposes to use its Title IIA funding to promote initiatives that similarly focus educational improvement efforts in New York State on the cornerstone belief that students thrive in the presence of great teachers and great school leaders. To make possible the opportunity for every student to have access to a great teacher and school leader, we cannot ignore the key factors that influence educators' decisions on whether to enter and stay in the field. Recent research from the Learning Policy Institute[36] continues to confirm that there are five major factors that influence an educator's decision to enter and stay in the field: 1) salaries and other compensation; 2) preparation and costs to entry; 3) hiring and personnel management; 4) induction and support for new teachers; and 5) working conditions, including

[35] See, e.g., Leithwood, K., Seashore-Louse, K., Anderson, S., and Walhstrom, K., "How Leadership Influences Student Learning: Review of the Research", New York City, NY: Wallace Foundation and "Teachers Matter: Understanding Teachers' Impact on Student Achievement". Santa Monica, CA: RAND Corporation, 2012.
[36] Sutcher, L., Darling-Hammond, L., and Carver-Thomas, D. (2016). A Coming Crisis in Teaching? Teacher Supply, Demand, and Shortages in the U.S. Palo Alto, CA: Learning Policy Institute.
Podolsky, Anne, Kini, T., Bishop, J. and Linda Darling-Hammond (2016). Solving the Teacher Shortage: How to Attract and Retain Excellent Educators. Palo Alto, CA: Learning Policy Institute.

school leadership, professional collaboration and shared decision-making, accountability systems, and resources for teaching and learning.

As such, the Department believes that the best way to ensure equitable access to great teachers and school leaders is to assist LEAs and IHEs in developing comprehensive systems of educator support and development that are focused on the following key components: 1) preparation; 2) recruitment and hiring; 3) professional development and growth; 4) retention of effective educators; and 5) extending the reach of the most effective educators to the most high-need students, which we call the Educator Effectiveness Framework ("Framework;" see diagram below).



By helping LEAs and IHEs to create comprehensive systems that meet the needs of all their students and that support educators along the entire continuum of their careers, we are actively working to:

1) Attract more diverse, culturally competent, and highly effective teachers, principals, and other school leaders to the profession;
2) Provide options, opportunities, and pathways for those aspiring teachers, principals, and other school leaders to acquire the knowledge, skills, and abilities – both through coursework and rich clinical experiences - that educators need to better meet the needs of all students;

3) Provide early career and ongoing support to ensure that those better-prepared teachers, principals, and other school leaders can enter the profession, have the support that they need to stay in the profession, and improve their practice over time; and
4) Create opportunities for teachers, principals, and other school leaders who are recognized by their peers and administrators as highly effective practitioners to take on differentiated roles and responsibilities that extend the reach of these educators and allow them to share their expertise with their colleagues.

In doing so, we will better be able to ensure that all students in New York State have a great teacher and a great school leader, which will help us to achieve our shared goal of ensuring that each student is prepared for success in college, career, and citizenship.

To assist LEAs in the development of comprehensive systems aligned to the Framework, we propose to engage in a facilitated root cause analysis with LEAs that is centered on our equity analytics. In each school year, the Department will produce a State-level equity report and district-level equity reports that examine the rates at which different subgroups of students (Statewide and within-district) are assigned to out-of-field, inexperienced, and ineffective educators. In addition to traditional measures of educator equity, such as teacher qualifications and effectiveness data, the Department will include analytics that research shows are important considerations for equity, such as teacher and principal turnover/retention, absences, tenure status, and demographics.

These reports will serve as a starting point to help LEAs determine where there may be gaps in equitable access to effective, qualified, and experienced educators between different subgroups of students, as well as where there may be gaps in access to culturally and linguistically diverse educators. As a next step, the Department will create tools and other resources to assist LEAs in conducting needs/gap and root cause analyses focused on the elements of the Framework to determine which aspects of the LEAs' talent management systems are most in need of improvement (see sample metrics in the table below). Much of this information is already collected by the Department from LEAs across the State. In these instances, the goal of the Department is to provide districts with both their own data as well as Statewide information and information about similar districts to determine areas of focus. For indicators that are not yet collected, or that are collected only locally, the Department will work with stakeholders to determine the best ways to collect and report this information so that it can be used to drive decision making.

Framework Component	**Sample Metrics**
Preparation: collaboration or formal partnership between LEAs and Institutions of Higher Education (IHEs) or other eligible partners.	• Rigor of selection criteria • Prep program coursework • Academic success of prep program candidates • On-the-job effectiveness • Extended clinically rich placements • Percentage of graduates from historically underrepresented and economically disadvantaged populations
Recruitment and Placement: activities to attract the most effective educators to LEAs and the schools that need them.	• Compensation structure, including recruitment and transfer awards • Application per vacancy ratio, particularly

	for hard-to-staff areas • Strategic staffing, including diversity, cultural competency, and evaluation results • Strength of induction and onboarding programs
Professional Development and Growth: differentiated ongoing support for educator effectiveness, based on evidence of educator practice and student learning, including individualized support for new and early career educators to advance their professional practice and improve their ability to produce positive student outcomes.	• Professional development and mentoring structures, systems, and offerings • Use of a needs assessment to determine professional learning • Access to and time available for professional development • Effect on instructional outcomes • Effect on student outcomes • Link to evaluation results
Retention of Effective Educators: a systematic, coordinated approach to providing new and sustained leadership opportunities, with additional compensation, recognition, and job-embedded professional development for teachers and administrators to advance excellent teaching and learning, as well as advance the use of evaluation data in development, compensation, and employment decisions.	• Retention rates of the most effective teachers and principals vs. those of the least effective • Gaps in turnover rates between highest- and lowest-need schools • Building-level analysis of retention patterns • Leadership opportunities for the most effective educators • Tenured granted/denied based on effectiveness rating • Results/Analysis of exit surveys, where administered • Other existing PBCS efforts to retain the most effective educators • Link to evaluation results
Extending the Reach: leveraging the most effective educators in a multitude of ways for the maximum effect on improved student outcomes and equitable access.	• Assignment of students to the most effective educators • Number of students affected by the most effective educators (district-wide and disaggregated by subgroup) • Effect on instructional and student outcomes • Gap in access to most effective educators between highest-need and lowest-need students/buildings • Number of teacher leaders/principal leaders in district and current roles/responsibilities

The Department will work with higher education teacher and school leader preparation programs to provide appropriate and ongoing support to LEAs in curriculum development and in the expansion of instruction and professional development. For those LEAs that want to take a deeper look at their equity data and develop strategies centered on the various components of the

Framework to address gaps in equitable access, the Department will host a series of labs or convenings at which LEA teams can come together with the assistance of Department staff and other technical assistance providers to better understand data and how they can be used to drive the development of comprehensive systems of educator development and support that are grounded in evidence-based strategies. Possible areas for consideration during the equity labs include strengthening existing mentoring/induction programs, expanding recruitment activities to attract a wider pool of diverse candidates, providing specific professional development in targeted areas of need, working with principals to determine strategic staff assignments/teacher teams and creating collaborative environments for professional learning and engagement in decision-making, or implementing and refining leadership continuum pathways that leverage the expertise of teacher and principal leaders. Additionally, these equity labs will allow LEAs to better understand the data points that the Department uses and how we conduct our analyses so that LEAs are better equipped to conduct building-level analyses that mirror those done by the Department at the State and LEA level.

Helping LEAs to identify gaps in equitable access; determine the root causes of those gaps; conduct needs/gap analyses; and select appropriate, evidence-based strategies focused on different components of the Framework to address those areas of need, is an important foundation for meeting our goal of ensuring that all students have access to great teachers and leaders. However, it is equally important that we help LEAs to identify new and existing resources to implement these strategies. To that end, the Department proposes to work with LEAs to identify existing funding sources and initiatives that are already in place that can help strengthen these systems. As the first step in this work, Department staff will begin collecting information on the specific ways that LEAs are using their Title II, Part A allocations and review Professional Development Plans and Continuing Teacher and Leader Education (CTLE) plans to ensure alignment and to determine whether those activities are designed to close equity gaps. In this way, the equity work will have a natural funding stream to help LEAs tackle their specific areas of need.

By undertaking this initiative, the Department believes that it can help school districts, BOCES, and institutions of higher education improve the quality and effectiveness of teachers, principals, and other school leaders, thus increasing the numbers of those educators who are effective in improving student academic achievement and ensuring that all students have equitable access to effective educators. This work is especially crucial in schools identified for CSI or TSI status, as explained in Section (A)(4).

While the Department will begin to work more closely with LEAs to address gaps in equitable access to effective, qualified, culturally-responsive, and experienced educators, it will also undertake a number of other State-level initiatives focused on the different components of the Framework, with the goal of ensuring that our own policies and initiatives advance our goal of ensuring that educators have access to comprehensive systems of professional learning, support, and advancement along the entire continuum of their careers.

Preparation, Recruitment, and Placement

As previously noted, the quality of the preparation that aspiring teachers, principals, and other school leaders receive is a key factor in determining whether those educators enter and,

particularly, remain in the profession; we also know that there is an important relationship between educator preparation and qualification and positive effects on student outcomes.[37]

We also know that the quality of the preparatory experience of aspiring teachers, principals, and other school leaders in New York State varies significantly. Accordingly, building on the recommendations of the TeachNY Advisory Council and the Principal Preparation Project, the Department has constituted a Clinical Practice Work Group to explore whether it is necessary to enhance the existing regulatory requirements, in order to help ensure that teachers, principals, and other school leaders are prepared on day one to work effectively to improve student outcomes and to present the workgroup's recommendations to the Department and Board of Regents. These enhancements may include:

- Increasing and strengthening field experiences and student teaching and encouraging preparation programs to align field experiences with evidence-based practices
- Requiring Institutions of Higher Education and other preparation program providers to align program completion with a candidate's demonstration of positive effects on student outcomes, including multiple measures, where practicable (e.g., portfolios, evidence from observations, student growth/achievement)
- Requiring all education programs to sign a partnership agreement with one or more school districts that identifies the responsibilities of each partnering institution, the mentor teacher, the faculty members, and the teacher candidate

Specific to the preparation of school building leaders and consistent with the recommendations of the Principal Preparation Project, Department staff will explore the following approaches to ensure better professional learning and support for aspiring leaders[38]:

- Organize certification around the 2015 Professional Standards for Educational Leaders (PSEL)
- Strengthen university-based School Building Leader (SBL) programs by closely linking the 2015 PSEL with extended school-based internships

[37] See, e.g., Ingersoll, R., Merrill, L., and May, H. (2014). "What are the effects of teacher education and preparation on beginning teacher attrition?" Research Report (#RR-82). Philadelphia: Consortium for Policy Research in Education, University of Pennsylvania.
Guha, R., Hyler, M.E., and Darling-Hammond, L. (2016). "The Teacher Residency: An Innovative Model for Preparing Teachers." Palo Alto, CA: Learning Policy Institute.
Manna, Paul (2015). "Developing Excellent School Principals to Advance Teaching and Learning: Considerations for State Policy." The Wallace Foundation. Retrieved from: http://www.wallacefoundation.org/knowledge-center/Pages/Developing-Excellent-School-Principals.aspx

[38] For a full list of the recommendations of the Principal Preparation Project, please see the Department's landing page for this initiative. Where necessary, the Department will utilize a portion of the newly available set-aside under Title II, Part A for activities that support principals and other school leaders in this work.

- Create pathways, options, and/or opportunities that lead to full-time, year-long, school-based internships for aspiring principals
- Adapt preparation to account for a variety of settings
- Add a competency-based expectation to initial certification. This calls upon aspiring school building leaders to take what they learn in a university-based SBL program and apply this learning successfully in an authentic school-based setting to improve staff functioning, student learning, or school performance. Before a university attests that an aspiring school building leader who has completed its SBL program is "certification ready," the superintendent or mentor who is sponsoring the aspiring leader's internship must also attest that the candidate demonstrated readiness for certification by successfully completing a set of projects that demonstrate competency with respect to the State-adopted certification standards.

Taken together, the potential revisions to the educator preparation and certification frameworks in New York State, as described above, are premised on the belief that better preparation of teachers, principals, and other school leaders starts with a strong alignment between what is needed to be successful, what is taught in educator preparation programs, and what standards we expect for someone to be certified. Without clear agreement among participants (teachers, principals, deans, etc.) about this foundation, the ability to create strong coherence between what happens in preparation and certification and what happens on day one as a teacher and school leader will not be a part our system; rather, we will continue to have only pockets of excellence – where this alignment and coherence exist – and the ability to ensure that New York State has a better prepared workforce may be negatively affected.

Recognizing the importance of creating sustainable clinical residency models for teacher and school leader preparation, the Department will explore devoting a portion of its Title IIA funding to expand preparation programs that provide greater opportunities for candidates (both teachers and school leaders) to apply the knowledge and skills acquired in authentic settings. This funding may advance residency programs or other innovative preparation models that provide aspiring teachers, principals, and other school leaders with greater opportunities for practical experience throughout their preparation programs.

In addition to exploring opportunities to strengthen the clinical practice that teacher and school leader candidates receive prior to completing their preparation programs, the Department will also seek to engage a cross-section of P-20 stakeholders to explore the existing regulatory requirements for preparation program coursework for New York State-approved programs. Although the current preparation program coursework requirements for New York State-approved programs very clearly describe what the Department expects from preparation programs, information collected by the Department shows that all programs are not preparing candidates in a consistent manner. Additionally, in certain areas, such as multicultural education, existing coursework requirements may not be ensuring that aspiring teachers and leaders acquire the knowledge and skills needed to meet the needs of all students. To that end, the Department will work with stakeholders to create guidance and clear expectations for all preparation programs across the State. These could

include, but may not be limited to, programs to prepare school building leaders. These programs may also include the preparation and certification of principal supervisors.

Further, recognizing that for preparation programs to ensure that they are addressing the needs of the schools that employ the programs' graduates, the Department staff intend to work with IHEs and other providers to create tools and other resources that will facilitate feedback loops between preparation programs and the LEAs that employ program graduates. This can include, for example, surveying recent graduates about their experiences not only in classroom learning, but also in terms of field and student placement experiences. Additionally, the Department will explore the feasibility of enhancing data collection related to New York State public school students who go on to attend a SUNY or CUNY school to determine whether there are particular content areas or concepts in which students need additional support. These additional data will help to inform the professional learning and support that is provided to both aspiring and current teachers.

Just as important as ensuring that aspiring teachers, principals, and other school leaders are truly prepared to enter the profession is ensuring that promising, diverse candidates are identified and recruited into the profession. Consistent with the recommendations of the TeachNY Advisory Council, the Department will also encourage the creation of P-20 partnerships that allow school districts and BOCES to work with institutions of higher education and other preparation program providers on efforts to recruit and prepare educators to meet LEAs' needs. This is particularly important for New York State, as research shows that the vast majority of teacher preparation candidates become teachers in the same region in which their teacher preparation programs are located. Thus, the Department believes that creating these partnerships will be particularly beneficial for LEAs in New York State.

In addition to focusing recruitment efforts on candidates who are academically promising, the Department also believes that it is important to ensure that the pipeline of future educators includes culturally competent and ethnically and linguistically diverse candidates such that the demographics of the educator workforce can better mirror the demographics of New York State's student population. Research consistently confirms that students benefit significantly when they have access to educators who can work effectively and inclusively across cultural lines[39] as well as with whom students can identify.[40] To that end, the Department will work with SUNY and other higher education partners to explore how best to leverage the recommendations of the TeachNY Advisory Council, which include:

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[39] "Closing the Gap: Creating Equity in the Classroom". Hanover Research Equity in Education Research Brief. 2017.

[40] Dee, Thomas S. "Teachers, Race, and Student Achievement in a Randomized Experiment". The Review of Economics and Statistics, February 2004, Vol. 86, No. 1, Pages: 195-210.
Gershenson, S., Holt, S., and Papageorge, N. "Who Believes in Me? The Effect of Student-Teacher Demographic Match on Teacher Expectations." Economics of Education Review, Volume 52 (June 2016). Pages 209-224.
Dee, Thomas and Emily Penner. "The Causal Effects of Cultural Relevance: Evidence from an Ethnic Studies Curriculum." NBER Working Paper No. 21865.
Ehrenberg, Ronald, Goldhaber, D., and Brewer, D. "Do Teachers' Race, Gender and Ethnicity Matter?" ILR Review, April 1995. Vol. 48, No. 3. Pages: 547-561.
Mittleman, Joel. "What's in a Match? Disentangling the Significance of Teacher Race/Ethnicity" (June 15, 2016).

1) Developing recruitment plans with strategies that are designed to increase the diversity of students entering educator preparation programs
2) Ensuring that the financial needs of students with lower socioeconomic status are being met
3) Creating pilot programs that recruit and select applicants who are committed to and appreciate the needs of urban and rural school communities
4) Creating formative assessments of cultural competence and other qualities and supporting the admission and retention of excellent teacher and school leader candidates

Professional Development and Growth

For teachers, principals, and other school leaders to have the greatest effect on students and to remain in the profession, these educators need to have support and opportunities for professional growth throughout the educators' careers. Research suggests that this support is particularly important during the early part of an educator's career[41] and can improve the recruitment, retention, and growth of educators.

Recognizing the importance of support for educators who are entering the profession, New York State requires that all teachers and principals who have an initial certificate and who are working toward a professional certificate complete a mentoring experience[42] in their first year of teaching or school building leadership service in a public school district.[43]

Each school district and BOCES, in its Professional Development Plan, must include a description of its mentoring program, including:

- The procedure for selecting mentors, which shall be published and made available to staff of the school district or BOCES and upon request to members of the public
- The role of mentors, which shall include, but not be limited to, providing guidance and support to the new educators
- The preparation of mentors, which may include, but shall not be limited to, the study of the theory of adult learning, the theory of educator development, the elements of a mentoring relationship, peer coaching techniques, and time management methodology
- Types of mentoring activities, which may include, but shall not be limited to, modeling instruction for the new educator, observing instruction, instructional planning, peer coaching, team coaching, and orienting the new educator to the school culture
- Time allotted for mentoring, which may include, but shall not be limited to: scheduling common planning sessions; releasing the mentor and the new educator from a portion of their instructional and/or non-instructional duties; and providing time for mentoring during

[41] Johnson, Susan Moore and Susan M. Kardos. "Keeping New Teachers in Mind". Educational Leadership, vol. 59, no. 6, 2002, pp 12-16.
"Leap Year: Assessing and Supporting Effective First-Year Teachers". TNTP Report. 2013.
[42] Pursuant to section 100.2(dd) of the Commissioner's Regulations, the mentoring program is to be developed and implemented locally, consistent with any collective bargaining obligation required by article 14 of the Civil Service Law.
[43] This requirement can be waived for certificate holders who have at least two years of teaching or educational leadership service, respectively, prior to receiving the initial certificate.

superintendent conference days, before and after the school day, and during summer orientation sessions

The purpose of the mentoring requirement is to provide beginning educators in teaching or school leadership with support to deepen their knowledge and skills and more easily make the transition to a first professional experience under an initial certificate. Research included in the TeachNY Advisory Council Report has shown that educators who engage in collaborative activities that encourage high-level collegiality, such as mentoring, are more likely to report greater career satisfaction and stay in the educators' current roles. In addition to the benefit to new and early career educators, mentoring activities also enable veteran educators to experience a renewed dedication to their profession. However, the quality of this experience currently varies significantly across districts in New York State.

As such, Department staff will explore revisions to the current first-year mentoring requirement to require mentoring that spans the first 180 school days of employment in an LEA. To ensure that this experience is as effective as possible, the Department will seek additional Mentor Teacher Internship Program funding and other resources to assist LEAs and IHEs in developing mentoring programs that provide educators with appropriate differentiated supports. Consistent with the recommendations of the Principal Preparation Project, there should be a natural continuation between the clinical experience/internship that aspiring school leaders receive and the ongoing, high-quality coaching and mentoring that these new school leaders receive through the first year of their career. The same should also be true for teachers.

Providing new teachers and school leaders with comprehensive systems of support that include a mentoring program is a key factor in both retaining new educators and increasing their effectiveness. However, having a mentoring program is not enough, in and of itself, to provide support to new educators. Just as important as the program are the experienced educators who serve as mentors to their peers. Thus, the Department will also work to provide LEAs with tools and resources, aligned to best practice, that will allow the LEAs to recruit, select, develop, and reward educators who serve in mentorship roles. Consistent with current research[44] and the Department's Leadership Pathways Continuum, the Department will encourage districts and BOCES to leverage teacher and principal leaders to serve as mentors. In addition, for those districts and BOCES that participate in the Department's equity lab work, the Department will review the status of mentoring in the LEA through review of Professional Development Plans and conversations with stakeholders and will work with LEAs to help them adopt evidence-based strategies to bolster current mentoring programs. Recommendations may include revising mentor selection criteria to ensure rigor, including the utilization of educators who have National Board Certification; determining clear-cut roles and expectations for mentor-mentee relationships;

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[44] "Good Principals Aren't Born — They're Mentored". Wallace Foundation. Publication. Web.
"High Quality Mentoring and Induction Practices." New Teacher Center. 2016. Publication. Web.
Harrison, Cindy and Joellen Killian. "Ten Roles for Teacher Leaders." *Educational Leadership*, vol. 65, no. 1, 2007, pp 74-77.
Whitebook, March and Dan Bellm. "Mentors as Teachers, Learners, and Leaders". 2014. Publication. Web.

providing more robust professional learning to mentors about their role, having mentors provide feedback through informal observation; and for schools or districts in hard-to-staff communities where there may be low capacity to provide quality mentoring, leveraging well-trained mentors in a regional model. Where LEAs undertake these evidence-based initiatives, the Department will work to document the successes of these approaches in order to provide case studies that other districts across the State may wish to adapt. Further, the Department will work to facilitate peer-to-peer collaboration between LEAs to help disseminate effective mentoring strategies.

Recognizing that educators need support beyond just their first year of teaching or school leadership, Department staff will develop and encourage districts/BOCES to adopt induction models that provide a menu of differentiated supports to educators during the first three years of their careers that are tailored to what educators need to succeed. These systems will promote the personal and professional growth of educators and recognize the multi-dimensional nature of the profession. Further, the Department will work with stakeholders, including institutions of higher education, to explore how Master's degree programs, which prospective teachers are already required to obtain for professional certification, can be better aligned with this type of ongoing mentorship. This could include, for example, allowing other entities, such as Teacher Centers, to provide support and development that leads to the professional certificate. Among other goals, these induction models should provide feedback to educators, the preparation programs that prepare them, and the leadership of the school district. These opportunities, particularly when combined with pre-service supports, are an important lever in ensuring that educators receive on-going, job-embedded professional learning and authentic experiences with diverse populations (e.g., English Language Learners, Students with Disabilities) during both preparation and through the early part of educators' careers.

The importance of taking a systemic approach to mentorship, induction, and other support for early career educators cannot be understated. However, the Department also believes that all educators, regardless of how far along they are in their careers, can benefit from ongoing professional learning that is differentiated based on need. Over the last several years, New York State has made significant investments in supporting teachers, principals, and other school leaders. Despite these efforts, a review of documentation and data, stakeholder interviews, focus groups, and surveys all reveal that access to and time for high-quality professional learning vary considerably across New York State.

To that end, the Department has been working over the past year on a new Statewide framework for professional learning that is designed to build educator capacity across New York State. To undertake this work, the Department convened a task force[45] of stakeholders from across the State who were charged with developing a strategy for more coordinated, quality professional learning for teachers and leaders. Ultimately, the Department believes that the strategy will 1) provide equitable access for all educators to high-quality professional learning that is relevant, actionable, and ongoing; 2) improve performance, coordination, and communication of statewide professional learning partners; 3) empower regional professional development leaders to reimagine professional

[45] This Task Force included a broad range of stakeholders, including BOCES leaders, district leaders, principals, teachers, higher education representatives, and SED staff members.

learning for schools and districts; and 4) embody thoughtful design, rich and meaningful experiences, and continual feedback and improvements. In order to achieve these goals, the new statewide framework calls for two strands of work: the development of statewide supports available to all educators and partners across New York State and investment in regional expertise that will empower regions to reimagine and implement high-quality professional learning supports for educators.

Further, in keeping with our belief that members of the school community (students, teachers, parents, etc.) thrive when there are excellent leaders in those school buildings, and recognizing the need to ensure that there are high-quality principals in our highest needs schools, particularly those that have been identified for Comprehensive Support and Improvement, the Department will set aside a portion of its Title IIA funds, including the newly available set-aside to support school leaders, to support leadership development programs for principals of these schools. Focus areas and support systems for the use of this funding will be developed collaboratively, based on needs identified by a broad range of stakeholders, including the Department, school leaders, and preparation programs. Where necessary, these supports should address needs at multiple levels (i.e., statewide, regional, LEA level). Examples of potential uses of funds include the establishment of Principals Centers, communities of practice, residency and other extended internships, mentoring programs, and on-site expert technical assistance and coaching for principals.

Extending the Reach of Effective Educators

In addition to providing support to educators throughout their careers, research suggests[46] and the Department believes that it is also important to ensure that educators have a career trajectory. For this to be possible, LEAs must take explicit actions to recognize their most effective educators and to cultivate teacher and principal leadership through the creation of leadership continuum pathways. When thoughtfully and systemically implemented, leadership opportunities provide a way for LEAs to 1) cultivate a shared understanding of what teachers, principals, and other school leaders should know and be able to do at all stages of their careers (e.g., from novice through highly effective); 2) recognize what highly effective practice truly looks like; 3) provide opportunities for educators who consistently demonstrate that they are highly effective to share their expertise with their colleagues and leverage that expertise for the benefit of the entire school system; and 4) improve the retention and impact of the most effective teachers and school leaders. Importantly, this systemic approach to leadership continuum pathways that is grounded in clear definitions of accomplished practice can further facilitate the collaborative P-20 approach to preparing and supporting educators described earlier in this section.

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[46] Heneman, Herbert G., Anthony T. Milanowski. "Assessing Human Resource Alignment: The Foundation for Building Total Teacher Quality Improvement." 2007. Publication. Web.
Goldhaber, Dan. "Teacher Pay Reforms: The Political Implications of Recent Research". 2009. Publication. Web.
"Leadership Matters: What the Research Says About the Importance of Principal Leadership" (NASSP, NAESP, Wallace Foundation)
"Leading from the Front of the Classroom: A Roadmap to Teacher Leadership that Works" (The Aspen Institute, Leading Educators). 2014

Through the Teacher Incentive Fund (TIF) 3 and Strengthening Teaching and Leader Effectiveness (STLE) grant programs, NYSED built on the evaluation framework by establishing criteria for career ladder pathways tied, in part, to demonstrated effectiveness in classrooms and school buildings. NYSED did not mandate or create the specific duties and responsibilities of the career ladder; rather, NYSED offered LEAs the opportunity to create, or build upon, career ladders for teachers and principals that provided opportunities for additional duties and compensation, in addition to supporting recruitment, retention and equitable distribution of the most effective educators. Acting as incentives, these types of programs encouraged LEAs to establish mechanisms to recognize outstanding teachers and principals. As a direct result, in 2015, the Department worked with a broad range of diverse stakeholders across New York State to develop a Career Ladder Pathways Framework.

Through ongoing stakeholder engagement and feedback, the Department continues to evolve its definition of this work to encompass multiple design options that can be tailored based on localized context and need. As such, we have moved beyond a *ladder* model, with its implied vertical ascension, to the more universal *continuum*, which encompasses many varieties of career opportunities, including a ladder approach. As such, leadership continuum pathways:

1. Are grounded in the Department's core beliefs
2. Are designed to address the elements of the Educator Effectiveness Framework
3. Permit LEAs significant flexibility, with minimum State guidelines
4. Emphasize implementation and refinement through continual improvement processes

The Department will work to ensure that LEAs adopt systems for leadership continuum pathways that focus on clearly defined leadership roles and responsibilities that provide high-performing educators with meaningful opportunities for career advancement, ultimately aiding in the attraction, development, and retention of great educators who can best meet the needs of the LEA and all students. Importantly, the Department believes that the career advancement opportunities should be developed collaboratively, reflective of localized context and need, and, specific to teacher leadership, available for all teachers and not just those who aspire to be principals. As LEAs consider educator leadership continuum pathways and roles, it is important to develop strong systems that emphasize accountability and professional development and are sustainable over time.

Teacher and school leader leadership opportunities that are developed collaboratively and systemically are an important strategy for LEAs to consider when implementing comprehensive systems of professional learning, support, and advancement for educators. Educator leaders can serve as coaches and mentors to their peers, cooperating educators for teacher and school building leader candidates, faculty within educator preparation programs, providers of professional development, and in a whole host of other capacities. Therefore, in working with LEAs to address gaps in equitable access to educators, where evidence suggests that development or refinement of leadership continuum pathways may help to address one or more challenge areas, the Department will provide guidance and resources, including the Career Ladder Pathways Framework and other tools and resources aligned with best practice, to assist LEAs in implementing a leadership continuum pathway that is both responsive to local context and that addresses needs. Further, the Department will use surveys, webinars, and other media to ensure that the current tools and

resources continue to reflect the needs and values of stakeholders across New York State, including specific outreach to school districts and BOCES leaders, teacher and principal leaders, and relevant stakeholder organizations, including the Professional Standards and Practices Board. The Department will also focus on additional opportunities for teacher leadership outside of a formal career continuum.

2. Use of Funds to Improve Equitable Access to Teachers in Title I, Part A Schools *(ESEA section 2101(d)(2)(E))*: If an SEA plans to use Title II, Part A funds to improve equitable access to effective teachers, consistent with ESEA section 1111(g)(1)(B), describe how such funds will be used for this purpose.

See response to question #1.

3. System of Certification and Licensing (ESEA section 2101(d)(2)(B)): Describe the State's system of certification and licensing of teachers, principals, or other school leaders.

New York State teachers, administrators, and pupil personnel service providers are required to hold a New York State certificate to be employed in the State's public schools. The certificates, issued by the Office of Teaching Initiatives (OTI), certify that an individual has met required degree, coursework, assessment, and experience requirements.

To be eligible for initial certification in New York State, teachers must meet the following requirements[47]:

1. Completion of a New York State Registered Program, including required workshops
2. Institutional Recommendation
3. Pass the following certification exams: 1) Educating All Students Test (EAS); 2) a Teacher Performance Assessment (edTPA);[48] and 3) Content Specialty Tests (CSTs)
4. Fingerprint Clearance

Below is an overview of the different certification exams.

1. Educating All Students (EAS) Test:

[47] Candidates who believe that they meet all the coursework requirements to obtain an initial certificate, but who have not completed a NYS Registered Program, can request an individual evaluation of transcripts to determine eligibility for an Initial Certificate. Candidates must submit original credentials for evaluation by the Office of Teaching Initiatives. Candidates must also meet any non-coursework requirements, such as the New York State Teacher Certification Examinations and fingerprint clearance, as specified.

[48] During the March 2017 Board of Regents meeting, Department staff presented a number of recommendations from its edTPA Task Force including 1) establishing a standard setting committee comprised of P-12 teachers and higher education faculty to recalibrate the edTPA passing score; 2) having the standard setting committee establish a phase-in schedule that will gradually increase the passing score over a period of time, as is done in several other states; and 3) extending the edTPA Safety Net (ATS-W) until June 30, 2018, or until the new passing score is approved by the Commissioner.

Framework: Diverse student populations, English Language Learners, students with disabilities and other special learning needs, community engagement, teacher responsibilities, and school-home relationships.

Exam expectations:

- Measure the professional and pedagogical knowledge and skills necessary to teach all students effectively in New York State public schools
- Use knowledge of diversity within the school and community to address the needs of all students, create a sense of community, and promote students' appreciation of and respect for all students
- Demonstrate the ability to communicate with and engage parents, with the goal of encouraging parents to participate in and contribute to their child's learning
- Understand the rights and responsibilities in situations involving interactions between teachers and students, parents/guardians, community members, colleagues, school administrators, and other school personnel

2. Teacher Performance Assessment (edTPA):

Framework: Student-centered, multiple-measure assessment of skills and competencies, instruction, planning, and assessment.

Assessment structure:

- Evidence of candidate teaching performance is drawn from a subject-specific learning segment: 3–5 lessons from a unit of instruction for one class of students
- Teacher candidates submit authentic artifacts (lesson plans, video clips of instruction, student work samples) from actual teaching during a clinical field experience
- Candidates also submit commentaries that provide a rationale to support the candidates' instructional practices, based on student learning strengths and needs
- Candidates' evidence is evaluated across five scoring components of teaching: Planning, Instruction, Assessment, Analysis of Teaching, and Academic Language

Exam expectations: Measure candidates' ability to differentiate instruction to diverse learners and provide an evidence-based process that can be used to determine candidates' readiness to enter a classroom and become the teacher of record prior to receipt of an initial certificate to teach in New York State.

3. Redeveloped Content Specialty Tests ("CSTs"):

The CSTs measure content knowledge in a particular subject area, and are aligned with the New York State learning standards. Currently, there are 41 CSTs, of which 20 have been redeveloped.

In addition to the assessments listed above, to move from an Initial Certificate to a Professional

Certificate, applicants must have three years of paid, full-time classroom teaching experience; a master's degree; complete a mentored experience in their first year; and be a permanent resident or US citizen.[49]

Transitional Certificates:

In addition to traditional pathways to certification, New York State also has a system of transitional certificates, which provide opportunities for alternative routes into teaching, including for individuals with advanced degrees and mid-career professionals from other occupations.

Transitional A Certificate
Issued to an individual in a specific career and technical education title (in agriculture, health, or a trade) who does not meet the requirements for an Initial Certificate, but who possesses the requisite occupational experience. The transitional certificate is valid for up to three years, while the holder of the certificate completes the requirements for the Initial Certificate.

Transitional B Certificate (Alternative Teacher Preparation Programs)
Alternative teacher preparation (ATP) programs in New York State are equivalent to traditional teacher preparation programs in content, but are offered in a different format. Through collaborative agreements between teacher education institutions and school districts, candidates who already hold at least a bachelor's degree may enroll in an ATP program at an institution of higher education and will, upon completion of the program, be recommended for Initial or Professional teacher certification.

Upon a candidate successfully completing the program's introductory component and associated fieldwork experience and the candidate passing the Content Specialty Test (CST) in his or her certificate areas and the EAS exam, the candidate is issued a three-year New York State Transitional B teaching certificate. Each candidate who successfully completes the introductory component is eligible to be hired in a New York State public school as a fully certified teacher. Over the next three years, the candidates teach under the supervision of school-based mentors and college supervisors as the teacher of record while completing the ATP program. The goal of ATP programs is to increase the number of qualified teachers in difficult-to-staff subject and geographic areas.

Transitional C Certificate
Issued to an individual with a graduate academic or graduate professional degree who is enrolled in an alternative graduate teacher certification program at the graduate level. Candidates must pass the EAS and the CST (where such CST is required for the certificate title). This certificate is valid for up to three years while the individual is matriculated in the Transitional C program. When the student completes or leaves the program, the certificate is no longer valid. The candidate is expected to pass the edTPA while working under the Transitional C, and then, upon successful exam and program completion, the candidate qualifies for professional certification.

Transitional G Certificate

[49] The requirement may be revised, depending on the status of the Deferred Action for Childhood Arrivals policy.

Issued to a college professor with a graduate degree in science, technology, engineering, or mathematics who has successfully taught at the college level for at least two years. The Transitional G certificate will allow an individual to teach mathematics or one of the sciences at the secondary level, without completing additional pedagogical study, for two years. After two years of successful teaching experience with the district on a Transitional G certificate, the teacher is eligible for the Initial Certificate in that subject area.

Certification of School Building Leaders

What follows is a description of the current requirements for initial certification as a school building leader in New York State. As described further in Sections D(1) and D(6), the Department has launched the Principal Preparation Project, which aims to enhance the preparation of future school building leaders and support for the development of current school principals and which may change the structure described below.

To be eligible for Initial certification in New York State, school building leaders must meet the following requirements:

1. Completion of a New York State Registered Program, including required workshops
2. Institutional Recommendation
3. Master's Degree
4. Two certification exams: 1) Educating All Students Test (EAS): 2) a two-part school building leader assessment
5. Three years of paid, full-time classroom teaching or pupil personnel service
6. Fingerprint clearance
7. 500 hours of internship

The school building leader certification exam was revised in 2013 and is designed around the 2008 ISLLC Standards and the following competencies: 1) instructional leadership for student success; 2) school culture and learning environment to promote excellence and equity; 3) developing human capital to improve teacher and staff effectiveness and student achievement; 4) family and community engagement; and 5) operational systems, data systems, and legal guidelines to support achievement of school goals. The complete framework is available here: New York State Teacher Certification Examinations: School Building Leader Assessment Design and Framework.

In order to move from an Initial Certificate to a Professional Certificate, school building leaders must have three years of paid, full-time administrative experience; complete a mentored experience during their first year; and be a permanent resident or US citizen.[50]

Recognizing that there are still significant gaps in access to qualified and effective educators in emerging and hard-to-staff subject areas, the Department will continue to work with stakeholders

[50] The requirement may be revised, depending on the status of the Deferred Action for Childhood Arrivals policy.

to determine what, if any, revisions are necessary to existing certification pathways/requirements that will promote increased numbers of qualified candidates.

4. Improving Skills of Educators (ESEA section 2101(d)(2)(J)): Describe how the SEA will improve the skills of teachers, principals, or other school leaders in order to enable them to identify students with specific learning needs, particularly children with disabilities, English learners, students who are gifted and talented, and students with low literacy levels, and provide instruction based on the needs of such students.

The Department recognizes the importance of ensuring that teachers, principals, and other school leaders have the knowledge, skills, and abilities to meet the needs of all students, including students with disabilities, English language learners, students who are gifted and talented, and students with low literacy levels. Central to this is ensuring that educators are able to identify students with specific learning needs and to provide differentiated instruction based on those needs. As such, both the existing system of certification in New York State and the ongoing professional development and support of educators are designed to ensure that all educators can identify and meet the needs of all students.

Foundationally, the Department has developed a set of teaching standards called the NYS Teaching Standards. The broad conceptual domains of these standards are as follows: 1) Knowledge of Students and Student Learning; 2) Knowledge of Content and Instructional Planning; 3) Instructional Practice: 4) Learning Environment; 5) Assessment for Student Learning; 6) Professional Responsibilities and Collaboration; and 7) Professional Growth. Underneath those broad domains, there is a set of elements and corresponding performance indicators that expresses the Department's expectation of what teachers should know and be able to do in order to be effective practitioners. Explicit in Domains 1 through 5 are elements and indicators centered on ensuring that teachers are able to identify, teach to, and assess the progress of all students in a way that is responsive to their unique needs. For illustrative purposes, the elements of Domain 1 and 3 are included below.

Element I.1: Teachers demonstrate knowledge of child and adolescent development, including students' cognitive, language, social, emotional, and physical developmental levels.

Element I.2: Teachers demonstrate knowledge of current research in learning and language acquisition theories and processes.

Element I.3: Teachers demonstrate knowledge of and are responsive to the diverse learning needs, strengths, interests, and experiences of all students.

Element I.4: Teachers acquire knowledge of individual students from students, families, guardians, and/or caregivers to enhance student learning.

Element I.5: Teachers demonstrate knowledge of and are responsive to the economic, social, cultural, linguistic, family, and community factors that influence their students' learning.

Element I.6: Teachers demonstrate knowledge and understanding of technological and information literacy and how they affect student learning.

Element III.1: Teachers use research-based practices and evidence of student learning to provide developmentally appropriate and standards-driven instruction that motivates and engages students in learning.

Element III.2: Teachers communicate clearly and accurately with students to maximize their understanding and learning.

Element III.3: Teachers set high expectations and create challenging learning experiences for students.

Element III.4: Teachers explore and use a variety of instructional approaches, resources, and technologies, in an effort to meet diverse learning needs, engage students, and promote achievement.

Element III.5: Teachers engage students in the development of multidisciplinary skills, such as communication, collaboration, critical thinking, and use of technology.

Element III.6: Teachers monitor and assess student progress, seek and provide feedback, and adapt instruction to student needs.

The entire set of Teaching Standards is available for review on the Department's website.

For principals, the Department has adopted the 2008 ISSLC standards.[51] Standards 2, 4, and 6 most directly address expectations for educational leaders to meet the needs of all students.

Importantly, New York State's teacher and principal evaluation system requires that teachers and principals receive multiple observations/school visits annually. These observations and school visits must be based on practice rubrics that are aligned to New York State's teaching and leadership standards. Before being used for teacher or principal evaluations, proposed rubrics are submitted to the Department for review and approval to ensure that, among other things, they are appropriately aligned to the State's standards. The results of these evaluations are required to be used for a number of employment-related decisions, including differentiated professional development for all educators. Further, teachers who receive a rating of Developing or Ineffective in a school year must receive an improvement plan aligned to areas in need of improvement for implementation in the following school year. This plan must include a description of the areas in need of improvement, the ways in which improvement will be assessed, the timeline for

[51] The Department has launched the Principal Preparation Project with support from the Wallace Foundation, which aims to enhance State support for the development of school building leaders. One of the issues that the advisory group for this project is undertaking is whether to recommend to the Board of Regents that the Department move from the 2008 ISSLC standards to the 2015 PSEL standards. The 2015 PSEL standards more explicitly address the need for education leaders to address the needs of a diverse student population than do the 2008 ISSLC standards.

improvement, and differentiated activities that will be offered to the educator that will help him or her improve in the focus areas that have been identified.

In addition to the adoption of teaching and leadership standards, Department regulations also provide for specific pedagogical course work requirements for accredited teacher preparation programs. Section 52.21 of the Commissioner's Regulations describes in detail the requirements of teacher preparation programs and different certificate areas. Among these requirements are pedagogical coursework requirements that include:

(i) human developmental processes and variations, including, but not limited to: the effect of culture; heritage; socioeconomic level; personal health and safety; nutrition; past or present abusive or dangerous environment; and factors in the home, school, and community on students' readiness to learn—and skill in applying that understanding to create a safe and nurturing learning environment that is free of alcohol, tobacco, and other drugs and that fosters the health and learning of all students, and the development of a sense of community and respect for one another

(ii) learning processes, motivation, communication, and classroom management—and skill in applying those understandings to stimulate and sustain student interest, cooperation, and the achievement of each student's highest level of learning in preparation for productive work, citizenship in a democracy, and continuing growth

(iii) means for understanding the needs of students with disabilities, including at least three semester hours of study for teachers to develop the skills necessary to provide instruction that will promote the participation and progress of students with disabilities in the general education curriculum. The three semester-hour requirement shall include study in at least the following areas: the categories of disabilities; identification and remediation of disabilities; the special education process and State and federal special education laws and regulations; effective practices for planning and designing co-teaching and collaboration with peers; individualizing instruction; and applying positive behavioral supports and interventions to address student and classroom management needs. When such requirements cannot be completed in three semester hours, the remaining study requirements may be included in other courses. This three-semester-hour requirement may be waived at the discretion of the Commissioner, upon a showing that the program provides, through other means, adequate instruction in preparing candidates to understand the needs of students with disabilities.

(iv) language acquisition and literacy development by native English speakers and students who are English language learners—and skill in developing the listening, speaking, reading, and writing skills of all students, including at least six semester hours of such study for teachers of early childhood education, childhood education, middle childhood education, and adolescence education; teachers of students with disabilities, students who are deaf or hard-of-hearing, students who are blind or visually impaired, and students with speech and language disabilities; teachers of English to speakers of other languages; and library media specialists. This six -semester hour-requirement may be waived upon a showing of good cause satisfactory to the Commissioner, including but not limited to a showing that the program provides, through other means, adequate

instruction in language acquisition and literacy development[52]

(v) curriculum development, instructional planning, and multiple research-validated instructional strategies for teaching students within the full range of abilities— and skill in designing and offering differentiated instruction that enhances the learning of all students in the content area(s) of the certificate

(vi) uses of technology, including instructional and assistive technology, in teaching and learning—and skill in using technology and teaching students to use technology to acquire information, communicate, and enhance learning

(vii) formal and informal methods of assessing student learning and the means of analyzing one's own teaching practice—and skill in using information gathered through assessment and analysis to plan or modify instruction, and skill in using various resources to enhance teaching

(viii) history, philosophy, and the role of education; and the rights and responsibilities of teachers and other professional staff, students, parents, community members, school administrators, and others with regard to education; and the importance of productive relationships and interactions among the school, home, and community for enhancing student learning—and skill in fostering effective relationships and interactions to support student growth and learning, including skill in resolving conflicts

(ix) means to update knowledge and skills in the subject(s) taught and in pedagogy

(x) means for identifying and reporting suspected child abuse and maltreatment, which shall include at least two clock hours of coursework or training regarding the identification and reporting of suspected child abuse or maltreatment, in accordance with the requirements of section 3004 of the Education Law

(xi) means for instructing students for the purpose of preventing child abduction, in accordance with Education Law section 803-a; preventing alcohol, tobacco and other drug abuse, in accordance with Education Law section 804; providing safety education, in accordance with Education Law section 806; and providing instruction in fire and arson prevention, in accordance with Education Law section 808

(xii) means for the prevention of and intervention in school violence, in accordance with section 3004 of the Education Law. This study shall be composed of at least two clock hours of course work or training that includes, but is not limited to, study in the warning signs within a developmental and social context that relate to violence and other troubling behaviors in children; the statutes, regulations, and policies relating to a safe, nonviolent school climate; effective classroom management techniques and other academic supports that promote a nonviolent school

[52] In addition to this general requirement, programs leading to an initial certificate in childhood education for birth through grade 2 and grades 1 through 6, middle childhood education for grades 5 through 9 include an additional requirement for coursework in teaching the literacy skills of listening, speaking, reading, and writing to native English speakers and students who are English language learners, including methods of reading enrichment and remediation.

climate and enhance learning; the integration of social and problem-solving skill development for students within the regular curriculum; intervention techniques designed to address a school violence situation; and how to participate in an effective school/community referral process for students exhibiting violent behavior.

(xiii) means for the prevention of and intervention in harassment, bullying and discrimination in accordance with section 14 of the Education Law. Such study shall include six clock hours, of which at least three hours must be conducted through face-to-face instruction, of course work or training on the social patterns of harassment, bullying and discrimination; as defined in section 11 of the Education Law, including but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; the identification and mitigation of harassment, bullying and discrimination; and strategies for effectively addressing problems of exclusion. bias and aggression in educational settings. Specific to the preparation of teachers for students who are gifted and talented, Section 52.21 of the Commissioner's Regulations further details that programs leading to extensions for gifted education for classroom teaching certificates shall require:

(a) study that will permit the candidate to obtain the following knowledge, understanding and skills:

(1) knowledge of the characteristics of gifted students who learn at a pace and level that is significantly different from their classmates;

(2) knowledge of various tools and methods for identifying and assessing gifted students, and skill in using such tools and methods;

(3) knowledge and understanding of appropriate curriculum design for gifted student;

(4) knowledge and skills for planning, providing, coordinating, and evaluating differentiated teaching and learning environments to challenge and assist gifted students in learning to their highest levels of achievement; and

(5) skill in collaborating with other school staff, families and the community to provide appropriate individualized instruction for gifted students; and

(b) college-supervised field experiences of at least 50 clock hours teaching gifted students.

Specific to the preparation of literacy teachers, Section 52.21 of the Commissioner's Regulations further details that programs leading to initial certificates for teaching literacy (birth through grade 6) or for teaching literacy (grades 5 through 12) must include, in addition to the general pedagogical core described above, study that prepares candidates with:

1. knowledge of the theories of literacy development and individual differences, including but not limited to: an understanding of difficulties that may be confronted in acquiring the literacy skills of listening, speaking, reading, and writing; and the principles and practices of assessing student literacy performance;

2. proficiency in providing instruction and assessment in cooperation with other school staff, including but not limited to: creating instructional environments; teaching all aspects of literacy acquisition, including but not limited to phonemic awareness, phonics skills, word identification, vocabulary skills, study strategies and strategies for building comprehension, constructing meaning, and building literacy in the content areas; assessing students' literacy performance, including but not limited to identifying dyslexia; providing appropriate instruction for students experiencing difficulty in acquiring literacy skills; and providing literacy services to students in compensatory or special education programs; and

3. proficiency in organizing and enhancing literacy programs, including but not limited to: communicating information about literacy to various groups; developing literacy curricula; and communicating assessment results to parents, caregivers, and school personnel.

Additionally, for the literacy certificate (birth through grade 6), at least 50 clock hours of college-supervised practica in teaching literacy to students at both the early childhood and childhood levels; and for the literacy certificate (grades 5 through 12), at least 50 clock hours of college-supervised practica in teaching literacy to students at both the middle childhood and adolescent levels.

Further, all teacher preparation programs must provide candidates with at least 100 hours of field experience related to coursework prior to student teaching or practicum, and this field experience must, among other requirements, provide candidates with experiences in a variety of communities and across the range of student developmental levels of the certificate, experiences practicing skills for interacting with parents or caregivers, experiences in high-need schools, and experiences with each of the following student populations: socioeconomically disadvantaged students, students who are English language learners, and students with disabilities.

Moving past preparation and into certification requirements, both the edTPA and Educating All Students (EAS) certification exams, which are required for teacher certification in New York State, address this area.

Additionally, the Department has the following initiatives designed to ensure that teachers, principals, and other school leaders have the ability to identify students with specific learning needs and provide instruction based on those needs, once they are certified. These initiatives include:

Continuing Teacher and Leader Certification Requirements (CTLE)

In March 2016, the Board of Regents adopted new requirements for certificate holders. Classroom teachers, school leaders, and teaching assistants can no longer earn valid-for-life certificates; rather, they move from an Initial to a Professional Certificate (Level III for teaching assistants). Holders of Professional Certificates must re-register with the Department every 5 years. To renew their registration, educators must complete 100 clock hours of Continuing Teacher and Leader Education (CTLE) during the registration period. A table summarizing requirements for different types of certificates is available.

CTLE activities must be offered in appropriate subject areas and must:

1. Expand educators' content knowledge and the knowledge and skills necessary to provide rigorous, developmentally appropriate instructional strategies and to assess student progress
2. Be research-based and provide educators with opportunities to analyze, apply, and engage in research
3. Include the necessary opportunities for professionals to obtain CTLE to meet the English Language Learner provisions
4. Be designed to ensure that educators: a) have the knowledge, skills, and opportunity to collaborate to improve instruction and student achievement in a respectful and trusting environment; b) have the knowledge and skills to meet the diverse needs of all students; c) have the knowledge and skill to create safe, secure, supportive, and equitable learning environments for all students; d) have the knowledge, skills, and opportunity to engage and collaborate with parents, families, and other community members as active partners in children's education
5. Use disaggregated student data and other evidence of student learning to determine professional development learning needs and priorities, to monitor student progress, and to help sustain continual professional growth
6. Promote technological literacy and facilitate the effective use of all appropriate technology
7. Be evaluated, using multiple sources of information, to assess its effectiveness in improving professional practice and student learning

CTLE Language Acquisition Requirements

Holders of Professional English to Speakers of Other Languages Certificates or Bilingual Extension Annotations are required to complete a minimum of 50 percent of the required CTLE clock hours in language acquisition aligned with the core content area of instruction taught, including a focus on best practices for co-teaching, and integrating language and content instruction for English Language Learners. All other Professional Certificate holders must complete a minimum of 15 percent of the required CTLE clock hours in language acquisition addressing the needs of English Language Learners, including a focus on best practices for co-teaching, and integrating language and content instruction for English language learners.

Level III Teaching Assistant certificate holders must complete a minimum of 15 percent of the required CTLE clock hours dedicated to language acquisition addressing the needs of English Language Learners and integrating language and content instruction for English Language Learners.

Professional Development Plans

As a condition of receiving Title IIA funding and in accordance with New York State law, every district is required to develop a professional development plan that meets the following criteria:

1. The planning, implementation, and evaluation of the plan were conducted by a professional development team that included a majority of teachers and one or more administrator(s), curriculum specialist(s), parent(s), higher education representative(s), and others identified in the plan.

2. The plan focuses on improving student performance and teacher practice as identified through data analysis.

3. The plan describes professional development that:
   a) is aligned with New York State content and student performance standards;
   b) is aligned with New York State Professional Development Standards;
   c) is articulated within and across grade levels;
   d) is continual and sustained;
   e) indicates how classroom instruction and teacher practice will be improved and assessed;
   f) indicates how each teacher in the district will participate; and
   g) reflects congruence between student and teacher needs and district goals and objectives.

4. The plan describes how the effectiveness of the professional development will be evaluated, and indicates how activities will be adjusted in response to that evaluation.

5. Data and Consultation (ESEA section 2101(d)(2)(K)): Describe how the State will use data and ongoing consultation as described in ESEA section 2101(d)(3) to continually update and improve the activities supported under Title II, Part A.

The Department's use of Title II, Part A funding is centered on 1) helping school districts and BOCES develop comprehensive systems of support for teachers and school leaders that will help ensure that all students have equitable access to effective, experienced, and appropriately qualified teachers and leaders; and 2) creating and refining State-level programs that address the entire continuum of educators' careers, from preparation through career end.

The collection of data, creation of LEA-level equity reports, and facilitated protocol for identifying and addressing root causes of inequities, by its nature, requires the Department to use data and consult with LEAs to refine both State-level and local uses of funds in ways that maximize improvements in student achievement. For other initiatives designed to create or refine State-level systems related to educator development and support, the Department will create feedback loops, including the use of surveys and focus groups, that allow the Department to collect data, solicit feedback from stakeholders, and make refinements to support continual improvement.

Further, as a general matter, the Commissioner and other senior leadership in the Department will continue to regularly meet with a broad cross-section of stakeholders, the intention of which is to consult with the field and collect information about ongoing initiatives to ensure that the work of

the Department is meeting the needs of educators and the community. Most directly related to initiatives related to Title II, Part A are groups such as New York State United Teachers, the NYS Teacher Advisory Council, the Professional Standards and Practices Board (PSPB), institutions of higher education, the School Administrators Association of New York State (SAANYS), the District Superintendents of Boards of Cooperative Educational Services (BOCES), and the NYS Council of School Superintendents.

We believe that this approach to using data and ongoing consultation will enable the Department to improve its activities while, at the same time, imposing the minimum required burden on school districts and BOCES.

6. Teacher Preparation ***(ESEA section 2101(d)(2)(M))*****: Describe the actions the State may take to improve preparation programs and strengthen support for teachers, principals, or other school leaders based on the needs of the State, as identified by the SEA.**

See responses in Section (D)(1). Additionally, what follows is a description of the goals and recommendations of the Principal Preparation Project. While many of the concepts found here are contained within Section (D)(1), the Department's goal of preparing all students for success in college, career, and citizenship cannot be accomplished if all students do not have access to a great teacher and a great school leader. For that to occur, all school building leaders need to be well-prepare and well-supported. Principals today must have the knowledge, skills, and dispositions to address the learning needs of an increasingly diverse student population.

Unpacking what is needed to ensure that all school building leaders can be visionary instructional leaders, as described in Section A(4) of this application, requires addressing a series of obstacles. Three in particular arise:

1) Many principals are certified, but are not adequately prepared to be effective.
2) Too many principals are not adequately prepared to address the learning needs of an increasingly diverse student population.
3) Better alignment is needed between what is expected on the job; what is taught in principal preparation programs; and the knowledge, skills, and dispositions that are assessed to determine candidate readiness for initial school building leader certification.

To develop recommendations to address these issues, a 37-member Advisory Team met for 9 months under the auspices of the Principal Preparation Project. This diverse group of stakeholders consensually agreed to present 11 recommendations for the Commissioner and the Board of Regents; these are designed to overcome the obstacles that impede progress. These recommendations are:

1) Base initial principal certification on the most current national standards for educational leaders, but with emphasis added on educating all students to high levels of performance,

the necessity of cultural competence, the utility of culturally relevant curricula, and the role that school leaders should play in efforts to instill a love of learning in young people.

2) Make initial school building leader certification competency-based. To accomplish this, translate the Professional Standards for Educational Leaders into competencies that become the basis for determining certification readiness. That is to say, aspiring school building leaders become eligible for certification by taking the knowledge, skills, and dispositions that were acquired in a university-based preparation program and applying them in a school setting to improve staff functioning, student learning, or school performance.
3) Provide better and set different pathways, options, and/or opportunities leading to full-time, extended-period, school-based internships for all aspiring principal candidates. As much as is practicable, furnish candidates with an internship that enables them to experience the full range of the roles and duties of a principal.
4) Provide incentives and set expectations that promote stronger and more sustainable P-20 partnerships involving districts and universities (and, if useful, BOCES and/or third-party organizations with interest and expertise in this arena)
5) Pair internships with high-quality coaching and mentoring support that extends through the first full year that a principal candidate is on the job (enumerating what will be done to assure quality mentoring)
6) Consistent with existing language within NYS regulations pertaining to competency-based practices and the internship, create a mechanism that: (a) employs a clinically rich experience; (b) calls upon a knowledgeable in-district expert to observe and attest that a candidate has demonstrated competency with respect to a particular certification standard; (c) culminates in the issuance of a micro-credential that is recognized by NYS; and (d) provides a mechanism whereby micro-credentials can be combined in partial fulfillment of requirements for SBL certification. Micro-credentials may take the form of an annotation to an SBL certificate that signals particular expertise of the bearer of the certificate.
7) Revise expectations within Continuing Teacher and Leader Education (CTLE) requirements so that, in order to re-register once every 5 years, principals must demonstrate that they have acquired the knowledge, skills, and dispositions (i.e., culturally-responsive practices) that prepare them to supervise instruction in ways that address the learning needs of a diverse student population.
8) Create funding opportunities and non-pecuniary incentives to encourage districts and universities (and, if desired, Boards of Cooperative Education Services) to implement models of continual professional learning and to support to educators during the first three years of their career as school building leaders. These include, but are not limited to, sustainable induction models that may be tied to a principal preparation portfolio in ways that provides feedback to the individual school building leader, to the university-based SBL program, and to the school district leadership. Take steps to furnish school building leaders on-going, job-embedded professional learning and authentic experiences with diverse student populations (including English language learners, students with disabilities, etc.) during preparation and the first year on the job.
9) Reinforce expectations in current New York State statutes/regulations that require university-based preparation programs to maintain national accreditation (via the Council for the Accreditation of Educator Preparation, or CAEP). In part, these expectations call for higher education institutions to set goals, targets, and milestones (and report success in efforts) to increase the number and percent of candidates from historically under-

represented populations who enroll and complete programs of study. Similarly, create expectations and incentives that prompt districts to set goals (and report on success in efforts) to recruit, select, develop, and place individuals from historically under-represented populations within the ranks of school building leaders

10) In support of the above, identify and deploy nonpublic sources of funds to improve the ability of district hiring managers to identify, recruit, select, place, and develop talented principals (both aspiring and current school building leaders). Design and implement indicators and measures to gauge the efficacy of SED efforts to: (a) support and enhance the growth of individual principals and the staff members in the schools that the principals lead; and (b) support P-20 partnerships in their efforts to improve the identification, recruitment, selection, placement and development of aspiring school building leaders (especially, but not exclusively, those from historically under-represented populations).
11) As a possible option (prior to full-scale implementation of State-adopted changes to the process of school building leader certification), design and offer a step-up plan that includes meaningful incentives and that makes possible a pilot involving a P-20 partnership (opt-in participation for BOCES) and a process of learning from the pilot

Taken together, these recommendations reflect a commitment to leadership for equity; in this context, the term equity means that the learning needs of every student are supported in an environment where all students are valued; respected; and experience academic success without regard to differences in age, gender, socio-economic status, religion, race, ethnicity, sexual orientation, disability, native language, national origin, or immigration status. The Department will continue to work to advance these recommendations to improve both the preparation and support of educators.

Educational excellence can be found in every corner of the State. Yet, while in some schools it is alive in every classroom, in other schools, islands of excellence are few and far between. New York State can lay claim to excellence when a pathway to academic success exists for every student in the State who is willing to work hard.

For New York State, the notion of striving for educational excellence and equity means:

- To achieve educational excellence, we must create conditions that ensure every student attends a school with a high-performing teacher and leader.[53] We can accomplish this by focusing on what matters most. Namely, we will revise the standards and competencies for preparing school leaders so that New York State standards for principal preparation correspond to the most current national standards and better match the demands of the job. Similarly, we must adjust processes (supervision, evaluation, and professional development) so that they align with and support the new leader preparation standards.
- To achieve educational equity, we must provide more, better, and different opportunities to advance learning so that all students have the support needed to experience success. We can accomplish this by expecting better of ourselves as educators and better of our students as learners. The Department will pursue this by (a) creating targets that call for annually increasing the statewide overall rate of student uptake in pre-collegiate (e.g., AP, IB, etc.) coursework, (b) creating targets that call for annual increases in the statewide performance

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in these courses for students, and (c) creating targets that call for annual statewide decreases in the gaps by gender and race/ethnicity in uptake and performance on these pre-collegiate courses. The Department, in partnership with LEAs, will couple these expectations with enhanced outreach and support for identified subgroups, and report publicly on progress made toward identified targets.

5. Data and Consultation (ESEA section 2101(d)(2)(K)): Describe how the State will use data and ongoing consultation as described in ESEA section 2101(d)(3) to continually update and improve the activities supported under Title II, Part A.

The Department's use of Title II, Part A funding is centered on 1) helping school districts and BOCES develop comprehensive systems of support for teachers and school leaders that will help ensure that all students have equitable access to effective, experienced, and appropriately qualified teachers and leaders; and 2) creating and refining State-level programs that address the entire continuum of educators' careers, from preparation through career end.

The collection of data, creation of LEA-level equity reports, and facilitated protocol for identifying and addressing root causes of inequities, by its nature, requires the Department to use data and consult with LEAs to refine both State-level and local uses of funds in ways that maximize improvements in student achievement. For other initiatives designed to create or refine State-level systems related to educator development and support, the Department will create feedback loops, including the use of surveys and focus groups, that allow the Department to collect data, solicit feedback from stakeholders, and make refinements to support continual improvement.

Further, as a general matter, the Commissioner and other senior leadership in the Department will continue to regularly meet with a broad cross-section of stakeholders, the intention of which is to consult with the field and collect information about ongoing initiatives to ensure that the work of the Department is meeting the needs of educators and the community. Most directly related to initiatives related to Title II, Part A are groups such as New York State United Teachers, the NYS Teacher Advisory Council, the Professional Standards and Practices Board (PSPB), institutions of higher education, the School Administrators Association of New York State (SAANYS), the District Superintendents of Boards of Cooperative Educational Services (BOCES), and the NYS Council of School Superintendents.

This approach to using data and ongoing consultation will enable the Department to improve its activities while, at the same time, imposing the minimum required burden on school districts and BOCES.

6. Teacher Preparation *(ESEA section 2101(d)(2)(M))*: Describe the actions the State may take to improve preparation programs and strengthen support for teachers, principals, or other school leaders based on the needs of the State, as identified by the SEA.

See responses in Section (D)(1). Additionally, what follows is a description of the goals and recommendations of the Principal Preparation Project. While many of the concepts found here are contained within Section (D)(1), the Department's goal of preparing all students for success in college, career, and citizenship cannot be accomplished if all students do not have access to a great teacher and a great school leader. For that to occur, all school building leaders need to be well-prepare and well-supported. Principals today must have the knowledge, skills, and dispositions to address the learning needs of an increasingly diverse student population.

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5) Too many principals are not adequately prepared to address the learning needs of an increasingly diverse student population.
6) Better alignment is needed between what is expected on the job; what is taught in principal preparation programs; and the knowledge, skills, and dispositions that are assessed to determine candidate readiness for initial school building leader certification.

To develop recommendations to address these issues, a 37-member Advisory Team met for 9 months under the auspices of the Principal Preparation Project. This diverse group of stakeholders consensually agreed to present 11 recommendations for the Commissioner and the Board of Regents; these are designed to overcome the obstacles that impede progress. These recommendations are:

12) Base initial principal certification on the most current national standards for educational leaders, but with emphasis added on educating all students to high levels of performance, the necessity of cultural competence, the utility of culturally relevant curricula, and the role that school leaders should play in efforts to instill a love of learning in young people.
13) Make initial school building leader certification competency-based. To accomplish this, translate the Professional Standards for Educational Leaders into competencies that become the basis for determining certification readiness. That is to say, aspiring school building leaders become eligible for certification by taking the knowledge, skills, and dispositions that were acquired in a university-based preparation program and applying them in a school setting to improve staff functioning, student learning, or school performance.
14) Provide better and set different pathways, options, and/or opportunities leading to full-time, extended-period, school-based internships for all aspiring principal candidates. As much as is practicable, furnish candidates with an internship that enables them to experience the full range of the roles and duties of a principal.
15) Provide incentives and set expectations that promote stronger and more sustainable P-20 partnerships involving districts and universities (and, if useful, BOCES and/or third-party organizations with interest and expertise in this arena)
16) Pair internships with high-quality coaching and mentoring support that extends through the first full year that a principal candidate is on the job (enumerating what will be done to assure quality mentoring)

17) Consistent with existing language within NYS regulations pertaining to competency-based practices and the internship, create a mechanism that: (a) employs a clinically rich experience; (b) calls upon a knowledgeable in-district expert to observe and attest that a candidate has demonstrated competency with respect to a particular certification standard; (c) culminates in the issuance of a micro-credential that is recognized by NYS; and (d) provides a mechanism whereby micro-credentials can be combined in partial fulfillment of requirements for SBL certification. Micro-credentials may take the form of an annotation to an SBL certificate that signals particular expertise of the bearer of the certificate.
18) Revise expectations within Continuing Teacher and Leader Education (CTLE) requirements so that, in order to re-register once every 5 years, principals must demonstrate that they have acquired the knowledge, skills, and dispositions (i.e., culturally-responsive practices) that prepare them to supervise instruction in ways that address the learning needs of a diverse student population.
19) Create funding opportunities and non-pecuniary incentives to encourage districts and universities (and, if desired, Boards of Cooperative Education Services) to implement models of continual professional learning and to support to educators during the first three years of their career as school building leaders. These include, but are not limited to, sustainable induction models that may be tied to a principal preparation portfolio in ways that provides feedback to the individual school building leader, to the university-based SBL program, and to the school district leadership. Take steps to furnish school building leaders on-going, job-embedded professional learning and authentic experiences with diverse student populations (including English language learners, students with disabilities, etc.) during preparation and the first year on the job.
20) Reinforce expectations in current New York State statutes/regulations that require university-based preparation programs to maintain national accreditation (via the Council for the Accreditation of Educator Preparation, or CAEP). In part, these expectations call for higher education institutions to set goals, targets, and milestones (and report success in efforts) to increase the number and percent of candidates from historically under-represented populations who enroll and complete programs of study. Similarly, create expectations and incentives that prompt districts to set goals (and report on success in efforts) to recruit, select, develop, and place individuals from historically under-represented populations within the ranks of school building leaders
21) In support of the above, identify and deploy nonpublic sources of funds to improve the ability of district hiring managers to identify, recruit, select, place, and develop talented principals (both aspiring and current school building leaders). Design and implement indicators and measures to gauge the efficacy of SED efforts to: (a) support and enhance the growth of individual principals and the staff members in the schools that the principals lead; and (b) support P-20 partnerships in their efforts to improve the identification, recruitment, selection, placement and development of aspiring school building leaders (especially, but not exclusively, those from historically under-represented populations).
22) As a possible option (prior to full-scale implementation of State-adopted changes to the process of school building leader certification), design and offer a step-up plan that includes meaningful incentives and that makes possible a pilot involving a P-20 partnership (opt-in participation for BOCES) and a process of learning from the pilot

Taken together, these recommendations reflect a commitment to leadership for equity; in this context, the term equity means that the learning needs of every student are supported in an environment where all students are valued; respected; and experience academic success without regard to differences in age, gender, socio-economic status, religion, race, ethnicity, sexual orientation, disability, native language, national origin, or immigration status. The Department will continue to work to advance these recommendations to improve both the preparation and support of educators.

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For New York State, the notion of striving for educational excellence and equity means:

- To achieve educational excellence, we must create conditions that ensure every student attends a school with a high-performing teacher and leader.[54] We can accomplish this by focusing on what matters most. Namely, we will revise the standards and competencies for preparing school leaders so that New York State standards for principal preparation correspond to the most current national standards and better match the demands of the job. Similarly, we must adjust processes (supervision, evaluation, and professional development) so that they align with and support the new leader preparation standards.
- To achieve educational equity, we must provide more, better, and different opportunities to advance learning so that all students have the support needed to experience success. We can accomplish this by expecting better of ourselves as educators and better of our students as learners. The Department will pursue this by (a) creating targets that call for annually increasing the statewide overall rate of student uptake in pre-collegiate (e.g., AP, IB, etc.) coursework, (b) creating targets that call for annual increases in the statewide performance in these courses for students, and (c) creating targets that call for annual statewide decreases in the gaps by gender and race/ethnicity in uptake and performance on these pre-collegiate courses. The Department, in partnership with LEAs, will couple these expectations with enhanced outreach and support for identified subgroups, and report publicly on progress made toward identified targets.

E. Title III, Part A, Subpart 1: English Language Acquisition and Language Enhancement

<u>1. Entrance and Exit Procedures</u> *(ESEA section 3113(b)(2)):* Describe how the SEA will establish and implement, with timely and meaningful consultation with LEAs representing the geographic diversity of the State, standardized, statewide entrance and exit procedures, including an assurance that all students who may be English learners are assessed for such status within 30 days of enrollment in a school in the State.

[54] "High-performing" educators prepare young people for success in K12 and beyond.

New York State believes that all English Language Learners/Multilingual Learners (ELLs/MLLs) should receive the same full range of educational supports and resources as their English-speaking peers. That access begins with accurate identification of their language status. Under existing State regulations, New York State utilizes uniform ELL/MLL identification and exit criteria throughout the State and will continue to utilize these criteria. Commissioner Regulations Part 154 requires LEAs to implement an ELL/MLL identification process when a student initially enrolls or reenters a New York State public school. The identification process must commence no later than initial enrollment or reentry, and must be completed within 10 school days.

The identification process is as follows: After registration and enrollment, a Home Language Questionnaire (HLQ) is completed. If the native language is not English or the student's primary language is other than English, an individual interview is conducted in English and in the student's native/home language by qualified personnel. Qualified personnel are defined as a Bilingual Education or ESOL teacher, or a teacher trained in cultural competency, language development and the needs of ELLs/MLLs. The interview should include a review of the student's current academic performance or work samples.

If the results of the interview confirm that the native/home language is other than English, the student takes the initial English language proficiency assessment – the New York State Identification Test for English Language Learners (NYSITELL).

If there is a possibility that the student is also a Student with Interrupted Formal Education (SIFE), or if the student has an Individualized Education Plan, separate protocols are followed. SIFE are identified through the Multilingual Literacy SIFE Screener (MLS). The MLS is a statewide diagnostic tool created to determine SIFEs' literacy levels in their native/home language, in order to provide or to design appropriate instruction for SIFEs. ELLs/MLLs with Individualized Education Plans are identified and exited in accordance with Commissioner's Regulations Part 154-3.

All ELL/MLL identification determinations are eligible for review within 45 days to address possible instances of misidentification. Once identified, all ELLs/MLLs take annually the New York State English as a Second Language Achievement Test (NYSESLAT) to determine placement for the following year. Both the NYSITELL and NYSESLAT utilize five levels of proficiency (Entering, Emerging, Transitioning, Expanding, and Commanding). On the NYSITELL, students are identified as ELLs/MLLs if they score at the Entering, Emerging, Transitioning, or Expanding levels. Those who score at the Commanding level are not identified as ELLs/MLLs. Students may exit ELL/MLL status in one of two ways: 1) by scoring at the Commanding level on the NYSESLAT, or 2) by scoring at the Expanding level on the NYSESLAT AND scoring above designated cut points on the Grades 3-8 English Language Arts Assessment or Regents Exam in English.

The above-identified ELL/MLL entrance and exit procedures were created as part of a larger set of regulatory amendments to Commissioner's Regulations Part 154 in 2014. The Department's process leading to these regulatory amendments began in 2012 with focus group discussions

representing over 100 key stakeholders from across New York State. Those discussions informed the development of a statewide survey of policy options, released in June 2012, and which resulted in over 1,600 responses from teachers, principals, superintendents, advocates, and other stakeholder representative of New York State's geographic diversity and interested in the education of ELL/MLL students and in ensuring that ELL/MLL students receive instruction that is culturally responsive. The Department then used the survey results and focus group discussions to develop proposed policy changes and enhancements. These proposed changes were then shared with stakeholders for feedback and were also shared with the U.S. Department of Justice Office of Civil Rights, U.S. Department of Education staff responsible for Titles I and III of ESEA, and members of the New York State Board of Regents for review and feedback.

2. <u>SEA Support for English Learner Progress</u> *(ESEA section 3113(b)(6))*: Describe how the SEA will assist eligible entities in meeting:

i. The State-designed long-term goals established under ESEA section 1111(c)(4)(A)(ii), including measurements of interim progress towards meeting such goals, based on the State's English language proficiency assessments under ESEA section 1111(b)(2)(G); and

ii. The challenging State academic standards.

New York State has numerous vehicles for assisting ELLs/MLLs in meeting statewide long-term goals for English language proficiency. New York State funds eight Regional Bilingual Education Resource Network (RBERN) technical assistance support centers, with seven RBERNs assigned to geographic zones and one Statewide Language RBERN, that provide technical assistance and professional development to better enable the State's ELLs/MLLs to gain English proficiency and learn academic content, as well as to increase their performance, reduce dropout rates, and increase graduation rates. The RBERNs provide support and assistance to teachers, school leaders, support staff, families, and students in all LEAs and schools across the State. The RBERN network is the Department's main program initiative for the provision of professional development, in-service training, information dissemination, and technical assistance related to the education of ELLs/MLLs. Each RBERN holds an annual Regional Parent/Guardian/Caregiver Institute, which reaches over 100 participants in each region and has the goal of providing resources to ELL/MLL parents in a culturally responsive and linguistically accessible manner. For the 2016-17 school year, each RBERN conducted between 200 and 400 professional development sessions in its region.

Other professional development and support activities hosted by the Department include an Annual ELL/MLL Literacy Conference (600 people were in attendance at the first convening in 2016), a training on The Fundamentals of Leading Advanced Literacies: Instruction in Linguistically Diverse Settings (taught by Dr. Nonie Lesaux and Joan Kelley), and extensive training facilitated by the City University of New York Bridges to Academic Success program to support implementation of a SIFE low literacy curriculum in schools throughout New York State. The Department also holds monthly ELL/MLL Leadership Council conference calls for school administrators.

The Department will continue to provide ongoing professional development to LEAs in a variety of ways. These will include utilizing the resources of our RBERNs, well-known

researchers, and notable experts in the field to build capacity for school district ELL/MLL leaders and core leadership teams charged with spearheading systemic improvements for ELLs/MLLs. Professional development will include, but not be limited to, the provisions of ESSA and New York State's plan, the implementation of the New York State Next Generation P-12 English Language Arts (ELA) and Mathematics Standards, and the New Language Arts Progressions (NLAP), as well as the Home Language Arts Progressions (HLAP).

Furthermore, the Department has created numerous resources to help New York State's educators meet New York State's challenging academic standards. These include a Multilingual Literacy Screener (MLS) designed to support LEAs and schools in the identification of SIFE, P-12 Math Curriculum Modules translated into the top five languages spoken in New York State, and the PENpal Home Language Questionnaire (HLQ) Toolkit (which is the first technologically based solution to enhance appropriate identification of an ELL). The PENpal toolkit, with an interactive HLQ, currently provides verbal translation into 26 languages.

The Department is working to address a shortage of Bilingual Education (BE) and English to Speakers of Other Languages (ESOL) teachers, through several activities to support the expansion of qualified staff to serve ELLs/MLLs via contracts with ten universities for Clinically Rich-Intensive Teacher Institutes. To date, 186 teachers have completed the coursework necessary for certification in either ESOL or the BE Extension in Spanish/English. The Department has a pending Memorandum of Understanding (MOU) with Queens College of the City University of New York to train leaders in LEAs and schools with large ELL/MLL populations, and is processing an MOU with Queens College for an online Bilingual Education Extension program in both Spanish and Chinese.

Additionally, the Department has numerous resources for ELL/MLL parents. The ELL/MLL Parent Bill of Rights outlines 17 of the most critical rights of ELL/MLL parents and is translated into the following nine languages: Arabic, Bengali, Chinese, French, Haitian-Creole, Korean, Russian, Spanish, and Urdu. The Department also has a parent guide available in 25 languages (Albanian, Arabic, Bengali, Burmese, Chinese Simplified, Chinese Traditional, French, German, Haitian-Creole, Hindi, Italian, Japanese, Karen, Korean, Nepali, Portuguese, Punjabi, Russian, Somali, Spanish, Swahili, Ukrainian, Urdu, Uzbek, and Vietnamese), and a multilingual parent hotline, housed at the New York University Language RBERN, which allows ELL/MLL parents to seek educational advice in their native/home languages and in a culturally responsive manner. Finally, the Department has produced, publicly posted and disseminated a parent orientation video, available in these languages: Arabic, French, Haitian-Creole, Russian, Simplified Chinese, Traditional Chinese, and Spanish.

3. <u>Monitoring and Technical Assistance</u> *(ESEA section 3113(b)(8))*: Describe:
<u>i</u>. How the SEA will monitor the progress of each eligible entity receiving a Title III, Part A subgrant in helping English learners achieve English proficiency; and
<u>ii</u>. The steps the SEA will take to further assist eligible entities if the strategies funded under Title III, Part A are not effective, such as providing technical assistance and modifying such strategies.

In accordance with Commissioner's Regulations Part 154, each LEA must develop a Comprehensive ELL/MLL Education Plan (CEEP) that describes how the LEA meets the educational needs of ELLs/MLLs, including all subgroups of ELLs/MLLs. Additionally, each LEA submits an annual Data/Information Report to the Department. The Department reviews each CEEP and Data/Information Report to ensure compliance with Commissioner's Regulations Part 154 and Title III.

To be eligible for Title III funds for ELLs/MLLs, LEAs must have instructional programs for ELLs/MLLs that comply with Commissioner's Regulations Part 154 and Title III. The eight RBERNs across New York State also work with LEAs by providing technical assistance and professional development. The Department is developing a District/School Self-Evaluation Tool to enable LEAs to assess the degree to which their academic instruction meets ELLs'/MLLs' needs and is culturally responsive to ELL/MLL populations. This Self-Evaluation Tool includes goals, objectives, and rating scales, and requires LEAs to identify and review evidence regarding the quality of their ELL/MLL programs. If strategies and practices identified in LEAs' CEEPs and Data/Information Reports, in Corrective Action Plans, and via the District/School Self-Evaluation Tool are found to be ineffective or out of compliance, the Department will conduct in-person monitoring, as well as provide technical assistance, including data analysis and professional development for educators and administrators.

F. . Title IV, Part A: Student Support and Academic Enrichment Grants

1. <u>Use of Funds</u> *(ESEA section 4103(c)(2)(A)):* Describe how the SEA will use funds received under Title IV, Part A, Subpart 1 for State-level activities.

New York State is committed to offering all students a safe, supportive, and well-rounded school experience. In accordance with ESEA Section 4104, the Department will use up to 1% of these funds to support administrative costs associated with carrying out responsibilities related to public reporting on how Title IV, Part A funds are being expended by Local Educational Agencies (LEAs), including the degree to which LEAs have made progress toward meeting the objectives and outcomes for the program. Up to 4% of SEA-level funds will be used to strengthen and expand the Department's work in the following high-priority areas:

1. Supporting LEAs in providing programs and activities that offer well-rounded and culturally responsive educational experiences to all students.

The Department is committed to supporting LEAs across New York State to ensure that every student – including students from traditionally under-served and under-represented racial, ethnic, and socio-economic groups – has equitable and sustained access to highly effective schools that provide a well-rounded, culturally responsive education and rigorous coursework that enables students to become prepared for college, career, and civic responsibility. Toward that end, the Department will leverage programmatic and fiscal supports to increase the number of schools across New York State that demonstrate the following characteristics in serving every student:

- Visionary instructional leaders partner with all stakeholders. Visionary instructional leaders create a professional, respectful, and supportive school culture and community that values and

promotes diversity and leads to success, well-being, and high academic and career expectations and outcomes for all students. This is accomplished through the use of collaborative systems of continual and sustainable school improvement.

- All students receive curricula in all disciplines that are challenging, engaging, and integrated. The curricula are tied to appropriate formative and summative assessments, which are aligned to New York State Learning Standards. This results in instruction that is relevant and responsive to student needs and modified to maximize student growth and learning outcomes.
- Teachers and staff engage in ongoing professional development to equip themselves with effective, research-based, strategic instructional practices. Teachers and staff use multiple measures, so that targeted instruction maximizes student learning outcomes. Teachers and staff address the needs and interests of diverse learners and design lessons and activities that are responsive to what students need to learn. These efforts allow students to consistently experience high levels of engagement and achievement.
- The school community identifies, promotes, and supports social, emotional, physical, and cognitive development throughout the school day. This is accomplished by designing systems, programs, and strengths-based experiences that identify and foster healthy relationships, as well as safe, inclusive, and respectful environments. These efforts lead to students developing social emotional skills and barriers to learning being removed.
- The school has active partnerships that are culturally and linguistically inclusive and in which families, students, community members, and school staff respectfully collaborate. These partnerships support student academic progress, social-emotional growth, well-being, and personal and civic responsibility, so that students have the opportunity to reach their full potential.
- The school community identifies, promotes, and supports multiple pathways to graduation and career readiness that are based on individual strengths, needs, interests, and aspirations. These pathways create access to multiple opportunities for students to pursue advanced coursework and actively explore and/or pursue specific career-related coursework and experiences in the arts, languages, and Career and Technical Education. Consequently, students develop the knowledge and skills to meaningfully transition to postsecondary opportunities and to exercise civic responsibility.
- The school community continually and critically examines and challenges its own cultural assumptions, in an effort to understand how they shape schoolwide policies and practices, so as to inform plans for continual movement toward a school environment that is inclusive, as well as linguistically and culturally responsive.
- The school community promotes cultural responsiveness and appropriate responses to individuality and differences, as reflected in policies, programs, and practices. The school examines its cultural assumptions to inform practice and professional development on culturally and linguistically responsive pedagogy.

The Department will work to ensure that all students have access to a robust array of courses, activities, and programs in English, reading/language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, visual and performing arts, music, theater, history, geography, computer science, career and technical education, health and wellness, and physical education. The Department will also work to ensure that all students have access to effective, data-driven academic support services, including multi-

tiered systems of support via Academic Intervention Services and/or Response to Intervention models. Further, the Department will encourage schools and districts to utilize curricula and education experiences that employ Universal Design for Learning principles, and create opportunities for students to see themselves in daily teaching and learning activities.

In addition to academic supports, the Department will work to ensure that students have access to non-academic support services, such as social-emotional, behavioral, mental health, and social services provided by specialized instructional support personnel, such as school counselors, school social workers, school psychologists, school nurses, speech language pathologists, audiologists, behavioral specialists, and licensed creative arts therapists. The Department will promote the practice of integrating learning supports (e.g., behavioral, mental health, and social services), instruction, and school management within a comprehensive, cohesive approach that facilitates multidisciplinary collaboration. The Department will continue to promote school and district use of its Social and Emotional Development and Learning (SEDL) Guidelines. This guidance document aims to give New York State school communities a rationale and the confidence to address child and adolescent affective development as well as cognitive development.

The Board of Regents also strongly supports providing students access to extra-curricular opportunities so that students can serve their schools and their communities, participate in community-based internships, and engage in sports and the arts. The Department recognizes that, for many students, the provision of access to this these types of well-rounded educational experiences must include supports, services, and opportunities that take place outside of the school day. The Department believes that community organizations can play a crucial role in bringing essential resources and expertise to schools, complementing and supplementing what the rest of the school day delivers. Community partnerships expand the types of learning experiences to which students are exposed, bringing arts instruction, civics and service, hands-on science, sports and physical fitness, and/or vocational education and career readiness activities into the school schedule. To ensure that all students benefit from school-community partnerships, the Department will require schools and districts undertaking a Comprehensive Needs Assessment as part of CSI or TSI school improvement and creating plans based off of such assessment to incorporate input from relevant community partners that work in the school or work with the students that the school serves in a community-based setting, such as afterschool providers, summer program providers, early care providers, community colleges, health providers, and mental health providers.

In addition, the Department will allow Title I schools that meet alternative criteria to implement a Schoolwide program, even if their poverty rates are below 40 percent in order to ensure that all students have access to a well-rounded education. As was the case under the ESEA Flexibility Waiver, New York State will use such waivers so that an LEA may implement interventions consistent with the turnaround principles or interventions that are based on the needs of the students in the school and designed to enhance the entire educational program in any of its identified schools, even if those schools do not have a poverty percentage of 40 percent or more. In making determinations about waiver requests, the Department plans to develop a rubric to assess each request against standardized criteria. The Department anticipates that waiver requests will be reviewed throughout the year to provide timely support and technical assistance to LEAs and schools during the planning process.

2. Supporting LEAs in fostering safe, healthy, supportive, and drug-free environments that support student academic achievement

The Department believes that effectively engaging parents and families is critical to establishing safe, healthy, and supportive environments for students in all schools across the State. To ensure that all students are supported by strong home-school-community partnerships, the Department will promote State-, district-, and school-level strategies for effectively engaging parents and other family members in their children's education, based on inclusive, equitable school cultures that recognize and foster student diversity. The Board of Regents recognizes that (1) improved student achievement is linked to engaging parents and families in the education process, (2) parents and families are the first educators of children, and (3) education is the shared responsibility of schools, parents and families, and the community. The Department also prioritizes family engagement as a critical component in a child's education for the following reasons:

- Family engagement supports children's school readiness academically, socially, and emotionally
- Home-school partnerships are formed when families are engaged in their child's learning
- Families that support their child's learning more easily recognize gaps, if they occur, and can advocate for needed services
- Families that are engaged in the early years tend to continue to stay engaged throughout their child's education, making smooth transitions from home to school throughout the P-12 continuum
- Family involvement benefits educational systems, as it is a contributory factor in all school improvement efforts

With these tenets in mind, the Department will continue to provide capacity-building resources and professional development for school administrators, instructional staff, and non-instructional staff who interact directly with families. The Department will provide LEAs with guidance and best practice-based resources, such as the Dual Capacity Building Framework for Family-School Partnerships, to help support the targeted and effective use Title I, Part A and/or Title IV, Part A funds for parent and family outreach and engagement activities.

The Department recognizes that immigrant and ELL/MLL parents and families are often not fully engaged by schools due to language barriers, lack of understanding of cultural backgrounds, or lack of awareness of best practices to build connections with these communities. To help families and children to feel a sense of belonging and to provide them with information to enable informed educational decisions, the Department will provide support to school and districts to ensure that the cultures of all members of the school community are incorporated into engagement and improvement plans. Toward that end, the Department will build on previous work, such as The Blueprint for English Language Learners (ELLs) Success and the Parents' Bill of Rights to the new Part 154 regulations, to develop guidelines for engaging parents and families of all subgroups of students, with emphasis on engaging parents and families of students identified as immigrant, ELL/MLL, migrant, and homeless. The Department will work to create clear definitions of effective, culturally and linguistically competent family engagement and provide additional

supports to schools to help them meet their parent and family engagement requirements under ESSA. For example, the Department will direct LEAs to:

- Engage immigrant, ELL/MLL, migrant, and homeless parents in defining what high-quality parent engagement looks like within their school and district community
- Provide timely translation and interpretation of materials in the languages that families best understand, including training for family facing staff and leaders on how to access services and gather feedback to continually improve services
- Develop and implement improvement plans for CSI and TSI schools that specifically address the needs of immigrant, ELL/MLL, migrant, and homeless parents and families identified through a Comprehensive Needs Assessment
- Engage community-based organizations to help inform and deliver family engagement strategies that are culturally and linguistically appropriate
- Participate in trainings provided by community-based organizations, community walks, or home/shelter visits to help staff gain an understanding of and respect for parents' and students' cultural and linguistic backgrounds, including those of any unaccompanied immigrant youth and undocumented families
- Implement best-practice models to enhance ELL/MLL parents' abilities to support their children's education, understand the school system, and parents' rights, as well as to engage in effective two-way communication
- Share best-practice models and strategies that show evidence of effectively engaging immigrant families

Cultivating relationships with all families is critical. Early learners transition from home and early learning programs upon entering public schools and must feel welcome from the first point of contact. An additional way to welcome families is by performing home visits; an approved use of Title I, Part A, Title IV, Part A, and Title V, Part B funding. Home visits have been shown to lead to improvement in child and family outcomes by increasing parental involvement in their children's education, supporting parents' capacity to develop children's early literacy and language skills, and helping children achieve school success into the elementary grades.[55]

It is essential to offer training opportunities that familiarize parents with school, its expectations, and how best to support and advocate for children. Supporting families by offering adult literacy and job training adult education courses within the school building or collaborating with adult education classes offered at New York State's regional Board of Cooperative Educational Services (BOCES) assists in building parental skill sets. Districts can also support parents' and caregivers' needs to connect with peers by hosting parenting workshops and community cafés to assist families in understanding what children need to learn. The Department also believes that it is critical for LEAs to form meaningful collaborative relationships and partnerships with community-based agencies and organizations. District staff should become familiar with community resources and connect families to organizations and services that can help them to meet their non-academic needs.

[55] *Association of State and Tribal Home Visiting Initiatives. Home Visiting Provisions in Every Student Succeeds Act. December 2015*

Title IV, Part A Supported State-level activities will be coordinated with the Department's ongoing efforts to foster family and community engagement, as outlined below:

- Diagnostic Tool for School and District Effectiveness (DTSDE) Domain 6 is Family and Community Engagement; families are mentioned in other domains, such as #2 School Leader Practices and Decisions and #5 Social and Emotional Developmental Health. Programs are required to disseminate parent surveys. The National PTA Standards appear throughout the DTSDE. The importance of family partnerships is further underscored in the range of supports that New York State will provide to schools identified for CSI and TSI.
- Family engagement is included in prepared Dignity Act guidance documents; Caring for Students with Life Threatening Allergies and Substance Abuse Prevention Resources; and guidance related to elements of the various expanded learning opportunities. The Department provides supportive guidance on Academic Intervention Services. The various guidance is available at the Student Support Services website.
- Parent consultations are built into the program decision-making process for special education. The Department issued "Special Education in New York State for Children Ages 3–21 A Parent's Guide" and "Information for Parents of Preschool Students with Disabilities Ages 3-5." Department-funded Early Childhood Direction Centers provide information and referral services for children with disabilities ages birth through five, as well as professional development and technical assistance for families and preschool providers to improve results for preschool students with disabilities. The Pyramid Model framework includes a module for parents.
- In the area of Early Learning, the Department developed a Quality Assurance Protocol tool for evaluating prekindergarten programs. This tool includes a section on family engagement and partnerships that support transitions for children and families into early learning programs and from there to kindergarten. In addition, the Department contributed to the NYS Early Childhood Advisory Council's (ECAC) Developmentally Appropriate Practice briefs, including a Brief on Family Engagement.
- Charter schools that are authorized by the Board of Regents are held accountable for providing a strong culture and climate that supports family engagement. All applications for these new charter schools require extensive and ongoing family and community engagement and the involvement of families and communities in the planning, implementation, and design of each school.
- In the area of Higher Education, the NYS Teacher Standards includes family and community engagement principles and reference the need for ongoing work with families and the community to improve student outcomes.
- In the area of Adult Career and Continuing Education, the Department supports Family Literacy programs and Literacy Zones; a reform initiative to close the achievement gap in urban and rural communities of concentrated poverty and high concentrations of families and individuals with limited literacy or English language proficiency.
- The New York State Library sponsors local library programs to engage families through programming such as the summer reading programs and programing throughout the year.
- EngageNY includes a Toolkit for Parent and Family Resources to help parents understand Regents Reform initiatives.

In addition to strong parent and family engagement, NYSED recognizes that schools and their communities play unique roles and have ongoing opportunities to positively influence every single student and his or her family, as it relates to health and well-being along the life continuum. The health and physical well-being of our students is a critical foundation for ensuring student learning. Student health is linked directly to students' academic success and future success in life. By building a strong health literacy foundation, schools can provide students with the knowledge needed to make healthful decisions and become healthy, productive adults. Research demonstrates that students who are both physically healthy and emotionally supported are more likely to attend school, be engaged, and be ready to learn.[56]

While Physical Education and Health are currently required subjects for all students in grades K-12, the current standards and regulations are outdated. The Department is committed to revising current physical education and health regulations. In addition to revising regulations, the Department will encourage LEAs to adopt a Whole School, Whole Community, Whole Child model, because health-related factors such as hunger, physical and emotional abuse, and chronic illness can lead to poor school performance.[57] Research shows that school health programs positively affect educational outcomes, health-risk behaviors, and health outcomes.[58] NYSED will work to build LEA- and school-level capacity in these areas through the following:

- Publish and distribute guidance to LEAs about the importance of developing a strong health literacy foundation in school and adopting a Whole School, Whole Community, Whole Child model
- Expand and build upon existing guidance and resources to enhance school efforts to coordinate with other providers within the community to develop sustainable infrastructures for health and wellness initiatives
- Promote LEA use of the Centers for Disease Control and Prevention (CDC) School Health Index (SHI); a free, online self-assessment and planning tool that schools can use to evaluate and improve their health and safety policies and practices. The SHI is based on CDC's research-based guidelines for school health programs, which identify the policies and practices most likely to be effective in reducing youth health risk behaviors. It is the most comprehensive assessment of the implementation of the Whole School, Whole Community, Whole Child Model.
- Issue guidance encouraging schools to assess and evaluate current policies and practices in place in the areas of Health Services, Nutrition Services, Counseling, Psychological and Social Services, Healthy School Environment, Health Promotion for Staff, Health Education Family – Community Involvement, and Physical Education

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[56] *Michael, S. L., Merlo, C. L., Basch, C. E., Wentzel, K. R. and Wechsler, H. (2015),* Critical Connections: Health and Academics*. J School Health, 85: 740–758. doi:10.1111/josh.12309*

[57] *Dunkle MC, Nash MA. Beyond the Health Room. Washington, DC: Council of Chief State School Officers, Resource Center on Educational Equity; 1991*

[58] *Basch CE. Healthier Students Are Better Learners: A Missing Link in School Reforms to Close the Achievement Gap. Equity Matters: Research Review No. 6. New York: Columbia University; 2010*

Finally, the Department plans to continue efforts to develop and implement a statewide School Climate Index. In January 2013, the Board of Regents directed the Department to reconvene the Safe Schools Task Force to advise on ways to improve school safety in New York State. The task force developed a prioritized list of recommendations that was shared with the Board in September 2014. One of the top priority recommendations from the task force was to develop and implement a statewide School Climate Index (SCI), a multi-dimensional measure that allows schools to assess school climate and, where necessary, apply programmatic interventions aimed at improvement. New York State's proposed SCI will include three measures:

- School climate surveys administered to students, parents, and school personnel
- School Violence Index (SVI), which is calculated from data collected as part of Violent and Disruptive Incident Reporting (VADIR), based on a revised methodology
- Chronic absenteeism rates by school building, which was calculated for the first time in the 2015-16 school year from data reported by districts in the Student Information Repository System (SIRS)

Measuring school climate is a crucial step in improving school climate. By developing a climate index, a school can begin to develop an improvement plan with specific action items based on the results of the annual SCI. The SCI will:

- Facilitate dialogue and strengthen communication and collaboration among school administrators, staff, students, parents, and the community
- Incorporate task force recommendations for improving data collection that facilitate promoting safe and healthy schools; produce accurate data; and strengthen how schools and the Department can work together to compile information, track trends, and respond constructively to school safety and dignity indicators
- Provide school administrators with a multi-dimensional measure of school climate aimed at engaging students, staff, parents, and community

The Department plans to administer the United States Department of Education school climate surveys that were released in spring 2016 and are free for schools, districts, and states to use. The surveys, which are designed for middle and high school students (Grades 5 and up); school personnel; and parents, guardians, and community members, may be implemented using the web hosting platform that USED also provided. After the survey is administered, informational reports on the survey outcomes in the areas of engagement, safety, and environment will be available to school administrators for their review and action. The Department conducted a pilot in six school districts across New York State in 2016-17. Department staff are currently engaged in the following activities:

- Gathering feedback from pilot partners about what worked and what did not
- Refining the climate index calculation
- Meeting with vendors to learn about tools that are already in use in schools that will make implementation less burdensome
- Meeting with regional information center staff to discuss their capacity to assist schools and the Department in this effort

- Determining what information will be reported to the Department
- Determining what resources districts/schools need to develop action plans
- The Department plans to expand the survey pilot to all interested LEAs in the 2017-18 school year and may move to make the surveys required starting in the 2018-2019 school year. The Department is considering that the surveys, in the future, may be added to the accountability system as a measure of School Quality and Student Success.

3. Supporting LEAs in increasing access to personalized, rigorous learning experiences supported by technology.

To improve the academic achievement and digital literacy of all students, and to enhance equitable access to quality learning experiences, the Department will support new and existing programs that focus on the utilization of technology to personalize learning; increase access to high-quality, rigorous learning experiences; and provide professional development to assist teachers in effectively utilizing technology to improve teaching and learning. The Department will work with stakeholders to provide guidance regarding digital literacy for students and will promote equitable access for all students to effective school library programs.

The Department recognizes that technology is a powerful tool that provides opportunities to more efficiently and effectively personalize learning, including providing individualized support and resources. Personalized learning is centered on tailoring instruction and learning experiences to support individual learners' strengths and needs, in turn promoting cultural and linguistic responsiveness for all students. The Department also recognizes that technology can be utilized to provide opportunities, through online, blended, and distance learning, for increased equity in accessing high-quality courses and learning experiences that might not otherwise be available, such as in rural and high-needs schools, as well as in schools that serve special populations.

The USNY Statewide Learning Technology Plan, approved by the Board of Regents in 2010, outlines the educational technology mission and vision of the Board of Regents. The Plan identifies the Regents' expectation that "multiple environments will exist for teaching and learning, unbound by place, time, income, language or disability… Students will access learning resources anywhere, anytime through the use of technology."[59]

A 2014 statute, co-sponsored by State Senator Catharine Young and Assemblywoman Catherine Nolan, and signed into law, required the Commissioner of Education to establish a temporary Online Learning Advisory Council to develop recommendations to advance online and blended learning in New York State. The Council was charged with providing the Legislature, Governor, and Commissioner of Education with the following:

- Guidance for use of a statewide online and blended learning network
- Best practices and model school district policies to inform implementation of an online and blended learning program, including broadband access
- Academic programming suited for online and blended learning

[59] USNY Statewide Technology Plan.

- Partnerships with institutions of higher education and other relevant stakeholders for workforce opportunities using online and blended learning
- A review of teaching and professional development policies and practices [60]

The Council, composed of nominated representatives from P-20 education stakeholder groups, delivered a Report to the Governor, NYS Legislature, and the Commissioner in November 2015. According to the Report, "Based on the Council's findings, we believe New York as a whole is behind other states in many pedagogical innovations – particularly regarding online learning. These innovations warrant significant planning and work."[61]

Under the Research, Methodologies, and Examples, section of the report, the Council highlighted that "[o]nline learning should be embraced for its potential to improve educational equality. Online learning can break down geographical, financial, and social-cultural barriers in alignment with the philosophy of democratic, readily accessible education for all citizens; its benefits for facilitating improved access and equity are relevant (NYSUT,n.d). When used strategically, technology can help schools with limited funding to equal the playing field."[62]

The recommendations of the Council included "the development of high quality online learning courses and scalable systems of support to provide equitable access to [online learning] programs for students throughout New York State" and a "commitment to professional development…to support a transformation in pedagogy using online learning tools."[63]

The Council recognized that there currently exist in New York State "encouraging opportunities to create access to new online learning experiences and to create a digital transformation with online learning tools." Significantly, "unprecedented opportunity" exists "to advance online learning in its schools, and also to advance educational technology more broadly, with the investment of $2 billion in the Smart Schools Bond Act."[64]

The Smart Schools Bond Act (SSBA) was passed in the 2014-15 Enacted Budget and approved by the voters in a statewide referendum held during the 2014 General Election on Tuesday, November 4, 2014. The SSBA authorized the issuance of $2 billion of general obligation bonds to finance improved educational technology and infrastructure to improve learning and opportunity for students throughout the State. Through this funding stream, New York State districts have an unprecedented opportunity to upgrade infrastructure and purchase the technology hardware required to bring New York State schools into the 21st Century and address issues of equity related to access to technology. However, expenses such as professional development, staffing, and program costs, while essential to creating the pedagogical shifts necessary to utilize the upgraded

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[60] *New York State Online Learning Advisory Council (OLAC) Report to New York's Governor, Legislature, and Commissioner of Education. Final Report. November 12, 2015.*
[61] *OLAC Report p. 24*
[62] *OLAC Report p. 14*
[63] *OLAC Report p. 7*
[64] *OLAC Report p. 5*

technology to improve student achievement, are not allowable for reimbursement with SSBA funds.

The Online Learning Advisory Council, in their Report, made the following proposal: "If New York's policymakers and lawmakers wish to advance online learning experiences for children," including the benefits of facilitating culturally and linguistically responsive teaching and increasing equitable access to high-quality learning experiences, "it is critical that this investment [SSBA] be leveraged to ensure that not only hardware and broadband connectivity are addressed, but teachers and school leaders are also developed to ensure that practices evolve, instructional resources are used effectively, and practices are sufficiently supported so as to be sustainable."[65]

The Department recognizes that quality, ongoing teacher and administrator professional development on best practices and instructional methodologies related to educational technology is critical to successful implementation. The Department also understands that professional development continues to be a significant need in order for districts to realize their educational technology goals, based on analysis of district self-reported data included in District Instructional Technology Plans, which are required by Commissioner's Regulation 100.12.

To address the expectations of the Board of Regents as stated in the USNY Statewide Technology Plan; address the recommendations brought forth by the New York Online Learning Advisory Council to the NYS Legislature, Governor's Office, and Commissioner of Education; and further the work already occurring across the State, including initiatives made possible through Smart Schools Bond Act reimbursement funds, the Department plans to continue to support new and existing programs that focus on the utilization of technology to enhance teaching and learning, including

- Using technology to personalize learning
- Using technology to increase access to high-quality, rigorous learning experiences (such as through online, distance, and blended learning)
- Support professional development to assist teachers in effectively utilizing technology to improve teaching and learning

The Department also recognizes that digital literacy is vital to success in college, careers, and citizenship. The USNY Statewide Learning Technology Plan identifies that "technology is a path for teaching and learning, but it is also a body of practices, skill, and knowledge to be learned. All New York State learners will develop technological literacy to enter college, become productive members of the workforce, and succeed as citizens."[66] The Department will continue its work with stakeholder groups to create guidance on digital literacy for students.

The Department will further support the academic achievement and digital literacy of all students by promoting equitable access for all students to effective school library programs, which includes instruction delivered by State-certified school librarians and access to professionally curated resources that:

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[65] *OLAC Report p. 5*
[66] USNY Statewide Technology Plan.

- Improve student academic achievement
- Develop strong skills in inquiry and across multiple literacies, including digital literacy
- Help prepare college- and career-ready graduates
- Provide an engaging and safe space that connects students to the school
- Provide student opportunities to engage in the creative process through STEAM initiatives

The Department will promote equitable access for all students to effective school library programs through a three-tiered approach. In Tier One, the Department will offer guidance on the use of Title 1 funds for activities such as: hiring certified school librarians, providing up-to-date literacy materials, including librarians in school and district-wide professional development opportunities, and supporting collaboration between school librarians and classroom teachers to infuse educational technology across classrooms. Tier Two would consist of Department support for LEA definitions of effective school library programs, appropriate staffing levels, and sharing of examples of model programs and promising practices. Tier Three includes the Department incorporating measures of effective school library programs as a non-accountability measure on the State's data dashboard.

In addition to the three priority areas listed above, New York State will also provide training, technical assistance, and capacity-building to LEAs and will monitor LEAs that receive a Title IV, Part A allocation. Finally, the Department will work to identify and eliminate any State barriers to the coordination and integration of programs, initiatives, and funding streams that meet Title IV Part A purposes so that LEAs can better coordinate with other agencies, schools, and community-based services and programs.

2. Awarding Subgrants *(ESEA section 4103(c)(2)(B))*: Describe how the SEA will ensure that awards made to LEAs under Title IV, Part A, Subpart 1 are in amounts that are consistent with ESEA section 4105(a)(2).

In accordance with ESEA Section 4105 and the provisions in the Consolidated Appropriations Act of 2017, NYSED will use funds reserved under section 4104(a)(1) to award subgrants, on a competitive basis, to local educational agencies receiving Title I Part A funds, or consortia of such LEAs, in order to enable the agencies or consortia to support activities authorized under one or more of sections 4107, 4108, and 4109(a). In compliance with Section 4105(a)(2), NYSED will award such subgrants with priority given to local educational agencies, or consortia of local educational agencies, with the greatest need based on the number or percentage of children counted under section 1124(c), in a manner that ensures geographic diversity among subgrant recipients representing rural, suburban, and urban areas, and in a manner that distribute the total amount of funds available to the State under section 4104(a)(1).

G. Title IV, Part B: 21st Century Community Learning Centers

1. Use of Funds *(ESEA section 4203(a)(2))*: Describe how the SEA will use funds received under the 21st Century Community Learning Centers program, including funds reserved for State-level activities.

New York State views 21st-Century Community Learning Centers (21st CCLC) as extensions of its classrooms, providing critical academic support, enrichment, and family engagement activities to students. In accordance with ESEA Section 4202, the Department will allocate not less than 95% of funds to LEAs for implementation of approved activities. Funds for State-level activities will include a 2% set-aside for grant administration and a 3% set-aside for monitoring and evaluation, including administering the peer review process. Specific State-level activities currently underway that will continue include:

- The Department uses federal 21st CCLC funds to award two Technical Assistance Resource Centers (TARCs) contracts, one for New York City sub-grantees and one for Rest of the State subgrantees, to assist the Department in supporting and monitoring subgrantees' use of funds, and one State-level evaluation contract to measure the Department's administration of the 21st CCLC grant program and its effectiveness in New York State. The resource centers assist the Department in monitoring sub-grantees' use of funds and provide professional development and technical assistance to sub-grantees.
- Development of a State-level data collection and reporting system is currently in progress, using set-aside funds, to support the State-level evaluation. This will enable the Department to measure the effectiveness of the 21st CCLC programming in New York State. Currently, subgrantees are required to enter data annually into the federal Annual Performance Reporting (APR) system administered by the Tactile Group. Those data are not available to states or the State-level evaluator and, therefore, cannot be used to report on program effectiveness in New York State. The development of a State-level data system will make this possible.
- STEM/STEAM professional development and other resources are made available to 21st CCLC subgrantees via the TARCs and/or the website that the Centers maintain. The bi-annual professional development events coordinated by the TARCs include STEM and/or STEAM-themed offerings for subgrantees.
- Support for effective partnerships occurs through professional development opportunities, website resources, and ongoing technical assistance provided by the two TARCs contracted by the Department and by Department program staff.

The Department is considering additional non-academic measures of student outcomes, as a result of participation in 21st CCLC programming. Various assessments, including, but not limited to, social-emotional assessments, are being tested by local program evaluators. The measures that New York State is required to provide for the annual performance reporting to the federal government include report card grades and State assessment score data for regularly attending student participants. These measures are known to be lagging indicators of success that tend to occur after improvements in such measures as school attendance, student engagement, social and emotional well-being, and reduction in disciplinary issues have taken place. With an understanding of this fact, New York State's State-level evaluator has facilitated networking sessions for local evaluators interested in piloting interim indicators of student success and improvement as predictors of academic measures of success that would help inform the State's ability to measure the program's effectiveness in New York State.

2. Awarding Subgrants (ESEA section 4203(a)(4)): Describe the procedures and criteria the SEA will use for reviewing applications and awarding 21st Century Community Learning Centers funds to eligible entities on a competitive basis, which shall include procedures and criteria that take into consideration the likelihood that a proposed community learning center will help participating students meet the challenging State academic standards and any local academic standards.

In making awards to eligible applicants, the Department anticipates using substantially similar processes and criteria to those that were used to administer approximately $80 million in funds as part of a Request for Proposals (RFP) that was issued in Fall 2016. Specific processes and criteria are detailed below:

Procedures for Awarding Subgrants:

The Department utilized a prequalification requirement to increase accountability of external organization grantees. As per the RFP: The State of New York has implemented a statewide prequalification process designed to facilitate prompt contracting for not-for-profit vendors. All not-for-profit vendors are required to pre-qualify by the grant application deadline. This includes all currently funded not-for-profit institutions that have already received an award and are in the middle of the program cycle.

A rigorous peer review process was conducted that adheres to the requirements set forth in this legislation, which requires that peer reviewers be selected for their expertise in providing effective academic, enrichment, youth development, and related services to children, and that also requires that peer reviewers not include applicants or their representatives. Peer reviewers are recruited primarily via the 21st CCLC listserv, which reaches 21st CCLC State Coordinators nationwide. Peer reviewers apply via an online application, and Department staff review applications and select reviewers based on expertise and experience. Selected peer reviewers are required to sign a document that denies any conflict of interest with any current applicants and are assigned applications for review outside of the reviewer's geographic location. Peer reviewers are required to attend a training webinar that provides them with detailed instructions for completing reviews, as well as guidance regarding strengths and weaknesses to look for, a review of timelines, advice on how to write appropriate, constructive comments, how to use the rating scale, and the importance of the reviewer's role and the potential effect of inaccurate scoring. Training addresses how to read and evaluate budget narratives and budget proposals, including how to determine whether expenses are allowable under the program, required cost caps are adhered to, and sufficient description of requested funding is provided. The webinar is recorded for later reference, as well as to accommodate any reviewers who are unable to attend the live training. Reviewers' expertise, combined with the reviewer training and the strength of the scoring rubric, supported reliable and consistent scores; however, due to the nature of this process, individual scores, at times, vary by more than 15 points. In these cases, as set forth in the RFP, a third reviewer rates the application and the two scores mathematically closest to each other are averaged for the final score.

New subgrant awardees are required to meet with Department program staff to ensure agency capacity. Prior to final award, Department program staff will meet with potential lead agency

awardees that have not administered a grant with the Department in the past, and those agencies that have had prior single audit findings in relation to 21st CCLC funding to confirm agency capacity to administer the 21st CCLC grant. The purpose of this meeting is for the Department to clearly articulate the fiscal requirements of the grant.

To manage on-going risk of subgrant awardees, the 21st CCLC program office is finalizing a newly created Risk Assessment Tool. This tool will be used to assess the risk of each awarded subgrantee to prioritize monitoring, evaluation, and technical assistance visits starting in Year 1 of the grant award, and then annually thereafter to reassess risk based on fiscal and programmatic factors.

Criteria for Awarding Subgrants:

In its most recent Request for Proposals, the Department focused on highest-need schools (priority points) to direct resources to areas where transitions are likely to be most difficult. To be eligible for Title IV Part B funding, at least 2/3 of the students an applicant serves must attend:

1. Schools eligible for schoolwide programs under Title I, Section 1114 of the Every Student Succeeds Act, or
2. Schools with at least 40 percent of students eligible for free or reduced priced lunch and the families of these students.

In compliance with ESEA Section 4204(i)(1), New York State awarded priority points to applications that will serve primarily students who attend a school (e.g., public school, private school, or charter school) that meets one or more of the following criteria:

- Priority Schools[67], including Struggling and Persistently Struggling Schools
- Focus Schools[68]
- High-Need Rural Schools.
- Persistently Dangerous Schools
- Limited English Proficiency Student count equal to or greater than 5%

For subgrantees proposing to serve students in more than one school, at least 2/3 of the students served must attend a school on one of the competition priority lists above to be eligible for priority points.

In addition, the Department directed applicants to utilize Title IV, Part B funds to support the following types of activities to help ensure that participating students meet the challenging New York State academic standards and any local academic standards:

- Expanded Learning Time programming that brings external organization resources to more students. All programs must be implemented through a partnership that includes at least one LEA receiving funds under Title I, Part A and at least one (1) BOCES, nonprofit

[67] *This will be updated to reflect CSI designations starting in 2018-2019 based on 2017-18 school year data.*
[68] *This will be updated to reflect TSI designations starting in 2018-2019 based on 2017-18 school year data.*

agency, city or county government agency, faith-based organization, institution of higher education, Indian tribe or tribal organization, or for-profit corporation with a demonstrated record of success in designing and implementing before school, after school, summer learning, or expanded learning time activities.[69]Applicants must collaborate with partners, including the eligible school(s) that the students attend. A partnership signifies meaningful involvement in planning, as well as specific individual or joint responsibilities for program implementation. Multiple program options may be used by recipients of 21st CCLC funding, including before school, after school, weekends, holidays, or summer recess. Program funds may also be used to expand learning time to provide activities within the school day in schools implementing an expanded learning time program that provides students with at least 300 additional program hours per year before; during; or after the traditional school day, week, or year.

- New York State Guidelines for Social and Emotional Development focused on supporting development of the "whole child." Activities should be aligned and coordinated with the regular school day and school day teachers, challenging New York State learning standards, school and district goals, and preparing students for college and careers. The NYS Guidelines for Social and Emotional Development and Learning should be reflected in the proposed program.
- High-Quality Family Engagement as an integral part of all programming. Students and parents should be meaningfully involved in the planning and design of the program, and should continue to have ongoing, meaningful involvement in planning throughout the duration of the program. Families of participants should be provided ongoing opportunities for meaningful engagement in children's education, including opportunities for literacy and related educational development. Services for families should be based on a needs assessment to determine what families need and want. In addition to the mandatory offering of family literacy programming, subgrantees are required to establish an advisory committee that includes all relevant stakeholders, including parents and students (when age-appropriate). Schools that regularly convene an advisory committee that includes community-based partners can help ensure that afterschool and summer offerings are coordinated and that community resources are effectively leveraged to provide student supports that extend beyond the school day.
- The administration of the Quality Self-Assessment (QSA) Tool by all 21st CCLCs twice each year for the purposes of self-assessment and planning for program improvement. Applicants must design the program to include the 10 essential elements of high-quality expanded learning opportunity programs outlined in the Network for Youth Success Quality Self-Assessment (QSA) Tool. The 10 essential elements of high-quality programs, listed below, are the foundation for all professional development provided to 21st Century programs by the Department, and the 21st Century Technical Assistance Resource Centers (TARCs): Environment and Climate; Administrative and Organization; Relationships; Staffing and Professional Development; Programming and Activities; Linkages Between the Day and After School; Youth Participation and Engagement; Parent, Family, and

[69] A local educational agency (LEA) could apply without a partner if the LEA demonstrated that it was unable to partner with a community-based organization in reasonable geographic proximity and of sufficient quality to meet the requirements of 21st CCLC. An LEA wishing to apply under this provision was required to notify the NYS Education Department's Office of Student Support Services in advance.

Community Partnerships; Program Sustainability and Growth; Measuring Outcomes; and Evaluation.

- External local program evaluation requirement to ensure that the subgranted program is implemented with fidelity and that student outcomes are measured for program effectiveness. Subgrantees are required to have a comprehensive program-level evaluation plan conducted by an external evaluator that enables ongoing program assessment and quality improvement, following the requirements detailed in the New York State 21st CCLC Evaluation Manual.[70] Grantees are required to ensure that students and families will have meaningful involvement throughout the evaluation process to enhance stakeholder investment.
- Minimum daily attendance targets to encourage program retention and to ensure that funds are supporting consistency of services and reduction of school-day chronic absenteeism. Grantees must furnish the Department with a roster of participants served in its program and the hours of participation for each participant as of June 30th in each program year. Students must attend the program for a minimum of 30 hours in the program year to be considered a participant. In grant years two through five for non-profit grantees, and years one through five for for-profit grantees, if there is less than 95% of the student participation target set forth in the 2017-2018 application's Participating Schools Form, the grantee's budget will be proportionately reduced by the amount of the percentage deficiency.

H. Title V, Part B, Subpart 2: Rural and Low-Income School Program

a. Outcomes and Objectives *(ESEA section 5223(b)(1))*: Provide information on program objectives and outcomes for activities under Title V, Part B, Subpart 2, including how the SEA will use funds to help all students meet the challenging State academic standards.

The Rural and Low-Income School (RLIS) Program goal and objective in New York State is that LEAs will use resources under this program to assist the rural LEAs in New York State that have a proportionately high rate of poverty among its population in meeting New York State's challenging academic standards under the Every Student Succeeds Act. The Department expects LEAs to meet these standards by utilizing the flexible funds provided by the RLIS program to:

1. Improve teaching and learning in the classroom through:
    a. Providing rich professional development to teachers and administrators in schools
    b. Providing learning tools and resources that engage children and assist them in obtaining the knowledge necessary to succeed in postsecondary education or employment
2. Improve equity in the classroom for students, especially for subgroups that are typically disadvantaged in education, such as students in poverty, minority students, English Language Learners, and students with disabilities

Allowable uses of RLIS funds to improve teaching and learning, as well as equity, in the classroom include:

[70]The 21st CCLC Evaluation Manual

1. Use RLIS funds to augment Title I services provided by the LEA
2. Use RLIS funds to increase professional development opportunities for teachers and administrators in the LEA (activities allowable under Title II, Part A)
3. Use RLIS funds to increase services for English Language Learners (Activities allowable under Title III)
4. Use RLIS funds for allowable purposes under Title IV, Part A of ESSA, such as:
    a. Parental engagement activities to promote school/family collaboration and student success
    b. Activities to support safe and healthy students, such as drug and violence prevention programs, school-based mental health programs, and programs on nutrition and healthful living
    c. Activities to support the effective use of technology in the classroom
    d. Activities to support a well-rounded education, such as providing greater access to STEM programming, college and career counseling and guidance, and programs that include art and/or music as tools to support student success

b. <u>Technical Assistance</u> *(ESEA section 5223(b)(3))*: Describe how the SEA will provide technical assistance to eligible LEAs to help such agencies implement the activities described in ESEA section 5222.

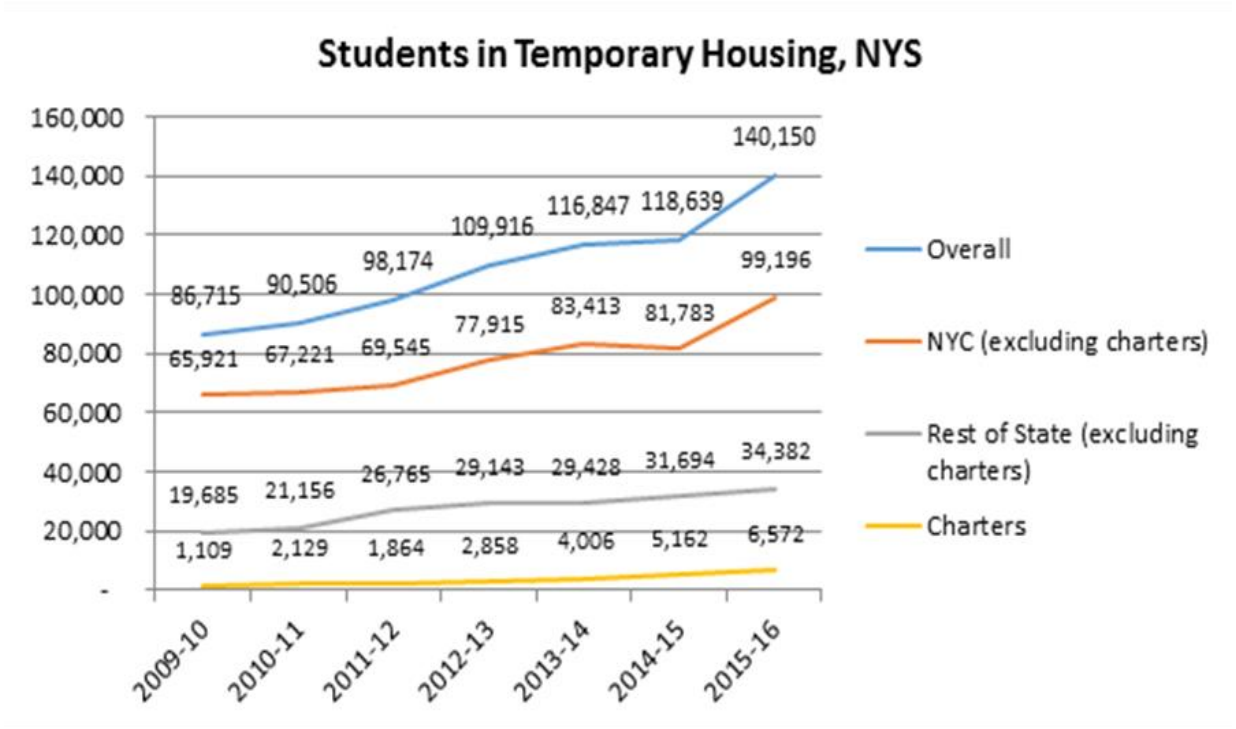
The Department will, through the RLIS Coordinator and other Department resources, provide technical assistance to LEAs throughout the grant process, as needed. Technical assistance topics may include navigating the grant application and budget process, allowability of costs under the program, and assistance in determining the needs of the district in coordination with the accountability plan. Upon request by the LEA, the Department will provide technical assistance on the implementation of LEA programs funded by RLIS by a Department subject-matter expert, based on which allowable use(s) of funds the LEA selects to use for its RLIS program.

I. Education for Homeless Children and Youth program, McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B

1. <u>Student Identification</u> *(722(g)(1)(B) of the McKinney-Vento Act)*: Describe the procedures the SEA will use to identify homeless children and youth in the State and to assess their needs.

Under federal law, it is the responsibility of the local educational agency (LEA) McKinney-Vento liaisons to identify children and youth experiencing homelessness. LEAs in New York State include school districts, charter schools, and Boards of Cooperative Educational Services (BOCES). This responsibility, as well as the definition of children and youth experiencing homelessness, is incorporated into New York State Education Law (New York Education Law Section 3209) and Commissioner's Regulations (8 N.Y.C.R.R. Section 100.2(x)).

New York State has seen a significant increase in the number of children and youth experiencing homelessness, as illustrated in the chart below.



The Department recognizes that much of the identification of our temporarily housed children and youth is accomplished through the local liaisons, as they serve as one of the primary contacts between temporarily housed families and school staff, district personnel, shelter workers, and other service providers. In support of the liaisons and LEAs, the Department currently engages multiple strategies to identify and assess the needs of homeless children and youth. These strategies include: training, outreach, technical assistance and guidance, monitoring, McKinney-Vento subgrants, NYS Education Law 3209, and Commissioner's Regulations. Collectively these strategies are used to ensure that, regardless of where or when children become temporarily housed, the problems that homeless children and youth have faced in enrolling, attending, and succeeding in school are promptly addressed.

The Department and the New York State Technical and Education Assistance Center for Homeless Students or NYS-TEACHS (the Department contracts with a third party to house NYS-TEACHS, which provides much of the Department's technical assistance related to McKinney-Vento), have ensured that LEAs properly identify children and youth experiencing homelessness and assess their needs by providing trainings to LEAs, assistance with and guidance about particular issues and cases, and monitoring of LEAs. In addition, our use of multiple strategies in support include:

- Training: offered to an extensive audience, which include homeless liaisons; district staff; district administrators; other State agencies; and community service providers, within many venues and subject areas, with a particular focus on New York City.
- Outreach: to families, service providers, and partners to identify homeless children and youth and to assess their needs. This is accomplished by distribution of posters, website

presence, presentations, and agency and interagency collaboration that has been critical to the implementation and identification of our temporarily housed students.

The Department and NYS-TEACHS will continue these efforts. In particular, the Department and NYS-TEACHS will continue to:

- Require that LEAs collect data on whether a student is homeless and the type of temporary housing arrangement that the student has if the student has been identified as homeless, consistent with federal requirements. These data are reported to the Department.
- Require that LEAs receiving Title I funds (and encourage all other LEAs) to use the model Housing Questionnaire to identify children and youth experiencing homelessness. LEAs are instructed to give the Housing Questionnaire to assess the child's or youth's housing arrangement any time that a child or youth is seeking enrollment in the LEA or has a change of address.
- Evaluate LEA identification practices as a part of the Department's targeted and consolidated monitoring protocol
- Offer tuition reimbursement to LEAs for students identified as homeless who enroll in the school district where the temporary housing is located, if that district is different from the district where the student was last permanently housed
- Publish and distribute guidance to LEAs about identifying children and youth experiencing homelessness and assessing their needs. The most recent guidance memo summarized the changes to the McKinney-Vento Act as a result of ESSA, including the change in the definition of homeless children and youth
- Collaborate with State and local agencies (e.g., departments of social services) to ensure that children and youth experiencing homelessness are properly identified
- Regularly post updated information regarding identifying children and youth experiencing homelessness and assessing their needs on the Department's website and the NYS-TEACHS website
- Offer free McKinney-Vento posters in 10 languages and brochures in English and Spanish to LEAs (approximately 50,000 are distributed). These brochures and posters include information about which children and youth may be McKinney-Vento eligible.
- Publicly post the names and contact information for all LEA liaisons, which helps facilitate inter-district collaboration to identify children and youth experiencing homelessness, as well as to assess their needs
- Answer inquiries through the NYS-TEACHS hotline and via email (approximately 2,600 inquiries per year) concerning the identification of children and youth experiencing homelessness, the assessment of their needs, and other McKinney-Vento-related issues
- Track barriers related to the identification of children and youth experiencing homelessness, as well as other McKinney-Vento-related barriers, and follow up with LEAs, as needed, to ensure that that barrier is corrected going forward
- Conduct five, large, half-day workshops per year (three in New York City and two in other parts of the State) that include information about identifying children and youth experiencing homelessness and assessing their needs
- Conduct 22 regional trainings per year that include information about identifying children and youth experiencing homelessness and assessing their needs

- Conduct 22 webinars per year that include information about identifying children and youth experiencing homelessness and assessing their needs
- Post data on the number of children and youth identified as homeless by LEA
- Provide analysis of which LEAs may have under-identified children and youth experiencing homelessness
- Target outreach for participation in McKinney-Vento trainings to LEAs that may have under-identified children and youth experiencing homelessness
- Develop and update resources for LEAs related to trauma-sensitivity to better enable them to assess and meet the needs of children and youth experiencing homelessness
- Regularly email liaisons about McKinney-Vento-related updates, including updates related to identifying homeless children and youth and assessing their needs

2. Dispute Resolution *(722(g)(1)(C) of the McKinney-Vento Act)*: Describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth.

New York State Regulations detail the dispute resolution process related to McKinney-Vento claims (see 8 N.Y.C.R.R. 100.2(x)(7)). The regulations require that:

- LEAs have a process to resolve McKinney-Vento disputes (e.g., disputes related to a child's eligibility under the McKinney-Vento Act, enrollment, school selection, or transportation)
- Students be enrolled immediately in the school where enrollment is sought, and transportation, if requested, pending final resolution of the dispute
- LEAs provide the parent, guardian, or youth (in the case of a dispute involving an unaccompanied youth) written notice that includes:
  - The reason for the LEA's decision
  - Information about the right to appeal the LEA's decision, including notice that the LEA's decision will be stayed for 30 days to allow the parent, guardian, or youth to appeal the LEA's decision to the Department
  - Contact information for the McKinney-Vento liaison and a statement that the McKinney-Vento liaison is available to help the parent, guardian, or youth with any appeal to the Department
  - A copy of the State appeal form

Below are the procedures and strategies that the Department and/or NYS-TEACHS have undertaken and will continue to undertake to ensure the prompt resolution of McKinney-Vento-related disputes:

- Revised its McKinney-Vento appeal process to ensure that continued enrollment and transportation, if requested, is provided until the Department has issued a final decision on any McKinney-Vento-related appeal, consistent with the requirements in the McKinney-Vento Act as amended by ESSA
- Made its McKinney-Vento appeal forms available in six languages

- Published a Field Memo in 2011 detailing the timelines and forms involved in McKinney-Vento appeals. The Department will update or replace this guidance to reflect the updated appeal process that allows for continued enrollment and transportation until the Department issues a final decision on any appeal.
- Published documents to help ensure the prompt resolution of McKinney-Vento appeals, such as the Appeal Sample Evidence document, which details the parent's burden of proof in the McKinney-Vento appeal process and includes a description of sample evidence for McKinney-Vento appeals, and the Sample District Dispute Resolution Policy, which was recently updated to reflect the changes made to the McKinney-Vento dispute resolution process under ESSA. NYS-TEACHS will continue to draft and disseminate materials related the prompt resolution of McKinney-Vento-related disputes on its website, as needed
- Evaluate LEA dispute practices as a part of the Department's targeted and consolidated monitoring protocol
- Collaborate with State and local agencies (e.g., departments of social services) to ensure prompt resolution of McKinney-Vento disputes
- Offer free McKinney-Vento brochures in English and Spanish to LEAs, which include information about the dispute resolution process
- Publicly post the names and contact information for all of the LEA liaisons, which helps facilitate communication with liaisons and prompt resolution of disputes.
- Answer inquiries through the NYS-TEACHS hotline and via email concerning the prompt resolution of disputes, and other McKinney-Vento-related issues
- Track barriers related to the prompt resolution of disputes, as well as other McKinney-Vento-related barriers, and follow up with LEAs, as needed, to ensure that that barrier is corrected going forward
- Conduct five, large, half-day workshops per year (3 in New York City and 2 in other parts of the State) that include information about the dispute resolution process
- Conduct 22 regional trainings per year that include information about the dispute resolution process
- Conduct 22 webinars per year, most of which include information about the dispute resolution process
- Regularly communicate with liaisons about McKinney-Vento-related updates, including updates related to promptly resolving disputes

3. Support for School Personnel ***(722(g)(1)(D) of the McKinney-Vento Act)*****: Describe programs for school personnel (including the LEA liaisons for homeless children and youth, principals and other school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel) to heighten the awareness of such school personnel of the specific needs of homeless children and youth, including runaway and homeless children and youth.**

As described previously, the Department and its technical assistance center provide an array of programs for school personnel (including the LEA liaisons for homeless children and youth, principals and other school leaders, attendance officers, teachers, enrollment personnel, and specialized instructional support personnel such as, but not limited to, school counselors; school social workers; school psychologists school nurses; speech language pathologists; audiologists;

behavioral specialists; and licensed creative arts therapists) to heighten the awareness of such school personnel of the specific needs of homeless children and youth, including runaway and homeless children and youth. For more detailed information on the programs and strategies that the Department and its technical assistance center provide, see the responses to questions one and two above.

4. Access to Services *(722(g)(1)(F) of the McKinney-Vento Act)*: Describe procedures that ensure that:

i. Homeless children have access to public preschool programs, administered by the SEA or LEA, as provided to other children in the State;

Many of the procedures and strategies detailed above, such as the hotline, onsite and online trainings, posting resources online, and notifying districts of updates via email, specifically address ensuring that children experiencing homelessness have access to LEA- and SEA-administered preschool programs. Additionally, the Department and NYS-TEACHS will undertake or continue to undertake the below procedures and strategies to ensure that homeless children have access to LEA- and SEA-administered preschool programs:

- Offer two webinars specifically focused on connecting children who are homeless with quality early care and education programs, including LEA- and SEA-administered preschool programs
- Publish and disseminate guidance related to ensuring that homeless children have access to SEA- and LEA-administered preschool
- Continue to require that LEA-administered Pre-K programs screen all children to determine their housing status
- Allow for variance in class size in order to accommodate a child who is homeless in a Pre-K classroom when it otherwise would be considered full
- Provide information in our trainings about the McKinney-Vento liaison's responsibility to connect young children who are homeless with Pre-K, Head Start, early intervention services, and other LEA-administered preschool programs
- Regularly collaborate with the New York Head Start Collaboration Director. Previous collaboration resulted in the development of a template Housing Questionnaire and Tip Sheet for Head Start Providers related to serving children experiencing homelessness
- Regularly collaborate with the Department's Office of Early Learning
- Participate in the New York State Early Childhood Advisory Council, which provides counsel to the Governor on issues related to young children and their families
- Provide updated resources on the NYS-TEACHS website related to connecting young children experiencing homelessness with quality early care and education programs and better serving them in such programs

ii. Homeless youth and youth separated from public schools are identified and accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent youth described in this clause from receiving appropriate credit

for full or partial coursework satisfactorily completed while attending a prior school, in accordance with State, local, and school policies; and

The Department will continue to work with LEAs to develop local policies and procedures to ensure that homeless youth separated from public schools are identified and accorded equal access to appropriate secondary education and support services, including by identifying and removing barriers that prevent youth from receiving appropriate credit for full or partial coursework satisfactorily completed. In its McKinney-Vento ESSA guidance memo, the Department reminded LEAs that they must remove barriers related to the awarding of full or partial credit. The Department will also develop additional statewide guidance on this topic, as necessary.

iii. **Homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs, if such programs are available at the State and local levels.**

The Department will continue to revise its policies and practices and work with LEAs to revise and develop their policies and procedures to ensure that homeless children and youth who meet the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, Advanced Placement, online learning, and charter school programs. The Department has already issued several guidance documents to LEAs regarding this issue:

- In its McKinney-Vento ESSA guidance memo, the Department reminded LEAs that they must remove barriers to homeless students accessing academic and extra-curricular activities, including magnet schools, summer school, career and technical education, Advanced Placement courses, online learning, and charter schools. This memo also provided specific guidance about missed deadlines for charter school enrollment lotteries and ensuring access for children and youth who are homeless.
- The Department issues an annual Field Memo to LEAs reminding them to ensure access to summer school, including the waiving of any fees and the provision of transportation if the lack of this service poses a barrier to participation for students who are homeless.
- The Department issued several Field Memos regarding students in temporary housing accessing charter schools in 2010 and 2013

The Department will develop additional statewide guidance on this topic as necessary.

5. Strategies to Address Other Problems ***(722(g)(1)(H) of the McKinney-Vento Act)*****: Provide strategies to address other problems with respect to the education of homeless children and youth, including problems resulting from enrollment delays that are caused by—**

i. requirements of immunization and other required health records;

ii. residency requirements;

iii. **lack of birth certificates, school records, or other documentation;**
iv. **guardianship issues; or**
v. **uniform or dress code requirements.**

Many of the strategies detailed above, such as answering questions that come through on NYS-TEACHS hotline, providing onsite and online trainings, reporting enrollment barriers, monitoring districts, posting resources online, and notifying districts of updates via email specifically address the elimination of enrollment delays related to requirements of immunization and other required health records; residency requirements; lack of birth certificates, school records, or other documentation; guardianship issues; or uniform or dress code requirements. Additionally, New York State Education Law and Commissioner's Regulations prohibit enrollment delays for children and youth experiencing homeless and require their immediate enrollment in school. The Department will provide additional guidance to LEAs as needed.

6. Policies to Remove Barriers (*722(g)(1)(I) of the McKinney-Vento Act)*: Demonstrate that the SEA and LEAs in the State have developed, and shall review and revise, policies to remove barriers to the identification of homeless children and youth, and the enrollment and retention of homeless children and youth in schools in the State, including barriers to enrollment and retention due to outstanding fees or fines, or absences.

The Department has worked closely with the Governor and the legislature to amend New York State law to comply with the recent changes to the McKinney-Vento Act. These amendments were signed into law on April 20, 2017. Corresponding regulations went into effect July 1, 2017. In its McKinney-Vento ESSA guidance memo, the Department reminded LEAs that they must remove barriers to enrollment and retention due to outstanding fees or fines, or absences. The Department will continue to review and revise its policies and issue additional guidance as needed. The Department and NYS-TEACHS will also continue to undertake the strategies detailed above, such as answering questions that come through on NYS-TEACHS hotline; providing onsite and online trainings; reporting barriers related to identification, enrollment, or retention; monitoring districts; posting resources online; and notifying districts of updates via email to ensure that LEAs remove barriers to identification, enrollment, and retention of children and youth who are homeless.

7. Assistance from Counselors (*722(g)(1)(K)*): A description of how youths described in section 725(2) will receive assistance from counselors to advise such youths, and prepare and improve the readiness of such youths for college.

Higher education is the key to helping students experiencing homelessness escape poverty. The Department and its technical assistance center, NYS-TEACHS, have posted resources for counselors to use when advising, preparing, and improving the readiness of homeless youth for college (see NYS-TEACHS webpage: "Accessing College for Students in Temporary Housing" at http://www.nysteachs.org/info-topic/access-college.html). The webpage provides counselors and students with information about strategies to improve access to college, financial aid including scholarships, information about fee waivers, and other resources. Of note, a McKinney-Vento Liaison Checklist: *Supporting College Access* linked at: http://nysteachs.org/media/CollegeAccessChecklist.pdf has been designed to help school district

liaisons and counselors meet their obligations under the federal McKinney-Vento Act, which requires that:

- Liaisons ensure that school personnel working with students who are homeless receive professional development;
- School districts ensure that youth who are homeless do not face barriers to accessing academic and extracurricular activities and are provided with transportation if needed;
- School districts award full or partial credit for coursework satisfactorily completed at a prior school;
- School districts ensure that youths who are homeless receive college counseling;
- Liaisons ensure that unaccompanied youth who are homeless are told that they can apply for federal financial aid as independent students and are given verification of their independent student status for purposes of the FAFSA; and
- Liaisons ensure that youth are referred to housing services.

The Department will also develop guidance setting forth expectations for how LEAs should ensure that youths described in section 725(2) will receive assistance from counselors to advise such youths, and prepare and improve the readiness of such youths for college. The Department and NYS-TEACHS will continue to undertake the strategies detailed previously, such as answering questions that come through on NYS-TEACHS hotline, providing onsite and online trainings, reporting barriers related to access to college counseling, monitoring districts, , and notifying districts of updates via email to ensure that youths described in section 725(2) will receive assistance from counselors to advise such youths, and prepare and improve the readiness of such youths for college.

Appendix A: Measurements of interim progress

Instructions: Each SEA must include the measurements of interim progress toward meeting the long-term goals for academic achievement, graduation rates, and English language proficiency, set forth in the State's response to Title I, Part A question 4.iii, for all students and separately for each subgroup of students, including those listed in response to question 4.i.a. of this document. For academic achievement and graduation rates, the State's measurements of interim progress must take into account the improvement necessary on such measures to make significant progress in closing statewide proficiency and graduation rate gaps.

A. Academic Achievement

Measure	Group Name	2015-16 Baseline	Gap from End Goal	5 Yr Gap Reduction Goal	Yearly Gap Reduction Goal	2017-18 Target	2018-19 Target	2019-20 Target	2020-21 Target	2021-22 Long-Term Goal	End Goal
3-8 ELA	All Students	97	103	20.6	4.1	101	105	109	113	118	200
	Asian/Pacific Islander	157	43	8.6	1.7	159	160	162	164	166	200
	Black	89	111	22.2	4.4	93	98	102	107	111	200
	Economically Disadvantaged	87	113	22.6	4.5	92	96	101	105	110	200
	English Language Learners	58	142	28.4	5.7	64	69	75	81	86	200
	Hispanic	88	112	22.4	4.5	92	97	101	106	110	200
	Multiracial	97	103	20.6	4.1	101	105	109	113	118	200
	American Indian/Alaska Native	87	113	22.6	4.5	92	96	101	105	110	200
	Students with Disabilities	45	155	31.0	6.2	51	57	64	70	76	200
	White	93	107	21.4	4.3	97	102	106	110	114	200

Measure	Group Name	2015-16 Baseline	Gap from End Goal	5 Yr Gap Reduction Goal	Yearly Gap Reduction Goal	2017-18 Target	2018-19 Target	2019-20 Target	2020-21 Target	2021-22 Long-Term Goal	End Goal
3-8 Math	All Students	101	99	19.8	4.0	105	109	113	117	121	200
	Asian/Pacific Islander	177	23	4.6	0.9	178	179	180	181	182	200
	Black	81	119	23.8	4.8	86	91	95	100	105	200
	Economically Disadvantaged	87	113	22.6	4.5	92	96	101	105	110	200

Measure	Group Name	2015-16 Baseline	Gap from End Goal	5 Yr Gap Reduction Goal	Yearly Gap Reduction Goal	2017-18 Target	2018-19 Target	2019-20 Target	2020-21 Target	2021-22 Long-Term Goal	End Goal
	English Language Learners	73	127	25.4	5.1	78	83	88	93	98	200
	Hispanic	86	114	22.8	4.6	91	95	100	104	109	200
	Multiracial	101	99	19.8	4.0	105	109	113	117	121	200
	American Indian/Alaska Native	88	112	22.4	4.5	92	97	101	106	110	200
	Students with Disabilities	50	150	30.0	6.0	56	62	68	74	80	200
	White	102	98	19.6	3.9	106	110	114	118	122	200

Table 2: High School Measures of Interim Progress

Measure	Group Name	2015-16 Baseline	Gap from End Goal	5 Yr Gap Reduction Goal	Yearly Gap Reduction Goal	2017-18 Target	2018-19 Target	2019-20 Target	2020-21 Target	2021-22 Long-Term Goal	End Goal
HS ELA	All Students	177	23	4.6	0.9	178	179	180	181	182	200
	Asian/Pacific Islander	194	6	1.2	0.2	194	194	195	195	195	200
	Black	148	52	10.4	2.1	150	152	154	156	158	200
	Economically Disadvantaged	156	44	8.8	1.8	158	160	161	163	165	200
	English Language Learners	87	113	22.6	4.5	92	96	101	105	110	200
	Hispanic	151	49	9.8	2.0	153	155	157	159	161	200
	Multiracial	183	17	3.4	0.7	184	184	185	186	186	200
	American Indian/Alaska Native	150	50	10.0	2.0	152	154	156	158	160	200
	Students with Disabilities	103	97	19.4	3.9	107	111	115	119	122	200
	White	195	5	1.0	0.2	195	195	196	196	196	200

Measure	Group Name	2015-16 Baseline	Gap from End Goal	5 Yr Gap Reduction Goal	Yearly Gap Reduction Goal	2017-18 Target	2018-19 Target	2019-20 Target	2020-21 Target	2021-22 Long-Term Goal	End Goal
HS Math	All Students	151	49	9.8	2.0	153	155	157	159	161	200
	Asian/Pacific Islander	192	8	1.6	0.3	192	193	193	193	194	200
	Black	114	86	17.2	3.4	117	121	124	128	131	200
	Economically Disadvantaged	130	70	14.0	2.8	133	136	138	141	144	200
	English Language Learners	98	102	20.4	4.1	102	106	110	114	118	200
	Hispanic	123	77	15.4	3.1	126	129	132	135	138	200
	Multiracial	154	46	9.2	1.8	156	158	160	161	163	200
	American Indian/Alaska Native	125	75	15.0	3.0	128	131	134	137	140	200
	Students with Disabilities	85	115	23.0	4.6	90	94	99	103	108	200
	White	169	31	6.2	1.2	170	171	173	174	175	200

B. Graduation Rates

Measure	Group Name	2011 4 Yr GR Baseline	Gap from End Goal	5 Yr Gap Reduction Goal	Yearly Gap Reduction Goal	2017-18 Target	2018-19 Target	2019-20 Target	2020-21 Target	2021-22 Long Term Goal	End Goal
4 Yr GR	All Students	80.4%	14.7%	2.9%	0.6%	80.9%	81.5%	82.1%	82.7%	83.3%	95.0%
	American Indian/Alaska Native	66.5%	28.5%	5.7%	1.1%	67.6%	68.8%	69.9%	71.1%	72.2%	95.0%
	Asian/Pacific Islander	87.5%	7.5%	1.5%	0.3%	87.8%	88.1%	88.4%	88.7%	89.0%	95.0%
	Black	69.3%	25.7%	5.1%	1.0%	70.3%	71.3%	72.4%	73.4%	74.4%	95.0%
	Economically Disadvantaged	73.2%	21.8%	4.4%	0.9%	74.1%	75.0%	75.8%	76.7%	77.6%	95.0%
	English Language Learners	46.6%	48.4%	9.7%	1.9%	48.5%	50.5%	52.4%	54.4%	56.3%	95.0%
	Hispanic	68.9%	26.1%	5.2%	1.0%	69.9%	71.0%	72.0%	73.1%	74.1%	95.0%
	Multiracial	80.7%	14.3%	2.9%	0.6%	81.2%	81.8%	82.4%	83.0%	83.5%	95.0%
	Students With Disabilities	55.3%	39.7%	7.9%	1.6%	56.9%	58.5%	60.0%	61.6%	63.2%	95.0%
	White	89.2%	5.8%	1.2%	0.2%	89.4%	89.7%	89.9%	90.1%	90.4%	95.0%

Measure	Group Name	2010 5 Yr GR Baseline	Gap from End Goal	5 Yr Gap Reduction Goal	Yearly Gap Reduction Goal	2017-18 Target	2018-19 Target	2019-20 Target	2020-21 Target	2021-22 Long Term Goal	End Goal
5 Yr GR	All Students	83.0%	13.0%	2.6%	0.5%	83.5%	84.0%	84.6%	85.1%	85.6%	96.0%
	American Indian/Alaska Native	69.1%	26.9%	5.4%	1.1%	70.1%	71.2%	72.3%	73.4%	74.5%	96.0%
	Asian/Pacific Islander	88.8%	7.2%	1.4%	0.3%	89.1%	89.4%	89.7%	89.9%	90.2%	96.0%
	Black	73.7%	22.3%	4.5%	0.9%	74.6%	75.5%	76.4%	77.3%	78.1%	96.0%
	Economically Disadvantaged	77.5%	18.5%	3.7%	0.7%	78.2%	79.0%	79.7%	80.5%	81.2%	96.0%
	English Language Learners	52.9%	43.1%	8.6%	1.7%	54.6%	56.3%	58.1%	59.8%	61.5%	96.0%
	Hispanic	72.9%	23.1%	4.6%	0.9%	73.8%	74.8%	75.7%	76.6%	77.5%	96.0%
	Multiracial	81.1%	14.9%	3.0%	0.6%	81.7%	82.3%	82.9%	83.5%	84.1%	96.0%
	Students With Disabilities	60.8%	35.2%	7.0%	1.4%	62.2%	63.6%	65.0%	66.4%	67.8%	96.0%
	White	90.5%	5.5%	1.1%	0.2%	90.7%	90.9%	91.1%	91.3%	91.6%	96.0%

Measure	Group Name	2010 6Yr GR Baseline	Gap from End Goal	5 Yr Gap Reduction Goal	Yearly Gap Reduction Goal	2017-18 Target	2018-19 Target	2019-20 Target	2020-21 Target	2021-22 Long Term Goal	End Goal
6 Yr GR	All Students	84.1%	13.0%	2.6%	0.5%	84.6%	85.1%	85.6%	86.1%	86.6%	97.0%
	American Indian/Alaska Native	70.1%	26.9%	5.4%	1.1%	71.2%	72.3%	73.4%	74.4%	75.5%	97.0%
	Asian/Pacific Islander	89.6%	7.4%	1.5%	0.3%	89.9%	90.2%	90.5%	90.8%	91.1%	97.0%
	Black	75.7%	21.3%	4.3%	0.9%	76.6%	77.4%	78.3%	79.1%	80.0%	97.0%
	Economically Disadvantaged	79.5%	17.5%	3.5%	0.7%	80.2%	80.9%	81.6%	82.3%	83.0%	97.0%
	English Language Learners	56.0%	41.1%	8.2%	1.6%	57.6%	59.2%	60.9%	62.5%	64.2%	97.0%
	Hispanic	74.8%	22.2%	4.4%	0.9%	75.7%	76.6%	77.5%	78.4%	79.3%	97.0%
	Multiracial	81.6%	15.4%	3.1%	0.6%	82.2%	82.8%	83.4%	84.1%	84.7%	97.0%
	Students With Disabilities	61.9%	35.1%	7.0%	1.4%	63.3%	64.7%	66.1%	67.5%	68.9%	97.0%
	White	90.7%	6.3%	1.3%	0.3%	91.0%	91.2%	91.5%	91.7%	92.0%	97.0%

C.

C. Progress in Achieving English Language Proficiency

Subject	Group	2015-16 Baseline	Gap from End Goal	5 YR Gap Reduction Goal	Yearly Gap Reduction Goal	2017-18 Target	2018-19 Target	2019-20 Target	2020-21 Target	2021-22 Long Term Goal	End Goal
ELP	ELLs/MLLs	43%	52%	10%	2%	45%	47%	49%	51%	53%	95%

Currently, 43% of New York State ELLs/MELLs meet their progress expectations. Since the end goal is to have 95% of students meet their progress expectations, the gap is 52%. The long-term goal is to have 20% of that gap closed within 5 years, which is the 2021-22 school year. Twenty percent of 52% equals 10%, when rounded to the nearest whole percent. The annual progress for the long-term goal is divided equally by the number of years, and, therefore, is 2%.

Appendix B

OMB Control No. 1894-0005 (Exp. 03/31/2017)

NOTICE TO ALL APPLICANT

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Public Law (P.L.) 103-382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that

girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

(4) An applicant that proposes a project to increase school safety might describe the special efforts it will take to address concern of lesbian, gay, bisexual, and transgender students, and efforts to reach out to and involve the families of LGBT students

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement for GEPA Requirements

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain benefit (Public Law 103-382. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20210-4537 or email ICDocketMgr@ed.gov and reference the OMB Control Number 1894-0005.

Response:

New York State remains committed to ensuring equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs through the implementation of several laws and regulations. The State Education Department does not discriminate on the basis of age, color, religion, creed, disability, marital status, veteran status, national origin, race, gender, genetic predisposition or carrier status, or sexual orientation in its educational programs, services and activities. In New York, all local educational agencies must comply with NYS Education Law § 3201 which states that discrimination on account of race, creed, color or national origin is prohibited. Further, Education Law § 3201 requires that no person shall be refused admission into or be excluded from any public school in the state of New York on account of race, creed, color or national origin.

NYSED has consistently affirmed its commitment to this goal in recent years, including through recent projects such as our 2015 Plan to Ensure Equitable Access to Effective Educators ("State's Equity Plan"), the Strengthening Teacher and Leader Effectiveness (STLE) Grant, the Teacher Incentive Fund Grant, the Teacher Opportunity Corps, and the New York State My Brother's Keeper Initiative ("My Brother's Keeper") - all of which are focused on the management of human capital in ways that help close and eliminate equity gaps so that all young people have the chance to reach their full potential. More recently, with assistance from private philanthropy, NYSED has launched the Principal Preparation Project, which aims to enhance state support for the development of school building leaders.

The Board of Regents is committed to using its ESSA plan to increase equity of outcomes in New York State's schools. New York envisions its ESSA plan will promote educational equity via the following strategies:

Paperwork Burden Statement According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1810-0576. The time required to complete this information collection is estimated to average 249 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this collection, please write to: U.S. Department of Education, Washington, DC 20202-4537. If you have comments or concerns regarding the status of your individual submission of this collection, write directly to: Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Ave., S.W., Washington, DC 20202-3118.

1. Publish annually the per-pupil expenditures for each Local Education Agency (LEA) and school in the state to highlight instances where resources must be reallocated to better support those students with the greatest needs.
2. Publish annually a report examining equitable access to effective teachers per district and facilitate the ability of districts to address inequities through strengthening mentoring/induction programs, targeting professional development, or improving career ladders.
3. Use the Needs Assessment process to identify inequities in resources available to schools and require districts to address these inequities in their improvement plans.
4. Reduce inequities in allocation of resources to schools by districts by establishing an annual cycle of resource allocation reviews in districts with large numbers of identified schools.
5. Direct additional support and assistance to low-performing schools based on school results and the degree to which they are improving.
6. Focus on fairness and inclusion of all NYS students in state assessments through involvement of educators and application of Universal Design for Learning concepts in test development.
7. Leverage the creation of P-20 partnerships that explicitly recognize the importance of institutions of higher education and other preparatory programs to improve the quality and diversity of the educator workforce.
8. Require that any teacher transferring from another school in the district to a Comprehensive Support and Improvement school must have been rated as Effective or Highly Effective in the most recent evaluation year.
9. Use Title I School Improvement Funds to support the efforts of districts to increase diversity and reduce socio-economic and racial/ethnic diversity in schools.
10. Develop state and local policies and procedures to ensure that homeless youth are provided equal access to appropriate educational supports, services, and opportunities as their peers.
11. Create uniform transition plans for students exiting neglected or delinquent facilities and require school districts to appoint a transition liaison to ensure the students' successful return to school.
12. Explicitly design the State accountability system to require schools and districts to reduce gaps in performance among subgroups, incentivize districts to provide opportunities for advanced coursework to all high school students, to continue to support students who need more than four years to meet graduation requirements, and work with students who have left school so that they can earn a high school equivalency diploma.

Specific to the activities described in the Title II, Part A section of this application, the initiatives related to teacher preparation and ongoing professional development are designed to ensure that all aspiring and practicing teachers and school leaders have equitable access to training and differentiated support that will ensure that they have the knowledge, skills, and abilities to meet the needs of all students. Further, the provisions in Title I of this application related to ensuring that all students have equitable access to experienced, effective, and qualified educators are designed to ensure that all students, including our highest need students, have access to educators that can provide them with the support needed for personal academic success. Our plan provides strategies that are designed to close gaps in access to great teachers and leaders for

students across New York State, including students with disabilities, English language learners, and students in poverty.

These sets of goals reflect the state's commitment to improving student learning results by creating well-developed systems of support for achieving dramatic gains in student outcomes.

New York State Education Department

Closing Procedures Guide and Checklist for New York State Charter Schools Authorized by the Board of Regents

Last Revised March 21, 2012

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Albany, New York 12234
http://www.p12.nysed.gov/psc/

Acknowledgements

Much of the information provided in this *Closing Procedures Guide and Checklist for New York State Charter Schools Authorized by the Board of Regents* was derived from the *Accountability in Action: A Comprehensive Guide to Charter School Closure* report created and published by the National Association of Charter School Authorizers (NACSA) in 2010. NACSA is nationally recognized for their *Principles & Standards for Quality Charter School Authorizing*, which support policies and procedures aimed at increasing the number of high quality charter schools throughout the United States. In addition to NACSA, the Board of Regents and the New York State Education Department wish to acknowledge and thank the following organizations for their contributions to creating this Guide.

National Association of Charter School Authorizers
105 West Adams Street, Suite 3500
Chicago, IL 60603-6253
www.qualitycharters.org

Volunteers of America
Charter School Sponsorship Program
924 19th Avenue South
Minneapolis, MN 55404
www.voa.org

California Department of Education
Charter Schools Division
1430 N Street
Sacramento, CA 95814
http://www.cde.ca.gov/sp/cs/

Massachusetts Department of Elementary and Secondary Education
Charter School Office
75 Pleasant Street
Malden, MA 02148
http://www.doe.mass.edu/charter/

Charter Schools Institute
The State University of New York
41 State Street, Suite 700
Albany, NY 12207
www.newyorkcharters.org

Overview

The closure of a charter school can be very difficult for school stakeholders, particularly students, families, and school staff. This process can also adversely impact the community in which the school is located. A charter school may close voluntarily, through non-renewal, or through revocation. The decision of the Board of Regents (Regents) to close a charter school is based on many factors, including a school's inability to meet renewal standards that are typically reflected within academic, organizational, and/or financial goals in a school's charter contract and Performance Framework. The Regents are extremely cautious when making such a determination and are committed to helping students identify high-quality educational alternatives.

The primary purpose of this Guide and Checklist is to provide guidance to both New York State Education Department (Department) Charter School Office staff and charter school leadership in order to ensure the orderly closure of a Regents-authorized charter school after a school closure has been determined by the Board of Regents,[1] as required by the school's charter agreement.[2] **Please note that closing charter schools are responsible for completing all actions in the Checklist in accordance with their charter contract**. The Appendices to the Guide and Checklist also includes template notification documents to support efficient protocols and processes. For schools, these include a Sample Parent Letter, Sample Staff Letter, and Sample Press Release.

The Department and the Regents will work to help closing charter schools protect the best interests of displaced families and staff with a focus on assisting successful transitions for all parties involved. School stakeholders must be notified immediately of an impending closure so that they are able to gain access to options aligned with their individual needs. Additionally, as independent nonprofit organizations, charter schools must manage varying aspects of dissolution of the organization in order to adequately prepare for, and adhere to, legal and statutory requirements. These and other important closure-related actions are outlined in this Guide and Checklist. Both the Department and the closing school must address the concerns of many different stakeholders throughout the closure process, including school employees, building landlords, creditors, and – most importantly – students and families. It is essential to focus on ensuring that every student is placed in an appropriate school, while also managing the operational aspects of school closure.

The Charter School Office will work closely with school leadership and Board members to leverage resources and coordinate both academic and operational transition tasks. This collaboration will help ensure that student records are handled appropriately, families are educated about educational choices, and partnerships are forged with the local education community to facilitate student transfers.

A number of the tasks listed throughout the Checklist represent actions that have proven successful during past charter school closings. Though some tasks are not required by statute, they are meant to provide support and technical guidance to charter schools as they embark on critical closure functions to help ensure effective transitioning for students and staff. **Other tasks *are* required by federal and state statute. Such tasks must be finalized by the date listed in the Completion Date column in the Checklist.**[3] These and other actions are monitored by Charter School Office staff and

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1 Per SED's charter contract § 8.2. Grounds for Revocation, the Board of Regents can terminate or revoke a school's charter in accordance with §2855 of the Act or by mutual agreement between the school and the Board of Regents.

[2] The Appendix also includes template notification documents to support efficient protocols and processes. For schools, these include a Sample Parent Letter, Sample Staff Letter, and Sample Press Release. For SED staff, these include a Notification of Waiver/Watch/Probation and Notification of Revocation.

[3] Per SED's charter contract § 8.4. Dissolution, in the event of termination or revocation of a Board of Regents-authorized school, the school must follow procedures in its original charter Application and §2851(2)(t) of the Act. Procedures may include student transfer and record transfer to the school district in which the Charter School is located and for the disposition of the Charter School's assets to the school district in which the Charter School is located or to another charter school located within the school district. Closing schools must also adhere to

can include, but are not limited to:

- Maintenance of Location and Communication: NY Ed Law §220.5
- Transfer of Student Records: Act § 2851(t); SED contract §§2.4, 8.4; NY Ed Law §219.4
- Inventory: NY Ed Law §220.1
- Disposition of Property: NY Ed Law §220.1; 220.2; 220.3

additional procedures required by SED to ensure an orderly dissolution process, including compliance with applicable requirements of Education Law §§ 219 and 220.

Timing of Closure Activities

As noted above, many of the tasks included in the Checklist are considered urgent and must take place within days of the Regents' vote to close the charter school. Other actions will be ongoing until the school closure is complete. The Checklist maps the timing of activities which range from actions taken immediately following a closure vote by the Board of Regents through final closure activities. Several activities are ongoing, including the critical requirement that the board of trustees continue to communicate closely with the authorizer and provide advance copies of materials for board meetings (including agendas, financials, minutes, supporting documents, etc.). The key categories of tasks are summarized below, and fully detailed in the Checklist that follows.

1. **Immediate Tasks** (Immediately and up to 1 week following the Closure Vote): A Transition Team dedicated to ensuring the smooth transition of students and staff and to close down the school's business, populated by SED staff and board and staff members of the closing charter school should be formed immediately to complete urgent tasks immediately following the closure vote of the Board of Regents. The Transition Team will prioritize notification of the public and school community, convening meetings with families and staff, and clarifying communication protocols and expectations through the completion of the closing process. Engaging key school stakeholders in this process will help increase trust within the school community. This collaboration will also help encourage families to take advantage of available transitional services.[4] Parents and faculty will receive a detailed transition letter. External state and local agencies will receive notifications, as will unions for schools with collective bargaining units.
2. **Ongoing Activities** (Through completion of the closure process): Some activities require ongoing maintenance of effort and attention by trustees and school staff. The Transition Team will ensure instruction continues through closure, provide support for families seeking placement options, and ensure appropriate use of dissolution funds.
3. **Pre-Closure Tasks** (Within three weeks to 45 days after the Closure Vote): These consist of significant priority tasks essential to high-quality and on-time dissolution. Actions items include notification of creditors, debtors, contractors, vendors, and management companies, if applicable.
4. **Post-Closure Tasks** (Within one week to 120 days after the last day of instruction) Dissolution tasks during this period after the end of instruction include extensive financial reporting (including a closeout audit), transfer of student records, notification of final report cards, and formal document records transfer. The closing school Board Chair is responsible for the disposition of records, including (but not limited to) financial documents, contracts, assets, and grants. The school leader is accountable for ensuring that student records are up-to-date and complete and that all records are transferred appropriately. Provisions for the closing school to maintain all school records, including financial and attendance records, should reflect the timelines outlined in the Checklist. The Charter School Office should notify the closing charter school of any outstanding liabilities owed to the state. These may include overpayment of apportionments and/or unpaid revolving fund loans or grants. If the Regents believe that the school received state funding for which it was not eligible, the Charter School Office may request an audit conducted by the New York State Comptroller.

[4] Transitional services can include, but are not limited to, providing written materials in relevant home languages, hosting school choice fairs, offering meetings that accommodate working parents, providing access to a consistent point of contact to answer questions, oversight of operational and fiscal closure activities, and, ultimately, ensuring that every student is enrolled in an appropriate school.

Immediate Tasks (Immediately and up to 1 week following the Closure Vote)

	Action Item	Responsibility for Action Item (Suggested)	Completion Date	Status
1	**Create "Charter School Closure: Frequently Asked Questions"** Document from SED answering questions about the closure of the school and providing key information to support the transition of students and staff, and contact information.	SED Lead	Prior to SED vote to close the charter school	
2	**Establish Transition Team and Assign Roles** A team dedicated to ensuring the smooth transition of students and staff and to close down the school's business populated by SED staff, in conjunction with Board members and staff of the closing charter school. Team to include: • Lead person from SED Staff; • Charter School Board chair; • Lead Administrator from the Charter School; • Lead Finance person from the Charter School; • Lead person from the Charter School Faculty; and, • Lead person from the Charter School Parent Organization The board chair should also consider soliciting the assistance of external partners to fulfill all responsibilities associated with dissolution. In the event of trustee resignations, disclosure obligations of the board will be borne by the remaining trustees.	SED Lead and Charter School Board Chair	Within 24 hours of SED vote to close the charter school	
3	**Press Release** Create and distribute a press release that includes the following: • History of school; • SED closure policies; • Reason(s) for school closure; • Outline of support for students, parents and staff; and, • Contact information for the SED and School media liaison. Media liaisons for SED and the School will ensure that the release is comprehensive and comports with the approved closure plan agreed to by the board and the authorizer.	SED Lead and Charter School Board Chair	Within 24 hours of SED vote to close the charter school	
4	**Assign Transition Team Action Item Responsibilities** Distribute contact information to all transition team members, set calendar for meetings and assign dates for completion of each charter school closure action item. • SED liaison will meet with the School's Transition Team to establish common understandings and troubleshoot issues, which may arise through the completion of dissolution. • The Transition Team should move quickly to establish a Student Transition Plan (Plan) that focuses on enrolling students in a new, appropriate school. The Plan should establish clear deadlines for key activities and should not be considered complete until every student engaging in transitional services has been enrolled in a new school.	SED Lead and Charter School Board Chair	Within 48 hours of SED vote to close the charter school	

Immediate Tasks (Immediately and up to 1 week following the Closure Vote)

	Action Item	Responsibility for Action Item (Suggested)	Completion Date	Status
	• A School Closure Coordinator should also be established so that families have access to a direct line of support that can provide guidance through the transition.			
5	**Initial Closure Notification Letter: Parents & School** Distribute letter to faculty, staff and parents outlining: • Closure decision of the authorizer; • Timeline for transition; and, • Help Line and online information to address inquiries pertaining to records, enrollment, lottery procedures, names and locations of other charter schools, etc.	SED Lead and Charter School Board Chair	Within 48 hours of SED vote to close the charter school	
6	**Terminate Summer Instruction Program** Take appropriate action to terminate any summer instruction, such as canceling teaching contracts. If the school had planned to operate a Summer Program, the School must provide SED with evidence that the appropriate parties have been officially notified; and, further, that the complete and proper financial management of the school is completed in a timely manner.	Charter School Board Chair and Administrator Lead	Within 48 hours of SED vote to close the charter school	
7	**Initial Closure Notification Letter: State & Local Agencies** Letter to SED as well as local school districts (as necessary to inform local district for purposes of enrolling students from the closing school) to include: • Notification materials distributed to parents; • Notification materials distributed to faculty and staff; • SED decision materials, resolution to close school; • Copy of any termination agreement(s) (if applicable); and, • Copy local public school districts	SED Lead and Charter School Board Chair	Within 72 hours of SED vote to close the charter school	
8	**Talking Points** Create talking points for parents, faculty, community, and press. Focus on communicating plans for orderly transition of students and staff. Distribute to transition team.	SED Lead and Charter School Board Chair	Within 72 hours of SED vote to close the charter school	
9	**Secure Student Records** Ensure all student records are organized, up to date and maintained in a secure location.	Charter School Administrator Lead	Within 72 hours of SED vote to close the charter school	
10	**Secure Financial Records** Ensure all financial records are organized, up to date and maintained in a secure location. A copy of the financial records should be provided to SED prior to school closure. Those records shall include all financial records of the school including, but not limited to: • Original bank statements for no less than one year • Vendor invoices and statements	Charter School Financial Lead	Within 72 hours of SED vote to close the charter school	

Immediate Tasks (Immediately and up to 1 week following the Closure Vote)

	Action Item	Responsibility for Action Item (Suggested)	Completion Date	Status
	• Records of payments to vendors • Payroll documentation, including the method by which tax documents (W-2's) will be provided to employees subsequent to school closure. For an extended list of document submission requirements, please refer to item #45. NOTE: The School may be required to ship financial records to SED.			
11	**Parent Contact Information** Create Parent Contact List to include: • Student name; student address; • Telephone; and, • Email, if possible ***Provide a copy of the contact information to SED.***	Charter School Administrator Lead	Within 1 week of SED vote to close the charter school	
12	**Faculty Contact Information** Create Faculty Contact List that includes: • Name; • Position; • Address; • Telephone; and, • Email ***Provide a copy of the list to SED.***	Charter School Faculty Lead	Within 1 week of SED vote to close the charter school	
13	**Convene Parent Closure Meeting** Plan and convene a parent closure meeting. • Make copies of "Closure FAQ" document available; • Provide overview of SED closure policy and closure decision; • Provide calendar of important dates for parents; • Provide specific remaining school vacation days and date for end of classes; • Present timeline for transitioning students; • Present timeline for closing down of school operations; and, • Provide contact and help line information	SED Lead, Charter School Administrator and Charter School Parent Organization Leads	Within 1 week of SED vote to close the charter school	
14	**Convene Faculty/Staff Meeting** School Board Chair to communicate: • Commitment to continuing coherent school operations throughout closure transition; • Plan to assist students and staff by making closing as smooth as possible; • Reasons for closure; • Timeline for transition details; • Compensation and benefits timeline; and, • Contact information for ongoing questions	Charter School Board Chair, Charter School Administrator Lead, and Charter School Faculty Lead	Within 1 week of SED vote to close the charter school	

Immediate Tasks (Immediately and up to 1 week following the Closure Vote)

Action Item		Responsibility for Action Item (Suggested)	Completion Date	Status
	Provide SED copies of all materials distributed at Faculty/Staff Meeting.			

Ongoing Activities (Through completion of the closure process)				
Action Item		**Responsibility for Action Item**	**Completion Date**	**Status**
15	**Continue Current Instruction** Continue instruction under current education program per charter contract until end of school calendar for regular school year.	Charter School Administrator Lead	Ongoing after SED closure vote until end of classes as designated in SED resolution	
16	**Board Communication** Provide advance copies of all meeting agendas, minutes, financials (monthly, or as required by SED), all supporting documentation for trustee minutes, and all documents as outlined throughout this Checklist.	SED, Charter School Board Chair and Charter School Financial Lead	Ongoing after SED closure vote until completion of dissolution	
17	**Establish Use of Reserve Funds** If school is required to maintain closure reserve funds, identify acceptable use of such funds to support the orderly closure of the school.	SED, Charter School Board Chair and Charter School Financial Lead	Ongoing after SED closure vote until completion of dissolution	
18	**Maintain Location and Communication**[5] For the duration of closing out the school's business, regulatory and legal obligations, establish if the school will maintain the current facility as its locus of operation. If so, access to the facility should be maintained. In the event the facility is sold or otherwise vacated before concluding the school's affairs, the school must relocate its business records and remaining assets to a location where a responsive and knowledgeable party is available to assist with closure operations. The school must maintain operational telephone service with voice message capability, and maintain custody of business records until all business and transactions are completed and legal obligations are satisfied. ***The school must immediately inform SED if any change in location or contact information occurs.***	Charter School Board Chair	Ongoing after SED closure vote until completion of dissolution	
19	**Maintain Insurance** The school's assets and any assets in the school that belong to others must be protected against theft, misappropriation and deterioration. The school should: • Maintain existing insurance coverage until the disposal of such assets under the school closure action plan; • Continue existing insurance for the facility, vehicles and other assets until 1) disposal or transfer of real estate or termination of lease, and 2) disposal, transfer or sale of vehicles and other assets are sold; • Negotiate facility insurance with entities that may take possession of school facility (lenders, mortgagors; bond holders, etc.);	Charter School Board Chair and Charter School Financial Lead	Ongoing after SED closure vote until completion of dissolution	

[5] NY Ed Law §220(5).

Ongoing Activities (Through completion of the closure process)

	Action Item	Responsibility for Action Item	Completion Date	Status
	• Continue or obtain appropriate security services; • Notify the insurance company and law enforcement in the event of theft; • Plan to move assets to secure storage after closure of the school facility; and • Maintain existing directors and officers liability (D&O) insurance, if any, until final dissolution of the school.			

20	**Reporting of Financial Condition**
	The school must submit the following financial documents (and submit updates on a monthly basis as of the close of the following month until finalization of closure)
	• A current balance sheet as of the month just ended before the closure decision, including accompanying schedules for: (1) All assets and their value; (2) Accounts/loans payable or other liabilities that exceed $1,000;
	• A current income statement as of the month just ended before the closure decision
	• A grants report indicated the anticipated use of all funds received through federal and state grants, including a plan to return funds as appropriate for grant projects/programs that will be terminated or not completed. The school cannot use these funds for costs related to closure
	• A comprehensive month-to-month cash flow statement to operate the school through the closure date which accounts for the full disposition of assets and specifically gives priority to and includes:
	  o Payment of instructional staff to ensure completion of the school's instructional program (including an itemized schedule of current and projected payroll and payroll benefit payments, including payout of any accrued leave/vacation time);
	  o Total funds to satisfy all outstanding liabilities including but not limited to all contracts/leases and payoff of all debts;
	  o Payments to the New York State Teachers Retirement System on behalf of employees;
	  o Payment of any costs associated with transition of students and records;
	  o Costs for a complete, close-out financial audit; and
	  o All other costs associated with closure.
		Charter School Financial Lead	Within 30 days of SED vote to close the charter school and ongoing by the close of each month.	

Pre-Closure Tasks (Within three weeks to 45 days after the Closure Vote)

	Action Item	Responsibility for Action Item	Completion Date	Status
21	**Parent/Guardian Closure Transition Letter** Distribute letter with detailed guidance regarding transition plan. Notification should include, but not be limited to: • Date of the last day of regular instruction; • Cancellation of any planned summer school; • Notification of mandatory enrollment under New York State law; • Date(s) of any planned school choice fair(s); • Listing of the contact and enrollment information for charter, parochial, public and private schools in the area; • Information on obtaining student records pursuant to the New York State Freedom of Information Law before the end of classes; and, • Contact information for parent/guardian assistance/questions ***Provide SED with a copy of the letter.***	Charter School Board Chair and Charter School Administrator Lead	Within 10 days of SED vote to close the charter school	
22	**Staff/Faculty Closure Transition Letter** Outline transition plans and timelines for staff, including but not limited to: • Commitment of school's board to transitioning staff; • Commitment to positive transition for children into new educational settings; • Any transition to new employment assistance board anticipates providing (such as job fairs); • *Timelines for compensation and benefits; • Timelines for outstanding professional development issues; • COBRA information; • Processing of year-end tax documents (W-2's, 1099's, etc.) • Pertinent licensure information; • Faculty lead contact information; and, • Transition team member contact information ***Provide SED with copies of the letter and any accompanying materials.*** * Trustees must be clear about compensation that may be owed to teachers based on their negotiated agreements with the school. For example, if payment for services rendered through the end of the school year are annualized over a 12-month period, the school may be required to pay funds budgeted for the summer after school closure.	Charter School Board Chair	Within 10 days of SED vote to close the charter school	
23	**Agencies/Organizational Partners** The school must satisfy SED's statutory and regulatory obligation to ensure a smooth transition for students. Agency notifications may include: • School finance; • Grants management;	SED Lead and Charter School Board Chair	Within 10 days of SED vote to close the charter school	

Pre-Closure Tasks (Within three weeks to 45 days after the Closure Vote)				
	Action Item	**Responsibility for Action Item**	**Completion Date**	**Status**
	• General programs office; • New York State teacher retirement system; • Non-instructional staff retirement system; • Local school district superintendent(s); • New York State auditor/comptroller/budget office (depending on revenue flow); • Assessment and testing; • Data reporting (student information); • Child nutrition; • Transportation; and, • Organizations and/or institutions with which the school has partnered			
24	**Union Notification Pursuant to any Collective Bargaining Agreement** If applicable, the school should work with legal counsel to notify any unions of termination of collective bargaining agreements (CBAs) and the pending cessation of instruction, pursuant to the notice requirements set forth in any existing CBA or notice requirements of applicable federal, New York State and local law. The school should: • Consult with legal counsel with respect to notice requirements for terminating the CBA and the legal implications with respect to termination of CBAs and the termination of employees connected to the CBAs; • Provide a copy of the latest CBA to SED; • Provide a copy of the notice to SED; and, keep SED informed of the implications, penalties and damages in connection with any termination of a CBA as well as ongoing discussions and negotiations with the union in connection with termination	Charter School Board Chair	Within 10 days of SED vote to close the charter school	
25	**List of Creditors and Debtors** Formulate list of creditors and debtors and any amounts accrued and unpaid with respect to such creditor or debtor. The list should include: • Contractors to whom the school owes payment; • Lenders; • Mortgage holders; • Bond holders; • Equipment suppliers; • Secured and unsecured creditors; • Persons or organizations who owe the school fees or credits; • Lessees or sub-lessees of the school; and • Any person or organization holding property of the school ***Provide a copy of the list to SED with the amount owed to each creditor thereon and***	Charter School Financial Lead	Within three weeks of SED vote to close the charter school	

Pre-Closure Tasks (Within three weeks to 45 days after the Closure Vote)				
	Action Item	**Responsibility for Action Item**	**Completion Date**	**Status**
	the amount owed by each debtor.			
26	**Management Organization Notification and Termination of Contract** The school must: • Notify management company/organization of termination of education program by the school's board, providing the last day of classes and absence of summer; • Provide notice of non-renewal in accordance with management contract; • Request final invoice and accounting to include accounting of retained school funds and grant fund status; • Provide notice that the management company/organization should remove any property lent to the school after the end of classes; and, • Request a receipt of such property ***Provide a copy of this notification to SED.*** The trustees should convene a meeting to ensure that areas open to dispute and litigation (eg., intellectual property, disposition of assets, fees, claims, etc.) are discussed and addressed by counsel to the School and counsel to the management company.	Charter School Board Chair and Charter School Financial Lead	Within three weeks of SED vote to close the charter school	
27	**Contractors** The school must formulate a list of all contractors with contracts in effect and: • Notify them regarding school closure and cessation of operations; • Instruct contractors to make arrangements to remove any contractor property from the school by a date certain (copying machines, water coolers, other rented property); • Retain records of past contracts as proof of full payment; and, • Maintain telephone, gas, electric, water, insurance, Directors and Officers liability insurance long enough to cover the time period required for all necessary closure procedures to be complete ***Provide SED with written notice of all such notifications.***	Charter School Finance Lead	Within three weeks of SED vote to close the charter school	
28	**Audit Engagement** The school shall engage, by a vote of the board, an **independent** auditor subject to CSO approval, to conduct a final close-out audit of the school. Submit a signed and dated copy of the engagement letter and an estimated timeline for the start and completion of the audit.	Charter School Board of Trustees and Charter School Financial Lead	Within 30 days of SED vote to close the charter school	
29	**IRS Status** If the school has 501(c)(3) status, it must take steps to maintain that status including, but not limited to, the following: • Notification to IRS regarding any address change of the school corporation; and, • Filing of required tax returns or reports (e.g., IRS form 990 and Schedule A) ***If the school corporation proceeds to dissolution, notify the IRS of dissolution of the***	Charter School Board Chair and Charter School Financial Lead	Within 30 days of SED vote to close the charter school	

Pre-Closure Tasks (Within three weeks to 45 days after the Closure Vote)				
	Action Item	**Responsibility for Action Item**	**Completion Date**	**Status**
	education corporation and its 501(c)(3) status and provide a copy to SED.			
30	**Creditors** Solicit from each creditor a final accounting of the school's accrued and unpaid debt. Compare the figures provided with the school's calculation of the debt and reconcile. Where possible, negotiate a settlement of debts consummated by a settlement agreement reflecting satisfaction and release of the existing obligations. ***Provide SED with a written summary of this completed activity.***	Charter School Finance Lead	Within one month of SED vote to close the charter school	
31	**Debtors** Contact all debtors and demand payment. If collection efforts are unsuccessful, consider turning the debt over to a commercial debt collection agency. All records regarding such collection or disputes by debtors regarding amounts owed must be retained. ***Provide SED with a written summary of this completed activity.***	Charter School Finance Lead	Within one month of SED vote to close the charter school	
32	**UCC Search** The school should perform a Uniform Commercial Code (UCC) search to determine if there are any perfected security interests and to what assets security interests are attached. ***Provide a copy of the search to SED.***	Charter School Financial Lead	Within 30 days of SED vote to close the charter school	
33	**Employees and Benefit Providers** The school should establish an employee termination date and: • Notify all employees of termination of employment and/or contracts; • Notify benefit providers of pending termination of all employees; • Notify payroll processor of pending closure of the school; • Notify employees and providers of termination of all benefit programs; and • Terminate all programs as of the last date of service in accordance with applicable law and regulations (e.g., COBRA), including: o health care/health insurance; o life insurance; o dental plans; o eyeglass plans; o cafeteria plans; o 401(k), retirement plans; and o pension plans Specific rules and regulations may apply to such programs, especially teacher retirement plans. Therefore, legal counsel should be consulted. ***Provide SED with copies of all materials.***	Charter School Board Chair and Charter School Financial Lead	Within 45 days of SED vote to close the charter school	
34	**Vendors**	Charter School Financial Lead	Within 45 days of	

Pre-Closure Tasks (Within three weeks to 45 days after the Closure Vote)				
	Action Item	**Responsibility for Action Item**	**Completion Date**	**Status**
	The school must: • Create vendor list; and, • Notify vendors of closure and cancel or non-renew agreements as appropriate. ***Provide SED with a copy of all documents.***		SED vote to close the charter school	
35	**Inventory**[6] The school must: • Create a fixed asset list segregating New York State and federal dollars; • Note source codes for funds and price for each purchase; and, • Establish fair market value, initial and amortized for all fixed assets ***Provide SED with a copy of all documents***.	Charter School Financial Lead	Within 45 days of SED vote to close the charter school	
36	**Disposition of Assets Plan**[7] The School must develop a plan for the disposition of all assets, property, and inventory, including assets purchased with federal funds. In closing out any federal grant and accounting for any federal grant funds, property owned by the federal government or property acquired under a federal grant must be distributed in accordance with federal regulations. See 34 CFR. Part 80, subparts C and D. The school's Board is required to petition the supreme court in the judicial district where the principal office of the corporation is located, directing the disposition of all property belonging to the school. This includes: • Statement of assets; • Location of assets; • Estimated value of assets; and, • Statement of school debts This petition must be published in the local newspaper for at least four successive weeks. If an auction is held to dispose of the assets. The school must: • Ensure public notice of the auction is made widely; • Price items at fair market value, as determined from inventory and fixed assets policy; and, • Determine with SED/court how to return funds if any remain ***This petition must be sent to SED and the New York State Attorney General at least ten***	SED and Charter School Financial Lead	Within 45 days of SED vote to close the charter school	

[6] NY Ed Law §220.1.

[7] NY Ed Law §§ 220.1; 220.2; 220.3.

Pre-Closure Tasks (Within three weeks to 45 days after the Closure Vote)

	Action Item	Responsibility for Action Item	Completion Date	Status
	days prior to its submission. Provide SED with a copy of all documents.			
37	**Disposition of Real Property Plan (e.g., facilities)** Adhere to New York State requirements for real property acquired from a public school district to determine right of first offer and other applicable requirements for disposition.	Charter School Financial Lead	Within 45 days of SED vote to close the charter school	
38	**Payment of Funds** The school should work with SED to prioritize a payment strategy considering New York State and local requirements. Using available revenue and any funds from auction proceeds pay the following entities: • Retirement systems; • Teachers and staff; • Employment taxes and federal taxes; • Audit preparation; • Private creditors; and, • Overpayments from New York State/district ***Provide SED with a copy of all materials associated with this action.***	SED and Charter School Financial Lead Plan complete	Within 45 days of SED vote to close the charter school and ongoing activity until completed	

Post-Closure Tasks (Within one week to 120 days after the last day of instruction)

	Action Item	Responsibility for Action Item	Completion Date	Status
39	**Final Report Cards and Student Records Notice** The school must ensure that: • All student records and report cards are complete and up to date; • Parents/guardians are provided with copies of final report cards and notice of where student records will be sent with specific contact information); and, • Parents/ guardians receive a reminder letter or post card reminding them of the opportunity to access student records under Freedom of Information law ***Provide SED with a copy of the notice.***	Charter School Administrative and Faculty Lead	One week after the last day of instruction	
40	**Transfer of Testing Materials** The school must follow New York State regulations regarding disposition of New York State assessment materials stored at the school and return as required. ***Provide SED with letter outlining transference of testing materials.***	Charter School Administrative Lead	One week after the last day of instruction	
41	**U.S. Dept. of Education Filings** File Federal form 269 or 269a if the school was receiving funds directly from the United States Department of Education. See 34 CFR 80.41.	Charter School Financial Lead	One week after the last day of instruction	
42	**Itemized Financials** Review, prepare and make available: • Fiscal year-end financial statements; • Cash analysis; • List of compiled bank statements for the year; • List of investments; • List of payables (and determinations of when a check used to pay the liability will clear the bank); • List of all unused checks; • List of petty cash; • List of bank accounts; and, • List of all payroll reports including taxes, retirement or adjustments on employee contracts Additionally, collect and void all unused checks as well as close accounts once transactions have cleared.	Charter School Financial Lead	Within 30 days of the last day of instruction	
43	**Payroll and Employment Verification Reports** The school must generate a list of all payroll reports including taxes, retirement or adjustments on employee contracts as well as employment verification report to each employee.	Charter School Administrative and Financial Lead	Within 30 days of the last day of instruction	

Post-Closure Tasks (Within one week to 120 days after the last day of instruction)				
Action Item		**Responsibility for Action Item**	**Completion Date**	**Status**
	• The school must provide evidence of having made payment and arrangements for the timely and complete processing of all payroll documentation (W-2's, 1099's, etc.). Evidence of such will consist of a signed and dated assurance from the provider. • The school must provide an employment verification report to each employee at the end of their employment which includes the dates that the individual worked at the school, the position(s) held (including grade and subject taught if a teacher), and salary history, signed by the School Leader. ***Provide SED with copies of all materials.***			
44	**Transfer of Student Records**[8] As required by New York State statute, the school must transfer all student records to students' new school and/or school district within which the charter is located. Student records include: • Grades and any evaluation; • All materials associated with Individual Education Plans; • Immunization records; and, • Parent/guardian information The school must contact the relevant districts of residence for students and notify districts of how (and when) records — including special education records — will be transferred. In addition, the school must create a master list of all records to be transferred and state their destination(s).	Charter School Administrative Lead, Charter School Faculty Lead, and Charter School Parent Organization Lead	Within one month of the last day of instruction	
45	**Documenting Transfer of Student Records**[9] Written documentation of the transfer of records must accompany the transfer of all student materials. The written verification must include: • The number of general education records transferred; • The number of special education records transferred; • The date of transfer; • The signature and printed name of the charter school representative releasing the records; and, • The signature and printed name of the district (or other entity) recipient(s) of the records ***Provide copies of all materials documenting the transfer of student records to SED.***	Charter School Board Chair and Charter School Administrative Lead	Within one month of the last day of instruction	

[8] Act §2851(t); Charter §2.4, §8.4; NY Ed Law §219.4.

[9] NY Ed Law §219.4.

Post-Closure Tasks (Within one week to 120 days after the last day of instruction)

	Action Item	Responsibility for Action Item	Completion Date	Status
46	**Expenditure Reporting** Ensure that Federal Expenditure Reports (FER) and the Annual Performance Report (APR) are completed. ***Provide SED a copy of all materials.***	Charter School Financial Lead	Within 45 days of the last day of instruction	
47	**Final Distribution of Assets** Final distribution of assets may be directed by the Court as described in #36 above. In general, all liabilities and obligations of the School must be paid and discharged to the extent of the School's assets. Any assets held subject to a lien, encumbrance, security interest or other written conditions or limitations must be disposed of in accordance with and subject to those conditions or limitations. Assets received and held by the School subject to limitations permitting their use only for charitable, benevolent, educational, or similar purposes, but not held upon condition requiring return or with specific disposition instructions, shall be held until dissolution and transferred or conveyed to one or more charter schools in the school district or to the school district. An itemized receipt must be obtained from each recipient of an asset containing the name, address and telephone number of the recipient. (In case of later question, audit or review by federal bankruptcy or state supreme court, or other governmental body.) In closing out any federal grant and accounting for any federal grant funds, property owned by the federal government or property acquired under a federal grant must be distributed in accordance with federal regulations. *See* 34 CFR. Part 80, subparts C and D.	Charter School Financial Lead	Within 60 days of the last day of instruction	
48	**Documenting the Disposition of and Transfer of Corporate Records** The school's Board should follow its records retention policy, or follow guidance provided by SED. In all cases, the school board shall maintain all corporate records related to: • Employees (background checks, personnel files); • Loans, bonds, mortgages and other financing; • Contracts; • Leases; • Assets and asset sales; • Grants (records relating to federal grants must be kept in accordance with 34 CFR 8042.) Governance (minutes, by-laws, policies); • Accounting/audit, taxes and tax status; • Employee benefit programs and benefits; and, • Any items provided for in the closure action plan	Charter School Board Chair and Charter School Financial Lead	Within 60 days of the last day of instruction and ongoing	

Post-Closure Tasks (Within one week to 120 days after the last day of instruction)

Action Item		Responsibility for Action Item	Completion Date	Status
49	**Audit** The school must submit a final closeout audit (by an independent CPA firm or New York State auditor, as determined by statute), which documents disposition of all liabilities. ***Provide a copy of the final audit to SED.***	Charter School Board Chair and Charter School Financial Lead	Within 120 days of the last day of instruction	

APPENDIX A: Sample Notification Letter - Families

CHARTER SCHOOL NAME AND ADDRESS

DATE

Dear Families of CHARTER SCHOOL NAME,

I want to thank you for entrusting your child's education to the staff and leadership of the CHARTER SCHOOL NAME and for believing in the mission of our school: [INSERT MISSION]. On behalf of the Board, leadership, and staff of the school, it has been our honor to serve the students of the CHARTER SCHOOL NAME for the past XX years. We have worked hard over the life of the charter to provide our students with the educational vision contained in our original charter application. As you may be aware, the Board of Regents of the New York State Education Department, which is charged by the state to oversee our school, voted to close CHARTER SCHOOL NAME at its DATE meeting. The Board of Regents determined that the school was unable to meet its goals and has decided that the last day of operation will be DATE.

The CHARTER SCHOOL NAME Board is committed to seeing this school year through successfully. We expect our students to engage in our academic program through the last day of our school's operation. We will also be hosting a series of family meetings to assist students and families with the transition to their new school. These meetings will be attended by representatives from area schools; families will have the opportunity to learn more about educational options available to their children. Enrollment information and materials will also be available. The meetings will be held at the following dates and times:

- DAY, DATE, TIME, LOCATION 1
- DAY, DATE, TIME, LOCATION 2
- DAY, DATE, TIME, LOCATION 3

We, in partnership with the New York State Education Department's Charter School Office and the MANAGEMENT COMPANY, IF ANY, are also committed to helping the teaching staff successfully complete the remainder of the school year. We will be providing assistance to the teachers to help them find new positions for the next school year.

Please note that NAME is the point person for any questions that you might have, and s/he would be happy to meet with you to discuss this process. I again thank you for your faith in the CHARTER SCHOOL NAME, its leadership, teachers, and mission. Let's make the most of the next XX weeks that we have together, stay positive, and focus on giving our students all that we can to prepare them for long-term academic success.

Respectfully,

CHAIRPERSON'S NAME , TITLE
CHARTER SCHOOL NAME

APPENDIX B: Sample Notification Letter - Staff

CHARTER SCHOOL NAME AND ADDRESS

DATE

Dear Staff of CHARTER SCHOOL NAME,

I want to thank you for your hard work and dedication this year on behalf of the children at the CHARTER SCHOOL NAME. Your professionalism is admirable and truly appreciated. We have worked hard over the past XX years to establish the school envisioned in our original charter application. Much of what we have accomplished is a credit to our teaching staff's dedication to the students we serve. As you may know, the Board of Regents voted on DATE to close our school. As such, our school will continue to serve our students through DATE.

The CHARTER SCHOOL NAME Board is committed to seeing this school year through successfully. We expect our students to continue to receive a quality education through the very last day of school. We, in partnership with the Charter School Office at the New York State Education Department and the MANAGEMENT COMPANY, IF ANY, are committed to helping the teaching staff fulfill their duties until the last day of school operation. [Please also note that the school is financially solvent, and that all employees – in accordance with their employment agreements – will continue to be paid through the end of the school year.]

Please also be aware that our students and families are a top concern for CHARTER SCHOOL NAME. Therefore, we will be hosting a series of family meetings to assist students and families with the transition to new schools next year. These meetings will be held at the school at the following dates and times; all teaching staff are welcome to attend:

- DAY, DATE, TIME 1
- DAY, DATE, TIME 2

NAME will be the point person for all staff questions related to the closure, and NAME will be the point person for all families and family issues related to the closure. While the day-to-day operations of the school won't change between now and the last day of school, NAME will forward a timeline to the staff within the next XX days that contains information related to important dates, and the completion of operations following the last day of classes on DATE. I again thank you for your commitment and dedication to the children and community that we serve. Let's make the most of the next XX weeks that we have together, stay positive and focus on giving our students all that we can to prepare them for academic success after this year.

Respectfully,

CHAIRPERSON'S NAME , TITLE
CHARTER SCHOOL NAME

APPENDIX C: Sample Press Release

For Immediate Release: RELEASE DATE

Contact: NAME OF INFORMATION OFFICER, (XXX) XXX-XXXX

Accountability Continues at the Board of Regents DATE Meeting
The Regents Vote Not to Renew CHARTER SCHOOL NAME.
CHARTER SCHOOL NAME to Close DATE.

Albany, New York. During the Board of Regents' DATE meeting, upon the recommendation of the New York State Education Department's (SED) Charter School Office and confirmation by the [CHARTER SCHOOL RENEWAL COMMITTEE], the Board of Regents voted unanimously today to deny the application for charter renewal submitted by the CHARTER SCHOOL NAME. This decision means that the CHARTER SCHOOL NAME will close DATE at the end of the current school year. The Charter School Office, SED's [CHARTER RENEWAL COMMITTEE], and the full Board of Regents were unable to find that the school had posted evidence of success necessary to earn renewal under SED's charter contract with CHARTER SCHOOL NAME. Prior to the Board's "final and irrevocable" vote, the school was afforded all avenues of appeal available in statute and [BOARD OF REGENTS POLICY NAME].

Based on the review of evidence gathered over the XX-year term of the charter, during the renewal site visit, the school's application for charter renewal, and through appeals, the Board of Regents was not able to identify findings required under New York State Statute to renew CHARTER SCHOOL NAME's charter contract. Statute requires the Board of Regents to make an explicit finding that the school was likely to improve student achievement and be operated in an educationally sound manner. Based upon the renewal report submitted by SED's Charter School Office, the Board of Regents, instead, found [INSERT FINDINGS HERE, e.g., that the educational program, leadership, and governance at the school did not post sufficient academic results, or qualitative evidence to indicate the school would meet, or come close to meeting, the Performance Framework goals included in its charter contract. The school did (NOT) operate in a fiscally, legally, and regulatory sound manner]. Therefore, SED's [CHARTER RENEWAL COMMITTEE] voted on DATE to recommend the full Board of Regents deny the school's application for renewal.

The Charter School Office recommendation to the Board of Regents, Regents' policies, and other pertinent information is available online at WEBSITE URL. The Charter School Office will hold an information meeting for CHARTER SCHOOL NAME families on DATE. Charter School Office staff will provide families information on other public school choice options available to students and explain the transition of student records and other pertinent information at that time. The Charter School Office's Family Advocate, FIRST & LAST NAME, will be available to families at the school beginning DATE and can be reached at (XXX) XXX-XXXX.

Charter schools are tuition-free public schools. In exchange for certain freedoms – the ability to develop their own curriculum, choose staff, set educational goals, offer a longer school day and school year, and establish their own standards for student behavior – charter schools must continually apply for, and demonstrate, that they have earned the right to continue the high privilege of educating the children of New York. The Board of Regents currently oversees XX public charter schools on XX campuses, serving more than XXXX students across the state of New York. XX new Regents-authorized charter schools from the fall DATE application cycle are scheduled to open in fall DATE.

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SUNY Charter Schools Institute
The State University of New York

School Closure Plan

Item	Description of Required Actions	Responsible Party	Completion Date	Status
	Immediate Board Actions			
1	**Establish *ad hoc* Education Corporation Board Committee for wind-up / closure** ❑ Designate school contact person(s) to send and receive communications from the Institute. ❑ Designate employees or trustees who will handle various aspects of winding up of school operations. ❑ Provide list of employees / trustees with contact information, and correspondent responsibilities to the Institute. ❑ Instruct contact persons to comply with outside and charter notification requirements for time sensitive notifications, such as notifications involving Collective Bargaining Agreements ("CBAs"), if any.			
2	**Assess Current Financial Position of the Education Corporation** The Education Corporation Board must understand what its cash flow position is as well as its general assets and liabilities in order to determine if it can stay open to the end of the current school year.			
3	**Continue Current Instruction** Continue instruction under current education program in charter until end of school calendar for regular school year (end of classes) ("EOC") UNLESS THE EDUCATION CORPORATION WILL NOT HAVE SUFFICIENT FUNDS TO PAY ALL EMPLOYEE WAGES AND BENEFITS THROUGH THE END OF THE SCHOOL YEAR. In that case contact the Institute immediately. Note the failure to pay wages is a crime under New York law and could subject the Education Corporation trustees to liability.			

Item	Description of Required Actions	Responsible Party	Completion Date	Status
4	**Terminate Summer Instruction Program** Take appropriate action to terminate any summer instruction, such as canceling teaching contracts and notifying parents.			
5	**Reserve Funds** Pursuant to the Charter Agreement, segregate by Education Corporation Board resolution in an escrow account or attorney trust account a minimum of $75,000 in funds (as directed by the Institute) to be used for legal, accounting and other expenses to execute this Closure Plan, dissolve the Education Corporation pursuant to §§ 219 or 220 of the Education Law and for any associated court proceedings including those associated with §§ 510-511 of the New York Not-For-Profit Corporations Law. The Institute will determine the exact amount.			
6	**Maintain Communications and Identifiable Location** During the wind-up of the Education Corporation's affairs, it is anticipated that the Education Corporation Board will use the school facility, and access thereto should be maintained, even if only by advance notice in order to access assets, etc. In the event the school facility is sold or otherwise vacated before the winding up of the Education Corporation's affairs, the Education Corporation must relocate its records and remaining assets to a secure location and maintain operational telephone service with voice message capability, and custody of business records until all business and transactions are completed, and the Education Corporation is dissolved pursuant to §§ 219-220 of the Education Law. Note that a sale of the school facility will likely trigger N-PCL §§ 510-511 proceeding in NY Supreme Court as a disposition of substantially all of the assets of the education corporation.			
	Notifications and Further Actions			
7	**Notification of Parents / Guardians** Within 10 days after final action on the Charter by the SUNY Trustees, notify parents / guardians and employees of Education Corporation regarding the closure of the school, if such notification has not been made. Such notification shall include, but not be limited to, the following:			

Item	Description of Required Actions	Responsible Party	Completion Date	Status
	❑ date of the last day of regular instruction; ❑ cancellation of any planned summer school; ❑ notice to parents that enrollment of children in their district of residence or other school is mandatory under state law; ❑ optional inclusion of a listing of the names of charter, parochial, public and private schools in the area; and ❑ offer of copies of student records pursuant to the Freedom of Information Law (FOIL) or the Family Educational Rights and Privacy Act (FERPA) before the EOC. ❑ Provide the Institute with a copy of the notice.			
8	**Notification of School Districts** Within 20 days after final action on the Charter by the SUNY Trustees, the Education Corporation must notify school district(s) of students' residence regarding the termination of the education program and lack of future enrollment. ❑ The notice should reflect the fact that no July payment need be made to the Education Corporation. ❑ The notice should inform the districts that the Education Corporation will be reconciling its accounts with the district after the EOC. ❑ If applicable, notification regarding cessation of food and transportation services should be provided. ❑ Provide notice to the districts that arrangements should be made to pick up any district property; e.g., borrowed books, nursing equipment. ❑ Provide the Institute with a copy of the notice.			
9	**Notification of Funding Sources / Charitable Partners** Within 30 days after final action on the Charter by the SUNY Trustees, all sources of the Education Corporation's operational funding, as well as charitable partners of the Education Corporation, must be notified in writing of the closure of the school. ❑ The Education Corporation should not accept further loans from funders, foundations, etc. nor otherwise incur additional liability. However, it may continue to accept gifts or grants from charitable partners or funders as long as the entity is aware of the school's closure status. Charities with property on the premises of the school should be notified to remove same as soon as possible or after EOC, whichever is appropriate.			

Item	Description of Required Actions	Responsible Party	Completion Date	Status
10	**Notification of Management Company or CMO and Termination of Management Contract** If applicable, notify management company or charter management organization ("CMO") of termination of education program by the SUNY Trustees and of the last day of classes and absence of summer instruction within 30 days after final action on the Charter by the SUNY Trustees. Provide the Institute with a copy of such notice. Terminate management or CMO agreement or give notice of non-renewal/closure as soon as possible after action on the Charter by the SUNY Trustees and in accordance with management contract. If applicable, the management company or CMO should be asked for a final invoice and accounting including an accounting of any retained Education Corporation funds and the status of grant funds. The management company or CMO should also be notified that it should remove any property lent to the education corporation, or in which it retains rights, after the EOC. The Education Corporation should get a receipt for such property or an accounting as to the property equity status. (*See* below). ❑ The Education Corporation generally should not accept further loans from the management company / CMO, etc. nor otherwise incur additional liability. However, it may continue to accept gifts from the management company / CMO as long as the entity is aware of the school's closure status.			
11	**Notification of Commercial Lenders / Bondholders** Within 30 days after final action on the Charter by the SUNY Trustees or sooner if set forth in bond contracts, and after consultation with the Education Corporation's attorney, banks, bondholders, conduit issuers, etc. should be notified of the school's closure and a likely date as to when an event of default will occur as well as the date of the last payment by the Education Corporation toward its debt.			
12	**Union Notification Pursuant to any CBA** After consultation with legal counsel, notify any unions of termination of collective bargaining agreements and cessation of instruction by the earlier of (a) 20 days after final action on the Charter by the SUNY Trustees, (b) pursuant to the notice requirements set forth in any existing CBA, or (c) notice requirements of applicable federal, state and local law.			

Item	Description of Required Actions	Responsible Party	Completion Date	Status
	❑ Legal counsel should be consulted with respect to the notice requirements for terminating the CBA and the legal implications with respect to termination of CBAs and the termination of employees connected to the CBAs. ❑ Provide a copy of the latest CBA to the Institute. ❑ Provide a copy of the notice to the Institute. Keep Institute informed of the implications, penalties and damages in connection with any termination of a CBA and ongoing discussions and negotiations with the union in connection with termination.			
13	**Notification of Contractors and Termination of Contracts** Within 45 days after final action on the Charter by the SUNY Trustees, formulate a list of all contractors with contracts in effect, and notify them regarding cessation of current school operations at EOC. ❑ If applicable, instruct contractors to make arrangements to remove any contractor property from the school facility by a date certain, e.g., copying machines, water coolers, other rented property. ❑ Provide the Institute with a copy of such notice. ❑ Retain records of past contracts with proof that they were fully paid (*see* Records Retention, below) to prevent spurious claims. As appropriate, and to the extent possible, terminate contracts for goods and services as of the last date such goods or services will be needed to the extent not necessary for the educational program or wind-up of school operations. Telephone, gas, electric, water, insurance (premises and D&O insurance, *see* below) should remain operative through the EOC and to the extent necessary to wind up the Education Corporation's affairs beyond that time.			
14	**Notification of Employees and Benefit Providers** After an employee termination date is established, but in no event later than 60 days before EOC, notify all employees of termination of employment and/or contracts, and notify benefit providers of pending termination of all employees. Further notify employees and providers of termination of all benefit programs, and, if allowable, terminate all programs as of the last date of service in accordance with			

Item	Description of Required Actions	Responsible Party	Completion Date	Status
	applicable law, CBAs and regulations (i.e., COBRA), including: ❑ health care / health insurance; ❑ life Insurance; ❑ dental plans; ❑ eyeglass plans; ❑ cafeteria plans; ❑ 401(k), retirement plans; and, ❑ pension plans. Specific rules and regulations may apply to such programs especially teacher's retirement plans so legal counsel should be consulted. Specifically notify the NYS Teachers Retirement System or the Teachers' Retirement System of the City of New York, if the school is a participant and ask it to prepare a bill for the Education Corporation, which is normally done later in the year. In the Interim, the Education Corporation should make all installment payments as these are considered "wages" under NY Labor Law. Employees should be notified of eligibility for New York State Unemployment Insurance pursuant to any regulations of the New York State Department of Labor. (In the event the Education Corporation has not paid into the unemployment program on an ongoing basis, the Education Corporation may have significant financial liability on an ongoing basis after the EOC, and reserve funds should be set aside therefor.) *See* Education Corporation Wind-Up Plan and Action regarding payment of taxes, below.			
15	**Notification of Food and Transportation Services and Cancellation of Contracts** Within 45 days after final action on the Charter by the SUNY Trustees, or earlier if required by the contractual notice requirements, cancel school district or private food and/or transportation services for summer school and next school year.			
16	**Final Report Cards and Student Records Notice** Within 7 days after EOC, provide parents / guardians with copies of final report cards and notice of where student records will be sent (the school district of the school's location) and specific contact information.			

Item	Description of Required Actions	Responsible Party	Completion Date	Status
	❑ The notice must advise the parent/guardian to contact the school where the student intends to enroll and to have the student's new school contact the charter school's district of location to have the student's education records transferred to the new school. ❑ Provide the Institute with a copy of the notice.			
17	**Transfer of Student Records and Testing Material** No later than 14 days after EOC send student records to the charter school's district of location including: ❑ Individualized Education Programs (IEPs) and all records regarding special education and supplemental services; ❑ student health / immunization records; ❑ attendance records; and ❑ all other student records. All end of school year grades and evaluations must be completed and made part of the student records, including any IEP / Committee on Special Education meetings / progress reports. As noted above, parents / guardians should be offered copies of students' records pursuant to the FOIL before EOC. Testing material, including scores, test booklets, etc. required to be maintained by the Education Corporation by the State Education Department must also be forwarded to the charter school's district of location. ❑ To the extent that scores, etc. will come into existence after the EOC, arrangements should be made with the testing agent to forward such material to the district of location.			
18	**Notification of Institute Regarding Lawsuits** As soon as possible after receiving notice and/or service of process regarding litigation against, or initiated by, the Education Corporation, Education Corporation Board, trustees or employees, notify the Institute and provide copies of legal papers received. The Education Corporation has an ongoing obligation to keep the Institute informed regarding such litigation, including bankruptcy, whether voluntary or involuntary,			

Item	Description of Required Actions	Responsible Party	Completion Date	Status
	and to provide copies of all filings.			
	Assets, Creditors and Debtors			
19	**List of Creditors and Debtors; UCC Search** Within 30 days after final action on the Charter by the SUNY Trustees, formulate list of creditors and debtors and any amounts accrued and unpaid with respect to such creditor or debtor. ❑ This list is not the same as the contractor list, above, but may include contractors, which should be listed. ❑ Creditors include lenders, mortgage holders, bond holders, equipment suppliers, service providers and secured and unsecured creditors. Security interests may be recorded and filed pursuant to the Uniform Commercial Code (UCC) with the county and State of New York, and may include all of the assets of the Education Corporation or specific assets in which a creditor has an interest as long as such debt remains outstanding. ❑ A UCC search should be performed by the Education Corporation to determine if there are any secured creditors and to what assets security interests are attached. ❑ Debtors include persons who owe the Education Corporation fees or credits, lessees or sub-lessees of the Education Corporation, and any person holding property of the Education Corporation. ❑ Provide a copy of the list of creditors to the Institute with the amount owed to each creditor thereon and the amount owed by each debtor.			
20	**Notification to Creditors** Within 45 days after final action on the Charter by the SUNY Trustees, the Education Corporation must notify all creditors of its closure. The Education Corporation should solicit from each creditor a final accounting of the Education Corporation's accrued and unpaid debt owed to such creditor. This figure should be compared to the Education Corporation's calculation of the debt and be reconciled between the parties. To the extent possible, the Education Corporation should also begin to negotiate a			

Item	Description of Required Actions	Responsible Party	Completion Date	Status
	settlement of debts, which is ultimately consummated by a settlement agreement reflecting satisfaction and release of the existing obligations, if possible.			
21	**Notification to Debtors** Within 45 days after the final action on the Charter by the SUNY Trustees, the Education Corporation must contact all debtors and demand payment. To the extent collection efforts are unsuccessful, the Education Corporation may turn the debt over to commercial debt collection agencies. All records regarding such collection or disputes by debtors regarding amounts owed must be retained.			
22	**Reconciliation with District(s)** Within 7 days after EOC, the Education Corporation must reconcile its billings and payments with the districts, including special education payments or other "lagged" payments. ❑ If the Education Corporation has not been paid by a district within a reasonable time after notification of the district, the Education Corporation should contact the State Education Department and seek an intercept of the money and list the district as a debtor or seek collection through litigation. ❑ Conversely, if the Education Corporation owes a district money, it should list the district as a creditor and treat it accordingly.			
23	**Education Corporation Wind-Up Plan and Action** The Education Corporation shall collect debts, dispose of assets and negotiate with and pay creditors in an orderly fashion in accordance with a timetable and plan adopted by the Education Corporation board. Priority should be given to employee wages (including benefits) then to continuing the school's educational program through the end of the school year and retaining funds to complete the wind-up process. The initial plan should be adopted within 30 days of final action on the Charter by the SUNY Trustees, and be updated at least bi-weekly with copies to the Institute. The plan should include, but not be limited to, the following: ❑ Termination of non-essential personnel and cancellation of non-essential services prior to EOC. ❑ Make final federal, state and local tax payments (every employer including the Education Corporation, which pays wages to employees, is responsible for withholding, depositing, paying, and reporting federal, state and local income tax, social security taxes, and federal unemployment tax for such wage			

Item	Description of Required Actions	Responsible Party	Completion Date	Status
	payments). ❑ Auction / sale of assets in a manner that avoids conflicts of interest, and maximizes net revenue to the extent permitted by ongoing agreements with existing creditors. Sales must be a fair market value, and valuations may be needed for insider sales. (*See* Liquidation of Assets, below.) ❑ Liquidation or closing of bank accounts according to a schedule that minimizes fees but leaves the Education Corporation enough flexibility to pay creditors, attorneys, accountants, etc. during the course of the wind-up including funds for a final audit, and for dissolution in accordance with Education Law §§ 219 and 220. ❑ Cancellation of corporate credit cards and lines of credit. ❑ Change authorized signatures on accounts as needed to reflect changes in persons authorized to implement the winding down operations of the Education Corporation, and employment, contract and Education Corporation Board status of those authorized to sign for the Education Corporation. Status reports on the implementation of the Education Corporation Wind-Up Plan to be submitted to the Institute through Interim Statements and a Final Statement (below). Reminder: If the Education Corporation will sell its facility, the Institute must be notified and it may trigger N-PCL §§ 510-511 review by the NYS Office of Attorney General and proceeding in NY Supreme Court.			
24	**Protection of Assets; Insurance** The Education Corporation's assets and any assets in the school that belong to others must be protected against theft, misappropriation and deterioration. ❑ Existing insurance coverage should be maintained on the assets until the disposal of such assets. In accordance with the Wind-Up Plan. ❑ Continue existing insurance for school facilities, vehicles and other assets until 1) disposal or transfer of real estate or termination of lease, and 2) disposal, transfer or sale of vehicles and other assets are sold, respectively. ❑ Negotiate school facility insurance with entities that may take possession of school facilities – lenders, mortgagors; bond holders, etc., if possible. ❑ Appropriate security services should be obtained or maintained. ❑ Action may include moving assets to secure storage after closure or loss of the			

Item	Description of Required Actions	Responsible Party	Completion Date	Status
	school facilities.			
25	**Inventory** No later than 45 days prior to EOC, all of the Education Corporation's assets must be inventoried and/or its inventory updated. ❑ All assets of the Education Corporation, not just ones over a certain dollar value must be inventoried. (Many schools and management companies only inventory assets over a certain value for purposes of accounting. As this inventory is designed for sale or auction all items belonging to the Education Corporation must be inventoried.) ❑ Provide the Institute with a copy of the inventory. ❑ Identify assets belonging to other entities (school district, county, municipality, health department, sponsoring foundation, vendors, PTA, etc.) including those borrowed or loaned. ❑ Identify assets encumbered by the terms of a contingent gift, grant or donation, or a security interest. ❑ Return assets not belonging to the Education Corporation and document same.			
26	**Inventory of Federal Grant Materials / Assets** No later than 45 days prior to EOC, all of the Education Corporation's assets or materials related to federal grants must be inventoried pursuant to 34 CFR Part 80 *et seq*. and other applicable regulations.			
27	**Liquidation of Assets** Assets that can be liquidated (and some including certain federal grant assets can not be) must be liquidated in a commercially reasonable manner including, but not limited to, sale by way of auction, sealed bidding or other commercially reasonable sales methods to the extent permitted under agreements with existing creditors and to the extent such assets are free and clear of any liens or encumbrances. If an asset is subject to a lien, encumbrance or security interest (above), the secured party should be contacted. ❑ No asset may be given away, except as authorized by law. In cases where the cost of disposing of an asset will exceed the cost to be received at sale or auction, it may be permissible to give away or discard such assets. However, this should be cleared from the largest or sole creditor(s) and the Institute in advance.			

Item	Description of Required Actions	Responsible Party	Completion Date	Status
	Education Corporation trustees and their relatives as well as employees and students of the school should not purchase any asset unless the purchase is disclosed to the Education Corporation Board and the disclosure is made a matter of record in the Education Corporation Board's minutes and financial records and approved by a majority of the non-interested members of the Education Corporation Board. Clear records should be kept of the disposition of all assets. (See below for disposition of grant assets.)			
28	**D&O Insurance** Maintain existing directors and officers liability (D&O) insurance, if any, until final dissolution of the Education Corporation, or, in the case of a successful restructuring renewal application, until the new board of directors is elected (which may want to continue the policy). If no such D&O insurance exists, disclose this fact to the Trustees in any renewal application made by the Education Corporation.			
29	**Interim Statements** No later than 10 days after EOC, prepare, and submit to the Institute, an interim statement in a form satisfactory to the Institute, of the status of all contracts and other obligations of the Education Corporation, and all funds, including principal and accrued interest, owed to, and by, the Education Corporation, with supporting evidence showing: ❑ all creditors or former creditors, any amounts paid to creditors (or in-kind exchanges of assets), and any amounts of debt of the Education Corporation outstanding, including principal and accrued interest, as of the date of the interim report; ❑ all amounts owed to the Education Corporation by debtors, any amounts paid by debtors, and whether any debtors have paid in full, and any amounts outstanding; and, ❑ all income generated through sale or auction of assets and any other change in status of assets. The Education Corporation will prepare and submit such statements to the Institute at 30 day intervals until the final statement (below) is prepared and submitted.			

Item	Description of Required Actions	Responsible Party	Completion Date	Status
30	**Final Statement** At a date to be determined by the Institute, anticipated to be no later than 90 days after EOC, but in no case later than 10 days prior to the filing of a dissolution proceeding, the Education Corporation shall prepare to the full satisfaction of the Institute a final statement of the status of all contracts and other obligations of the Education Corporation, and all funds owed to the Education Corporation, audited (or confirmed) by an independent accountant, with supporting evidence showing: ❑ all assets and the value and location thereof, whether such asset has been distributed to creditors in satisfaction or payment of any existing debt obligation; ❑ each remaining creditor and any and all amounts owed to each creditor, including principal and accrued interest through the date of such statement; ❑ statement that (a) all debts have been collected, or (b) that good faith efforts have been made to collect same, and, ❑ each remaining debtor of the Education Corporation and the amounts owed by each debtor, including principal and accrued interest. ❑ This statement is submitted to the Institute in the form in which it will be sworn and submitted to NYS Supreme Court in the county of the Education Corporation's location as part of any dissolution proceeding pursuant to Education Law § 220 when the Education Corporation Corporation is dissolved. ❑ This statement is in addition to the final Financial Statement Audit (below).			
Corporate Records / Accounting				
31	**Final Financial Statement Audit** The Education Corporation must have a financial statement audit performed in accordance with the Charter and the Act no later than November 1st of the calendar year in which the school ceases instruction.			
32	**Charter Reports; Final Annual Report** During the course of the wind-up process, the Education Corporation must comply with its reporting or notice obligations under the Charter (including, but not limited to, resignations of Education Corporation trustees, etc.), and its reporting and notice obligations under the Act, Education Law and applicable regulations including preparation of a final Annual Report pursuant to the Act.			

Item	Description of Required Actions	Responsible Party	Completion Date	Status
33	**Closeout of State and Federal Grants** State, federal and other grants must be closed out, including: ❑ notification to the grant entity of the school closure; ❑ filing of any required expenditure reports or receipts and any required program reports, including disposition of grant assets; and ❑ contacting the New York State Education Department ("NYSED") staff handling your grants for direction related to NYSED's repossession of assets or allowable disposition / sale and reporting. NYSED should be given a copy of the Education Corporation's grant asset/material inventory as well. The Education Corporation should continue to pursue grant funds to which it is entitled, provided that it fully discloses its current situation and intentions with respect to closure. The Education Corporation should not seek or accept grant funds for future school years when the school will be closed. Grant status should be noted on financial statements. Note: For federal grants all of the above must be done in accordance with 34 CFR Part 80 *et seq*. or applicable regulations.			
34	**U.S. Dept. of Education Filings** File Federal form 269 or 269a if the Education Corporation was receiving funds directly from the United States Department of Education. *See* 34 CFR 80.41.			
35	**IRS Status; Reports** The Education Corporation Board must continue to take all steps necessary to maintain its I.R.C. 501(c)(3) status, including, but not limited to, the following: ❑ notification to IRS regarding any address change of the Education Corporation; and, ❑ filing of required tax returns or reports (e.g., IRS form 990 and Schedule A). ❑ If the Education Corporation proceeds to dissolution, notify the IRS of dissolution of the Education Corporation and its 501(c)(3) status, and furnish a copy to the Institute.			

Item	Description of Required Actions	Responsible Party	Completion Date	Status
36	**Corporate Records** In all cases, the Education Corporation Board shall maintain all corporate records related to: ❑ Loans, bonds, mortgages and other financing; ❑ Contracts; ❑ Leases; ❑ Assets and asset sales; ❑ Grants -- records relating to federal grants must be kept in accordance with 34 CFR 80.42. ❑ Governance (Minutes, by-laws, policies); ❑ Employees (background checks, personnel files); ❑ Accounting/audit, taxes and tax status, etc; ❑ Personnel, ❑ Employee benefit programs and benefits; and, ❑ Any items listed in this Closure Plan. When the Education Corporation is dissolved, any and all records not previously sent to the school district of the school's location, should be sent to the to NYSED, in accordance with the Education Law, or wherever ordered by the NYS Supreme Court upon dissolution.			
	Final Distribution of Assets / Dissolution			
37	**Final Distribution of Assets** Final distribution of assets may be directed by the NYS Supreme Court with accounting to the Court pursuant to a dissolution proceeding (below). In general, all liabilities and obligations of the Education Corporation must be paid and discharged (or adequate provision must be made therefor) to the extent of the Education Corporation's assets. Any assets held subject to a lien, encumbrance, security interest or other written conditions or limitations must be disposed of in accordance with and subject to those conditions or limitations.			

Item	Description of Required Actions	Responsible Party	Completion Date	Status
	Assets received and held by the Education Corporation subject to limitations permitting their use only for charitable, benevolent, educational, or similar purposes, but not held upon condition requiring return or with specific disposition instructions, shall be held until dissolution and transferred or conveyed to one or more school districts or to one or more charter schools in the school district of location depending on interpretation of the Act (generally as directed by the NYS Supreme Court). ❑ An itemized receipt must be obtained from each recipient of an asset containing the name, address and telephone number of the recipient. (In case of later question, audit or review by federal bankruptcy or NYS Supreme Court, or other governmental body.) In closing out any federal grant and accounting for any federal grant funds, property owned by the federal government or property acquired under a federal grant must be distributed in accordance with federal regulations. *See* 34 CFR. Part 80, subparts C and D.			
38	**Resolution of Dissolution** The Education Corporation Board must adopt a resolution that the Education Corporation be dissolved and proceed to file the same in NYS Supreme Court pursuant to Education Law Sections 219 and 220 (or if an education corporation with stockholders, Sections 220 and 221). The dissolution resolution should come within 3-6 months of the expiration of the Charter as set forth below, but may be excusably delayed. If the Education Board does not take such steps, the Institute will notify the NYS Board of Regents to take formal action to revoke the Charter and involuntarily dissolve the Education Corporation.			
39	**Dissolution** The Education Corporation Board must follow the dissolution provisions in its provisional charter (certificate of incorporation) and the Education Law. If the Education Corporation has no assets, it must file a Petition for Dissolution with the Board of Regents. The Institute will assist in this process, which can be lengthy. If the Education Corporation has assets the Education Corporation Board must, as			

Item	Description of Required Actions	Responsible Party	Completion Date	Status
	part of the dissolution process, petition the NYS Supreme Court in the jurisdiction of the Education Corporation's principal office for an order directing the disposition of any and all property of the Education Corporation pursuant to Education Law § 220, which shall include: ❑ a complete statement of all assets, their location and an estimate of their value; and, ❑ a statement of the ascertainable debts of the education corporation. ❑ The petition must be submitted with proof that notice of the time and place of the petition has been published each week for at least four weeks in a newspaper circulated in the county in which the school was located. Ed. Law § 220(3). ❑ A copy of the petition must be served on the NYS Office of the Attorney General and the Board of Regents no later than 10 days prior to the filing of an application for dissolution. ❑ As part of the dissolution, the NYS Supreme Court will follow the distribution plan (to sending school districts or to another charter school in the school district) set forth in the Act and/or provisional charter depending on interpretation of the Act. Whenever an order of dissolution is made final, the members of the Education Corporation Board or other custodian of the records of the Education Corporation have the duty to file the permanent records of the Education Corporation with NYSED. However, the disposition of such permanent records may be directed in the order filed with the NYS Supreme Court pursuant to Section 220 of the Education Law. Copies of all papers related to dissolution should be sent to the Institute. Education Corporation trustees are empowered to continue in office even after the expiration of the Charter and dissolution of the Education Corporation for the purposes of winding-up and settling the affairs of the Education Corporation, and its dissolution.			

NEW YORK STATE EDUCATION DEPARTMENT

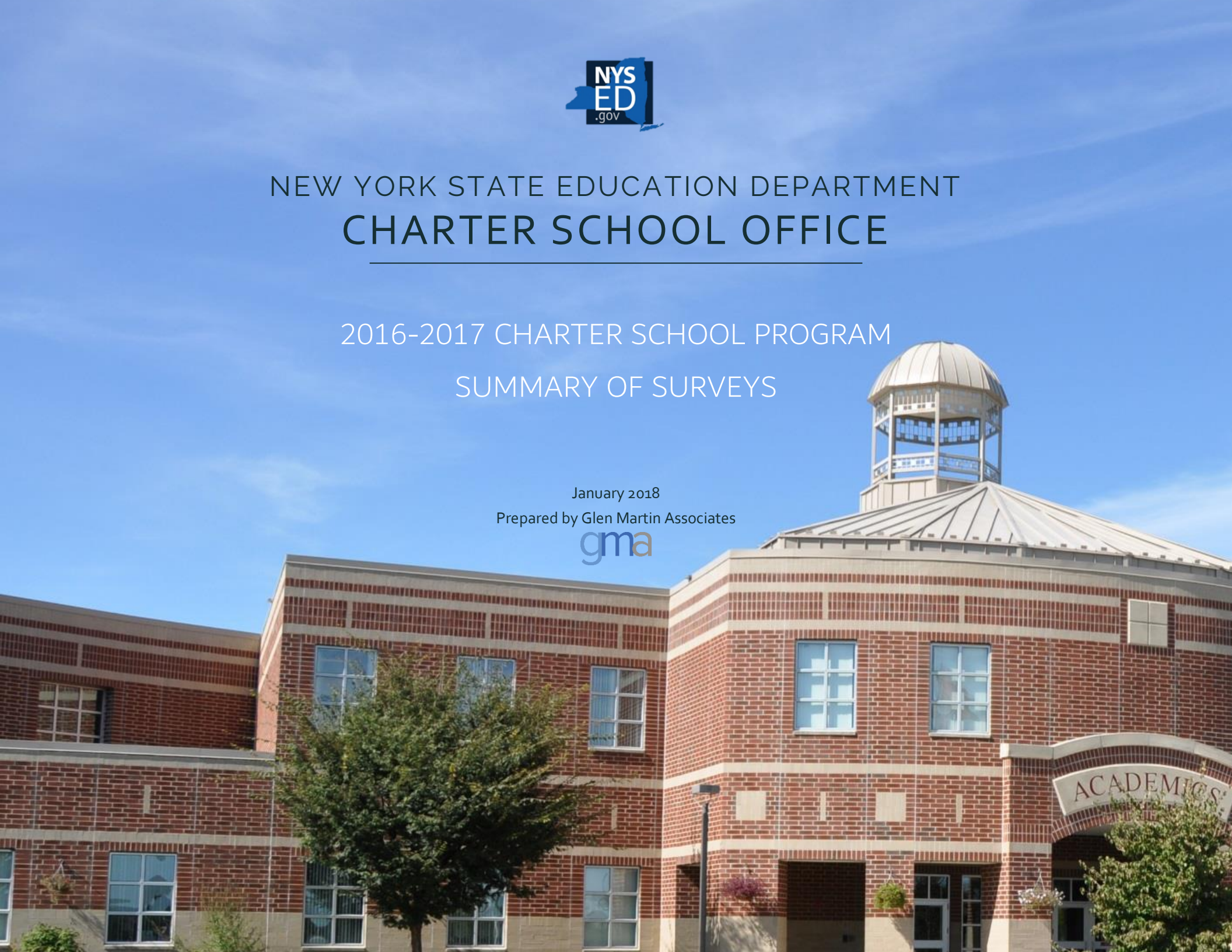
CHARTER SCHOOL OFFICE

2016-2017 CHARTER SCHOOL PROGRAM

SUMMARY OF SURVEYS

January 2018

Prepared by Glen Martin Associates



PROGRAM OVERVIEW

Federal Charter Schools Program[i]

The purpose of the United States Department of Education (USDE) Charter Schools Program (CSP) is to increase understanding of the charter school model by providing financial assistance to expand the number of high-quality charter schools available to students across the nation, and by evaluating the effects of charter schools, including their effects on students, student academic achievement, staff, and parents.

The USDE awards grants to State Education Agencies (SEAs) on a competitive basis to enable them to conduct charter school programs in their States. SEAs in turn use their CSP funds to make subgrants to eligible applicants. These subgrants are used for planning, program design and initial implementation of new charter schools, and to support the dissemination of best practices among charter schools with demonstrated success.

Between Fiscal Year (FY) 2009 and FY 2017, the USDE awarded 47 CSP grants to 29 SEAs. The grants are typically three to five years in duration, and total funding amounts have ranged from approximately $6.0 million (Rhode Island, 2017) to $255 million (California, 2010).[ii]

NYS Charter Schools Program[iii]

The New York State Education Department (NYSED) Charter School Office (CSO) was awarded a five-year, $113 million CSP grant from the USDE in FY 2011. The CSP grant project sought to double the number of charter schools that serve students in NYS, particularly English Language Learners, students with disabilities, those in poverty, and those in rural communities. The project also aimed to strengthen charter school quality by emphasizing high-quality authorizing practices, including supporting charter school planning and implementation activities, and promoting the dissemination of best practices.

More specifically, the four project objectives of the grant were to:

- Increase the number of high-quality charter schools in NYS, especially those serving students who are at greatest risk of not meeting State academic standards.
- Strengthen the overall quality of the NYS charter authorizing and CPS grant administrative infrastructure.

- Promote the dissemination of NYS charter school best practices to other public schools.
- Improve student achievement outcomes in NYS charter schools, particularly for students who are at greatest risk of not meeting State academic standards.

The CSO administered (and continues to administer) several subgrants in an effort to meet these objectives. The exact number varies from year-to-year, and from subgrant to subgrant. The charter application process and the two subgrants are outlined below.

New Charter School Applicants

Applications to establish Board of Regents (BOR)-authorized charter schools may be submitted by one or more individuals who are teachers, parents, school administrators, or community residents, and must demonstrate a strong capacity for establishing and operating a high-quality school. This includes a strong educational program, organizational plan, and financial plan; as well as clear evidence of the capacity of the founding group to implement the proposal and operate the school effectively.

Planning and Implementation Subgrants

These grants provide funding to new charter schools for post-award planning and initial implementation. Planning activities may include refinement of educational results and methods for measuring progress toward achieving those results as well as professional development for charter school staff. Initial implementation activities may include student recruitment, acquiring educational materials and supplies, and acquiring or developing curriculum materials.

Dissemination Program Subgrants

These grants provide funding to successful charter schools to assist other schools in adopting the school's practices, systems, and structures, with an emphasis on providing support to underperforming district schools. Recipient charter schools must have practices that are evidence-based, proven to advance student achievement, and replicable at non-chartered district schools.

Next: Evaluation Methods

EVALUATION METHODS

Evaluation Background

One requirement of receiving USDE CSP funds is that SEAs conduct an evaluation of their implementation of the CSP grant and subgrants.[iv] To carry out this work, from 2011-2014, the NYSED contracted with an external vendor to develop and administer a series of surveys. The surveys were conducted with various respondent groups including new charter school applicants, planning and implementation grant recipients, and dissemination grant recipients. Collectively, the objective of the surveys was to learn about the quality and usefulness of various CSO activities, and to inform the CSO on ways they could better assist charter schools in improving their programs and thereby the academic progress of their students.

In late 2016, the CSO contracted with a new vendor, Glen Martin Associates (GMA) to administer a subset of the surveys developed under the prior evaluation. The intent was generally the same - to assess satisfaction with the CSO's processes and strategies for granting new charters, as well as supporting new and existing charter schools in the implementation and dissemination of best practices.

Survey Methodology

Between September 2016 and December 2017, GMA worked with the CSO to administer a series of online surveys. While each survey differed with respect to its area of focus and respondent group, the administration of each survey generally followed the same four steps:

Step **1**

Review and Editing: The preparation and distribution of each survey began with a review of the most recent version of the survey conducted by the prior vendor. For the most part, changes were limited to small updates and if necessary, information that was no longer factually correct was changed.

Step **2**

Online Conversion: Each survey was transferred to an online survey platform. An introductory screen was added to describe the survey, the intended audience, and due date. Once online, the surveys were tested internally and shared with the CSO for review and approval.

Step **3**

Distribution: Survey invites were emailed to all individuals on contact lists provided by the CSO. The invitations included a link to access the survey, information about the survey purpose, the due date, and contact information for those with questions. Two reminder emails were sent during each survey window, and phone calls were made for two surveys that showed particularly low response rates. All surveys remained opened for at least 15 days.

Step **4**

Data Analysis and Reporting: Upon survey completion, data were downloaded, cleaned, and analyzed. Results were provided to the CSO within 4-6 weeks of each survey closing. Each comprehensive report included tables and figures of all quantitative data, respondents' verbatim comments on all open-ended items, and areas of strength and areas for improvement.

CSP Surveys

In all, four surveys were administered to NYS charter school operators and CSP subgrant recipients during the one-year period. These four surveys are the focus of this report. A brief description of each survey is outlined to the right, and select findings from each survey can be found on the respective page numbers. The comprehensive survey reports previously provided to the CSO are available upon request.[v]

	Pages
New Charter School Applicant Survey	5-10

This survey provided an opportunity for new charter school applicants to give feedback on the CSO's charter school application process. It was distributed in December 2016 and November 2017 to all charter school applicants in the most recent funding cycle.

All Operating Charter School Survey	11-15

This survey gathered feedback about the administrative and oversight practices of charter school authorizers. It was distributed in March 2017 to all charter schools operating in the State at that time.

Planning & Implementation Grantee Survey	16-19

This survey provided an opportunity for grant recipients to offer feedback on the CSO's administration of this CSP subgrant. It was distributed in June 2017 to all active CSP planning and implementation grant recipients.

Dissemination Grantee Survey	20-24

This survey gathered information about charter school-public school partnerships formed as a result of this CSP subgrant. It was distributed in May 2017 to all active CSP dissemination grant recipients, as well as the recipients' public-school partners.

Next: New Charter School Applicant Survey

NEW CHARTER SCHOOL APPLICANT SURVEY

The New Charter School Applicant Survey was distributed in December 2016 and again in November 2017 to individuals who had applied to establish a new or replication Board of Regents (BOR) authorized charter school. The intent of the survey was to offer each annual cycle of applicants the opportunity to provide feedback on the charter application process. This process includes four phases, with applicants "advanced" or "not advanced" upon the completion of each phase: (1) letter of intent, (2) full application, (3) capacity interview, and (4) recommendation for approval or denial of the application. The following summary includes highlights from the 2017 survey which was distributed to 64 individuals representing 33 applicants from Round 1 and 2 of the 2017 RFP cycle. It concludes with a brief description of notable changes from the 2016 survey.

Respondent Profile

The 2017 New Charter School Applicant Survey was completed by 31 individuals representing 24 charter school applicants, for response rates of 48% and 73%, respectively. Approximately three-quarters (74%, n=23) of survey respondents had submitted an application to establish a new charter school, whereas 26% (n=8) had applied to replicate an existing charter school model.

Of the 31 respondents, 25 (81%) were asked to submit a full application, 16 (52%) advanced to the capacity interview phase, and 10 (32%) had their application approved by the BOR, and were issued a charter. Five of those issued a charter were a new school applicant and five were a replication school applicant.

Survey Respondents by Application Phase

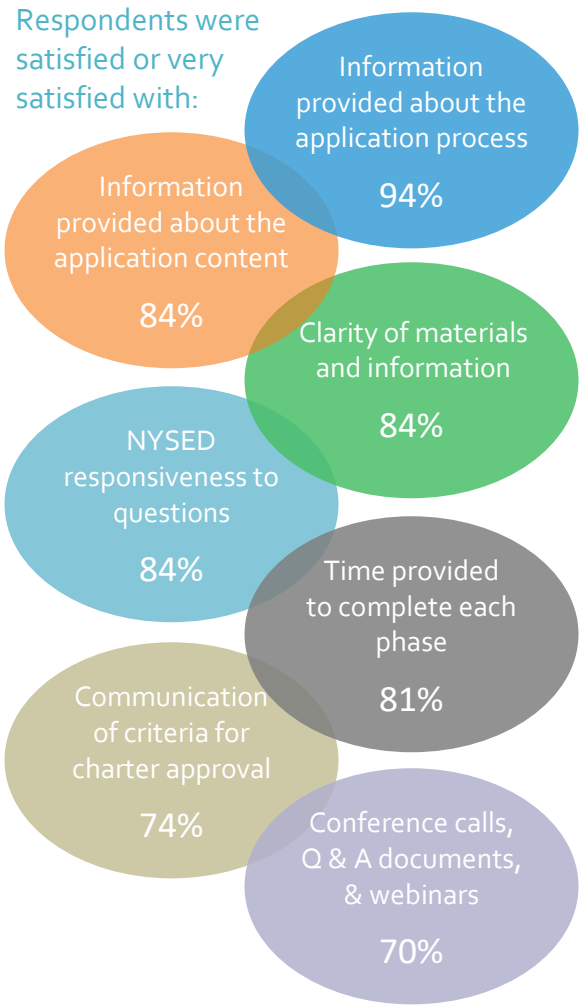
31	Letter of Intent
25	Full Application
16	Capacity Interview
10	Charter Issued

Areas of Strength

Overall, survey respondents were satisfied with the application process, including the information provided about the application requirements and content, the clarity of the materials and information provided, NYSED's responsiveness to questions, and the clarity of NYSED's expectations. Those who advanced to the capacity interview phase were very positive about this stage, specifically the opportunity to respond to questions during the capacity interview and the professionalism of the NYSED interview team.

- Survey respondents were mostly positive about the general procedures of the NYSED charter school application cycle. Almost all (94%) respondents were satisfied or very satisfied with the information provided about the application process (phases, dates, decision points), and a significant majority were also satisfied or very satisfied with the information provided about the application content (84%), and the clarity of materials and information (84%).

- Survey respondents were also satisfied or very satisfied with NYSED staff's responsiveness to questions (84%), the time provided to complete each phase (81%), and the communication of criteria for charter approval (74%). Respondents also valued the additional guidance provided by NYSED, with 70% expressing satisfaction with conference calls, question and answer documents, and webinars.



"I was very satisfied with the high level of assistance that the NYSED CSO extended throughout the application process."

"Throughout the process, CSO staff were extremely helpful with any questions that we had as a team."

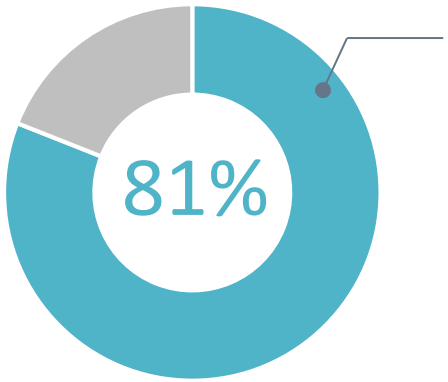
Strengths (continued)

- When asked about NYSED's review and evaluation of new charter applications, survey respondents were generally in agreement that NYSED has documented criteria for evaluating charter school applicants (71%), and also agreed they make these criteria available to applicants (74%). However, as is noted on the following page, respondents were less likely to indicate that NSYED always applies these criteria equally when evaluating all applicants.

Survey respondents said YES when asked if NYSED:

Has documented criteria for evaluating applicants	71%
Makes evaluation criteria available to applicants	74%

- Survey respondent who advanced to the capacity interview phase were typically very positive about the experience. All (100%) respondents were satisfied or very satisfied with the opportunity to respond to questions, 94% were satisfied or very satisfied with the clarity and relevance of the interview questions, and 88% were satisfied or very satisfied with the preparedness of the NYSED interview team. In all, 81% of respondents indicated they valued the capacity interview experience.

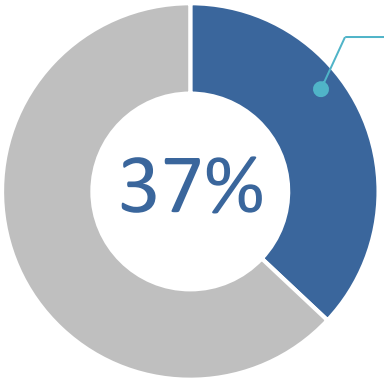


of respondents were satisfied or very satisfied with the value of the interview experience

Areas for Improvement

While the majority of survey respondents felt that NYSED had established criteria for evaluating charter school applications, several respondents were unsure if the same core set of criteria was used in evaluating all applicants. In terms of the feedback received as part of the application process, survey respondents were generally very tepid in their assessment, both overall (across all phases), and more specifically with respect to the written feedback provided to those who submitted full applications. In general, there were mixed reviews on the quality of the feedback, the level of detail it offered, and the usefulness and timeliness of the information.

- When asked about NYSED's process for reviewing new charter applications, 55% of survey respondents indicated they "did not know" if NYSED uses the same core set of criteria to evaluate all applicants, and 10% felt they did not. Relatedly, 37% of survey respondents indicated they were dissatisfied or very dissatisfied with the decision-making process used during the application process.



of respondents were dissatisfied or very dissatisfied with the decision-making process

"A big concern for us is that the entire charter authorization process is set up for success for schools that are either replications or part of larger charter networks. Looking at the schools that were authorized during the past cycle, very few that were not replications or CMO/network supported were authorized."

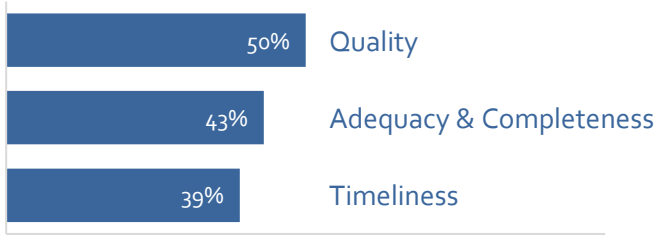
"We strongly believe that the quality of our application was not the driving factor in the decision but rather previously held beliefs [by the BOR]."

"There did seem to be a lack of cohesion between criteria for approval, and the actual approvals made…A lack of transparency in the decision-making process caused some discontent among our team."

Improvements (continued)

- In terms of the feedback received during the whole application process (i.e., letter of intent, full application, interview, final recommendation), a significant portion of survey respondents were dissatisfied or very dissatisfied with the feedback provided by NYSED, including the quality of the written feedback (50%), the adequacy and completeness of the feedback (43%), and the timeliness in which it was provided (39%).

Survey respondents were dissatisfied or very dissatisfied with NYSED's feedback in the following areas:

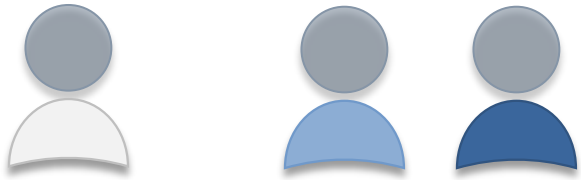


- In addition, among the subgroup of respondents who advanced to the full application stage, the assessment of the feedback was much the same. Almost one-half (46%) were dissatisfied or very dissatisfied with the level of detail provided by NYSED regarding the strengths and concerns of their application, and more generally, 48% were dissatisfied or very dissatisfied with the usefulness of the overall summary they received concerning their full application submission.

"The timetable for feedback is not appropriate, especially given the fact that the level of detail in the feedback in not overly specific."

"We were told that we could expect to receive a summary of the review panel's findings by 11/3. It is currently 12/1 and we still have yet to receive it. This is frustrating for a school that is eager to learn from this experience and implement changes before the first round in 2018."

"We have not yet received written feedback rating our application or explaining why it was rejected. There was a brief telephone call which did not provide any detail. We were promised a written response that we have not received as of this date."



Notable Changes from 2016

As mentioned previously, the New Charter School Applicant Survey was also conducted in 2016. In that year, it was distributed to 50 individuals representing 29 applicants from Rounds 1 and 2 of the 2016 application cycle. The survey was completed by 14 individuals representing 14 charter school applicants for response rates of 28% and 48%, respectively. Ten of the 14 (71%) respondents were asked to submit a full application, 7 (50%) advanced to the capacity interview phase, and 4 (29%) had their application approved by the BOR, and were issued a charter. A comparison of a few key data points between the 2016 and 2017 survey are noted below.

Examples of Positive Changes from 2016

In terms of satisfaction with the general procedures of the NYSED charter school application cycle, survey respondents mostly reported higher levels of satisfaction in 2017. A comparison of the items highlighted on page 6, show percentages that ranged from 1 percentage point to 20 percentage points higher than the satisfaction levels reported in 2016. A few examples include:

Percentage of Respondents Satisfied or Very Satisfied

	2016	2017	Change
Communication of criteria for charter approval	54%	74%	+20
NYSED staff responsiveness to questions	69%	84%	+15
Clarity of materials and information	71%	84%	+13
Time provided to complete each phase of the application	71%	81%	+10

Examples of Negative Changes from 2016

Conversely, feedback from respondents invited to submit a full application and invited to a capacity interview in 2017 had lower ratings of satisfaction in comparison to 2016 ratings. Respondents were less positive regarding the feedback they received about their submitted application, and were also less positive about the interview process in general. A few examples include:

Percentage of Respondents Satisfied or Very Satisfied

	2016	2017	Change
Usefulness of the overall feedback summary	67%	52%	-15
Usefulness of review summaries in each section of the application	67%	46%	-21
Value of the interview experience	100%	81%	-19
Preparedness of the NYSED interview team	100%	88%	-12

Next: All Operating Charter School Survey

ALL OPERATING CHARTER SCHOOL SURVEY

The All Operating Charter Schools Survey was distributed in March 2017 to 403 administrators from 274 charter schools operating in New York State. The general purpose of the survey was to gather feedback about the oversight practices of the State's charter school authorizers (i.e., Board of Regents, SUNY's Board of Trustees, Chancellor of the NYC Department of Education, and Buffalo's Board of Education). Survey respondents were asked to provide quantitative and qualitative information about their authorizer across several areas such as site visits, communication and guidance, general administration and oversight, and the charter revision process.

Respondent Profile

The online survey was completed by 130 charter school administrators from 122 schools for response rates of 32% of possible respondents and 45% of schools. Schools represented in the survey were first opened for instruction as early as 1999 and as recently as 2017; with more than two-thirds (68%, n=86) of survey respondents reporting their school had opened between 2005 and 2013. Thirty seven percent (37%, n=48) of respondents' schools had been authorized by SUNY's Board of Trustees, followed by the Board of Regents (36%, n=47), and the Chancellor of NYC Department of Education or Buffalo's Board of Education (26%, n=34). Most (70%, n=86) respondents reported their school had been visited by their authorizer during the prior school year (2015-16), and almost all (97%, n=119) had submitted an annual report in the prior year.

Survey Respondents' Schools were authorized by:

SUNY 37%

Board of Regents..... 36%

NYC DoE/Buffalo BoE 26%

Areas of Strength

In general, survey respondents were satisfied with several areas of the oversight provided by their authorizers, including communication regarding the 2015-16 site visits, and requirements for the 2015-16 annual report. Survey respondents were also very positive about the communication and guidance they had received from their authorizers throughout the year, for example, reporting high levels of satisfaction in areas such as responsiveness to emails and phone calls, clearly articulated regulatory requirements, and an appropriate balance of time spent on compliance and performance.

- In terms of site visits, almost all survey respondents visited by their authorizer in the prior year were satisfied or very satisfied with the communication and logistics before (93%) and during (96%) the visit, as well as the professionalism and conduct of site visit team members (95%).

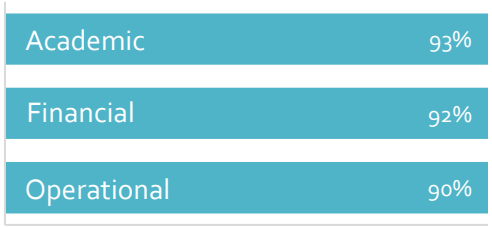
> *"We have overall enjoyed working with our authorizer's team, and find the experience to be collegial…We had a very productive conversation with the site visit team afterwards, which we greatly appreciated."*

- Similarly, nearly all survey respondents were satisfied or very satisfied with communication regarding the requirements of the annual report submission (91%), including the clarity of written guidelines and instructions (91%). Written comments also acknowledged recent improvements with the annual reporting process, noting that the report is now less redundant and as a result, less time intensive.

> *"The annual report has been streamlined and is much less time consuming. It provides [an opportunity for] important reflection for each charter school."*

- More generally, when respondents were asked to rate their authorizer's communication and guidance throughout the school year, almost all survey respondents reported they were satisfied or very satisfied with their authorizer's responsiveness to emails (96%) and phone calls (95%), and their communication of clearly defined statutory and regulatory requirements (94%). Furthermore, almost all respondents agreed or strongly agreed that their authorizer communicates clear and attainable academic (93%), financial (92%), and operational performance (90%) standards.

Survey respondents agreed their authorizer communicated clear and attainable peformance standards in the following areas:



Strengths (continued)

- Written comments also suggested that a good portion of survey respondents felt that their authorizer has, for the most part, been able to strike an appropriate balance in the amount of time and effort they allocate to compliance, accountability, and performance practices. Several respondents also noted in their written comments that there seems to have been a recent shift within the CSO to move towards a greater emphasis on performance over compliance. This was viewed as a welcome and positive step.

Authorizer

"Our authorizer's view is that the highest priority is creating an academically successful school that serves its students and their families well, but the school must comply with applicable regulations and rules..."

"Our authorizer is committed to ensuring our schools are compliant and performing well."

Charter School Office

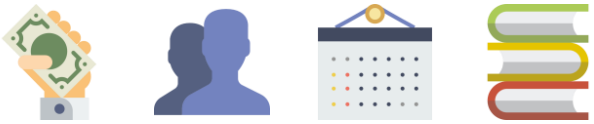
"I feel that a shift has been made with the addition of a new Director at the CSO. He seems to focus more on supporting schools and eliminating compliance reporting for the sake of reporting."

"Since the new CSO Director, there has been a much needed refocusing on performance over compliance...Under his leadership, there is a much-needed focus on the individuality of each school."

Balancing compliance and performance

- With respect to school autonomy, almost all survey respondents agreed or strongly agreed that their authorizer provides their school with autonomy across all areas of school operations, including finances (99%), staffing (98%), class schedules (98%), and academic programs (97%).

Respondents agreed that their authorizer provides their school with autonomy regarding:



Finances	Staffing	Schedules	Programs
99%	98%	98%	97%

Areas for Improvement

While the majority of survey respondents reported general satisfaction with their authorizer's oversight and guidance, a few areas emerged (especially among respondents' written comments) to suggest room for improvement. For example, for those who received a site visit in 2015-16, not all were satisfied with the timeliness or quality of the written feedback they received, and those who submitted a 2015-16 annual report had a few suggestions for improving that process. In addition, with respect to performance versus compliance, despite improvements, some survey respondents felt there was still too much focus on the compliance side.

- In terms of site visits, roughly one in five (21%) survey respondents visited by their authorizer in the prior year indicated they were dissatisfied or very dissatisfied with the timeliness of the feedback that was provided to them in a written report. In addition, respondents' comments also indicated some dissatisfaction with the quality and accuracy of the reports.

Site visit written reports

"We received our report two months after the visit, which in my opinion is too long a stretch. The quality and usefulness of the feedback was reasonably weak…I suspect that feedback given in a timelier manner might be more specific and useful."

"The report and eventual recommendations did not seem to be in alignment with the dialog, site visits, and communication."

- Survey respondents also provided a few written suggestions for improving the annual reporting process. Examples included offering webinars or training to help school leaders complete the reports accurately, modifying the electronic portal to allow schools to submit or append data tables to the report, aligning instructions with portal capabilities, and posting completed reports online in a timelier fashion.

Annual reports

"There are sometimes discrepancies in what we are told to submit and what the portal will allow, which can be confusing."

"The tool does not align well with the ten performance benchmarks. The process could be more useful."

Improvements (continued)

- Despite a good number of respondents commenting that they felt their authorizer struck the right balance with respect to compliance and performance, there were still quite a few others who felt their authorizers' focus (or the CSO's focus) was still too compliance heavy.

Charter School Office

"More emphasis is placed on the mechanics of a submission and deadlines around it rather than on how well the school is doing."

Authorizer

"Our authorizer maintains reminders about compliance through the year, but does not offer best practices and ongoing discussions about performance."

- Lastly, there seemed to be room for improvement in helping schools understand the specifics of the Education Law that pertains to the charter revision process. Across all survey respondents, more than one-quarter (27%) said they do not understand the process that occurs after they submit a revision request to their authorizer; more than one-third (36%) said they do not understand the process that occurs after their authorizer submits their revision request to the Board of Regents; and almost one-half (48%) said they do not understand what the "operation of law" means, and how it affects the submission of their revision.

One in four respondents said they do not understand the process that occurs after they submit a revision request.

Next: Planning & Implementation Grantee Survey

PLANNING & IMPLEMENTATION GRANTEE SURVEY

The Planning and Implementation Grantee Survey was distributed in June 2017 to 33 charter schools that were active CSP planning and implementation subgrant recipients. The purpose of the survey was to gather grantees' feedback and suggestions regarding the CSO's administration of the subgrant. Survey respondents were asked to provide information about the application process across several areas including the clarity and responsiveness of NYSED's support; their awareness and use of resources intended to assist them with the application process; and their satisfaction with the process for receiving grant funds.

Respondent Profile

The Planning and Implementation Grantee Survey was completed by 20 active CSP planning and implementation subgrant recipients, for a response rate of 61%.

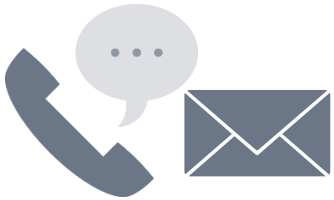
Almost two-thirds of charter schools with active planning and implementation grants responded to the survey.

Areas of Strength

In general, survey respondents found the support provided by the four NYSED units (CSO, Grants Finance, Contract Administration, and M/WBE) to be clear and responsive to their needs. They also indicated the grant forms and instructions were clear, useful, and easy to use, and survey respondents were mostly satisfied with the procedures in place for receiving grant funds. Select survey findings are highlighted on the next few pages.

Survey respondents found the support provided by NYSED to be clear and responsive to their needs.

Strengths (continued)



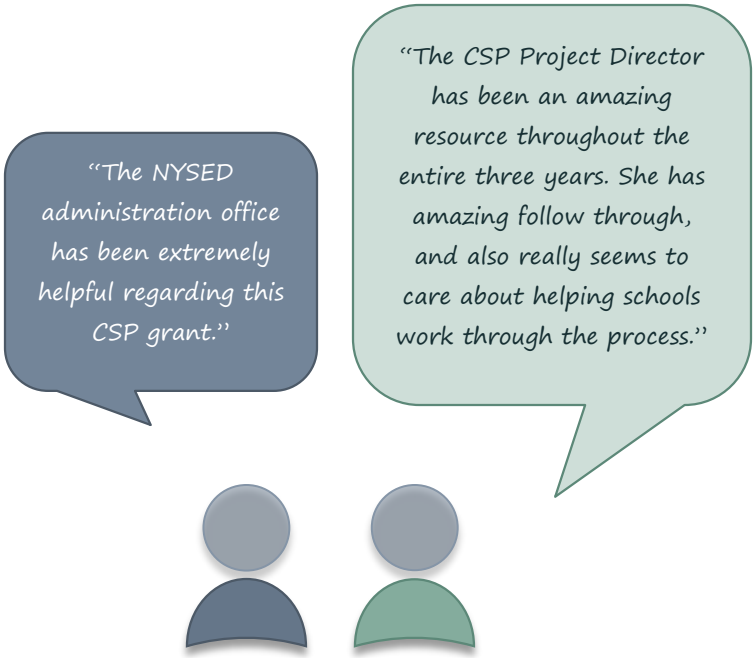
- Survey respondents were generally positive about their email and phone communication with different NYSED offices during the grant application process. On average, across all four NYSED units, 82% of respondents described the email and phone communication as clear or very clear, and 94% of respondents indicated that the units' staff were responsive or very responsive to their calls and emails.

- Survey respondents were also mostly satisfied with the clarity and usability of grant application documents. On average, respondents agreed that the CSP planning and implementation grant forms; contract forms and instructions; and the M/WBE forms and instructions were clear (91%), useful (83%), and easy to use (75%).

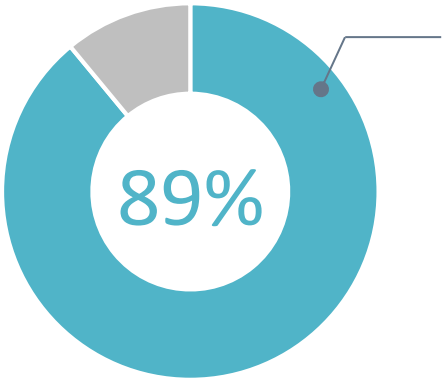
- Furthermore, 73% of respondents indicated they used the CSO and the Grants Finance websites as a resource either sometimes or often, and almost all (97%) found the sites to be somewhat or very useful. Other resources, such as the Charter School Audit Guide, and a new EDGAR webinar and PowerPoint were also thought to be useful, but as is noted later, fewer respondents were aware of, or frequently used these resources.

Strengths (continued)

- Almost all survey respondents were also satisfied or very satisfied with the specific processes that led to the release of their grant funds, such as CSO staff's explanation of the grant/contract process (95%); the contract review and approval phase (94%); receipt of their initial 20% payment (94%); and their submission and approval of a M/WBE compliance plan (92%).



- Lastly, when survey respondents were asked to rate their satisfaction with NYSED's administration of the subgrant in its entirety (communication, responsiveness, and timely release of funds), 89% of survey respondents reported they were satisfied or very satisfied with NYSED's efforts.



of respondents were satisfied or very satisfied with NYSED's administration of the subgrant

Areas for Improvement

Areas for improvement were typically noted in reference to survey respondents' lack of awareness of specific grant resources, or their infrequent use of such documents (despite their awareness). Some respondents also noted their dissatisfaction with larger grant management systems (i.e., those outside the CSP and the CSO's direct purview) such as the NYS Grants Gateway and the System for Award Management (SAM).

- Survey respondents were sometimes unaware of grant documents that could help them with the grant application process. For example, two in five (40%) survey respondents were unaware of the US ED Non-Regulatory Guidance document, and the same percentage (40%) were unaware of a new EDGAR webinar and PowerPoint. Also, one in five (20%) were unaware of the Charter School Audit Guide.

Two in 5 were unaware of the US ED Non-Regulatory Guidance document, and a new Edgar webinar and PPT.

- Furthermore, even among survey respondents who were aware of these resources, close to one-half (45%) indicated they never or rarely used the documents. In addition, 56% of survey respondents reported they never or rarely used a fourth resource - the Fiscal Guidelines for Federal and State Grants.

- Lastly, when survey respondents were asked to assess different phases of the grant process that led to the release of their grant funds, 28% of respondents were dissatisfied or very dissatisfied with the prequalification process in NYS Grants Gateway, and a similar percentage (25%) expressed dissatisfaction with the enrollment process for the federal System for Award Management (SAM).

"More guidance on the registrations for Grants Gateway and SAM.gov would be appreciated."

Next: Dissemination Partners Survey

DISSEMINATION PARTNERS SURVEY

The Dissemination Partners Survey was distributed in May 2017 to project leaders at eight charter schools that received a 2016-2019 charter school dissemination grant. The project leaders were asked to distribute the survey link to all administrators and teachers involved in the grant, as well as to the project lead at their partnering public school. Project leads at public schools were then asked to distribute the link to their participating administrators and teachers. The general purpose of the survey was to gather feedback about the dissemination partnership, particularly whether it has had an impact on the implementation of best practices.

Respondent Profile

The online survey was completed by 68 educators involved in a charter school dissemination grant. Forty percent (n=27) of the survey respondents were from one of the eight charter schools that received a grant, including 14 administrators and 13 teachers. Sixty percent (n=41) of survey respondents were from one of 10 partnering public schools, including 14 administrators and 27 teachers.

Survey Respondents

40% from a Charter School

60% from a Public School

Areas of Strength

Both public school and charter school survey respondents reported that the dissemination partnership has had a positive impact, and that teachers are adopting the best practices associated with the grant. Survey respondents described the partnerships as meaningful and collaborative, noting that the partnerships have sparked innovation, and professional learning and growth across all parties, including charter school educators who are disseminating the successful practices and programs. Select survey findings are highlighted on the next few pages.

Strengths (continued)

- When asked to rate, on a scale of 1 to 10 (1= *Novice* to 10 = *Expert*), their teachers' ability to implement the best practices associated with the grant, before and currently, charter school administrators' ratings of their teachers increased from a mean of 6.5 to 8.7. Similarly, public school administrators' ratings of their teachers' ability to implement the grant's best practices increased from a mean of 4.4 to a mean of 6.9.

Public School Respondents

"The professional learning sessions and work with the charter school helped to shift teachers' mindsets, and to become more aware of the importance of feeding a growth mindset culture and the importance of the feedback given to students."

"After each G-POD, training, or workshop, I see teachers coming back and immediately implementing some of the practices they acquire. From close-read-alouds, to the general physical space in the classroom, to the increase in music and rhythm in our classrooms, the examples are endless."

Charter School Respondents

"The dissemination partnership activities have greatly strengthened our teachers' use of the foundation skills curriculum as they have modeled, discussed, and observed with our partner school."

"I've noticed a change in the building regarding openness to inclusion and even more so in the language we use around growth mindset."

The majority of administrators reported that the grant has impacted teachers' instruction.

- In all, 92% of charter school administrators and 86% of public school administrators indicated that teachers' instructional ability and use of best practices has increased as a result of the dissemination partnership.

Strengths (continued)

- Similarly, when teachers were asked to rate on a scale of 1 to 10 (1 = *Not at all confident* and 10 = *Extremely confident*) their confidence for implementing best practices before the grant and currently, charter school teachers' ratings increased from a mean of 7.6 to a mean of 8.9. Public school teachers' ratings increased even more, from a mean of 5.5 to a mean of 7.7.

Public School Respondents

"I feel like I have grown this year after implementing best practices through the dissemination grant. I have modified my instructional practices to be more student centered and to be a facilitator of learning."

"I have implemented station learning that is student led. I now include opportunities for students to self-assess their work through partnerships and independent activities."

Charter School Respondents

"My level of confidence has soared since the start of the dissemination grant activities because I have been exposed to best practices in training/meetings and I have been able to put practices to use."

"As a teacher at the charter school, this grant is sparking critique and revision of best practices. We are all learning and growing and we continue to refine our pedagogy with foundational skills curriculum."

The majority of teachers reported that the grant has impacted their instruction.

- All (100%) charter school teacher respondents and 78% of public school teacher respondents reported that their instructional ability and use of best practices has increased as a result of the dissemination partnership.

Strengths (continued)

- Lastly, when asked to rate their overall satisfaction with the partnership on a scale of 1 to 10 (1 = *Very dissatisfied* and 10 = *Very satisfied)*, charter school respondents' ratings were higher than public school respondents' ratings, but both were very positive, with means of 9.5 and 7.8, respectively.

- In written comments, survey respondents described a variety of beneficial professional development opportunities that had occurred between the two schools, such as workshops, observations, and coaching, and noted that these opportunities promoted reflective and open conversations about instruction. Teachers were described as being "reinvigorated" and "excited" to implement the new practices.

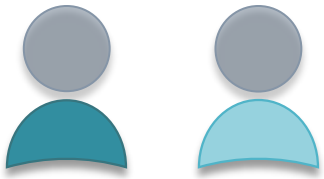
- In all, both public school respondents and charter school respondents looked forward to the second year of the partnership with optimism and excitement, noting that the second year will allow for deeper learning and collaboration.

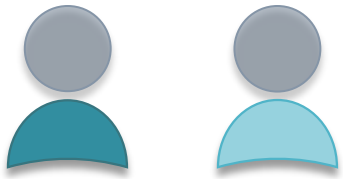
"The people involved in this project, from teachers, to project managers, to administration are all enthusiastic, engaged, and thoughtful about the work we're doing. It is a true collaboration and I'm so happy to be a part of it!"

"Working with the charter school has been a pleasure. They have been warm, welcoming and open to collaboration throughout the year. The director of development at the charter school has been accessible and flexible in adjustments to the grant."

"The level of commitment from both schools was the most important aspect of our partnership. I think that as the district partner, we had our apprehensions regarding how we would be judged against the charter school. On the contrary, everyone from both schools was able to quickly recognize the similarities between our schools over the differences. The open lines of communication between all partners has allowed continuous growth throughout the year."

"We're delighted that we have three years to implement this project. This is the kind of intensive, ongoing work required in order to make significant and lasting change in practice."





Areas for Improvement

Most survey respondents seemed to agree that the partnerships "as they are" are working, they just need more time. In particular, public school survey respondents recognized that their school has more to learn about charter school best practices, and their teachers have room for continued growth in the implementation of these practices.

- When asked to rate on a scale of 1 (= *Not at all familiar*) to 10 (= *Very familiar*) their familiarity with charter school best practices before the grant and currently, responses from public school respondents showed that there was more to learn with a current mean of 6.2, although a notable improvement from 3.8.

- In terms of teachers' implementation of best practices, about one-third (36%) of public school respondents reported that teachers who are not directly involved in the grant have not yet adopted charter school best practices.

- Lastly, in open-ended comments, a few public school administrators recognized a need on their part to have clearer communication to teacher participants about the grant's goals and expectations, as well as a more structured grant team. Some respondents also indicated they would more like more collaboration time across the two schools, such as more classroom visits at each other's schools and out-of-class meeting time.

ENDNOTES

[i] Charter Schools Program (CSP) Office of Innovation and Improvement; Overview Information for the Charter Schools Program (CSP): State Educational Agencies Notice Inviting Applications for New Awards for Fiscal Year (FY) 2011, 76 Federal Register 16, 4322 (January 25, 2011).

[ii] U. S. Department of Education. (2017, February 22). *Charter Schools Program State Educational Agencies (SEA) Grant Awards*. Retrieved from www2.ed.gov/programs/charter/awards.html.

[iii] New York State Department of Education. (2017, February 22). *FY 2011 Application for Grants Under the Charter School Program (CFDA Number 84.282A) Abstract*. Retrieved from www2.ed.gov/programs/charter/awards.html.

[iv] New York State Education Department. *2016 Request for Proposal #15-021: Evaluation of the New York State Charter Schools Program*. Retrieved from www.p12.nysed.gov/compcontracts.html.

[v]Requests for survey reports can be made by contacting the CSP Project Director at the Charter School Office.

New York

Charter Schools Program
Monitoring Report

DRAFT

Prepared for the
U.S. Department of Education

April 2015

WestEd

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I. INTRODUCTION

Monitoring is the regular and systematic examination of a grantee's administration and implementation of a Federal education grant, contract, or cooperative agreement administered by the U.S. Department of Education (ED). ED monitors programs under the general administrative authority of the U.S. Department of Education Organization Act. ED policy requires every program office overseeing discretionary or formula grant programs to prepare a monitoring plan for each of its programs. The plans are designed to link established monitoring to achieving program goals and objectives; adhering to laws, regulations, and assurances governing the program; and conforming to the approved application and other relevant documents.

The purpose of the Charter Schools Program (CSP) Monitoring Plan is to assess the extent to which grantees are implementing their approved grant projects in compliance with Title V, Part B Public Charter Schools Program statutes, regulations, and guidance. The CSP monitoring objectives are threefold:

- Increase CSP fiscal and programmatic accountability at the State and local levels.
- Support and improve grantee capacity in carrying out the purpose of the CSP through the timely and efficient administration of Federal funds awarded under this program and other Federal education programs.
- Assist grantees with the planning and implementation of high-quality charter schools.

Thus, monitoring serves not only as a means for helping grantees achieve high-quality implementation of their CSP grant project, it also helps ED to be a better advisor and partner in that effort. CSP monitoring efforts are designed to focus on the results of grantees' efforts to implement critical requirements of the CSP using available resources and guidance. Information and data from grantee monitoring also assist to inform the program's performance indicators under the Government Performance Results Act.

II. DATA COLLECTION PROCESS AND METHODOLOGY

The CSP Monitoring Plan is being conducted with the assistance of WestEd (Contract # ED-CFO-10-A-0074/0001). The plan assesses grantee performance and compliance using indicators based on Federal statute, Education Department General Administrative Regulations (EDGAR), non-regulatory guidance, and application requirements. A monitoring handbook was provided to the grantee in advance of the site visit and used to guide the monitoring process. The monitoring handbook specifies each monitoring indicator, its statutory or other sources, criteria for meeting each indicator, guiding questions, and acceptable evidence.

In conducting this comprehensive review, the monitoring team carried out a number of major activities. These included:

- Reviewing key background documents provided by ED on the State's CSP grant, including the grant application, grant award notice, and annual performance reports.
- Researching and synthesizing other available information about the State grantee's charter school program including relevant statutes, reports and evaluations, newspaper articles, and other data from government, research, and advocacy organizations.
- Consulting with ED prior to the site visit about issues of special concern in the State grantee's administration of the CSP.
- Arranging the site visit in coordination with State and charter school officials, including identifying State officials for interviews and selecting subgrantees to visit.
- Collecting evidence of the State grantee's compliance or performance with Title V, Part B Public Charter Schools Program statutes, regulations, and guidance.
- Analyzing the evidence obtained and collecting any follow-up information necessary to produce this report.

The New York site visit was conducted over a five-day period from May 19 to 23, 2014. The monitoring team met with members of the New York State Education Department (NYSED) on Thursday and Friday of that week. The team met with members of the Charter School Office (CSO); NYSED staff from Title I, Audit Services, Special Education, Grants Fiscal Management; P-12 Operations, and the Deputy Commissioner. The monitoring team also conducted a telephone interview with the State Education Agency's (SEA's) technical assistance provider from the Center for Evaluation and Education Policy (CEEP).

The team visited nine subgrantee schools, two of which were receiving CSP Dissemination grant funds:

- New Dawn Charter High School in Brooklyn—a Regents-authorized school for over-age and under-credit students 15–21 years of age.
- Citizens of the World Charter School in Williamsburg—a SUNY-authorized community-based elementary school focused on academic excellence and diversity.
- Urban Dove Team Charter School in Brooklyn—a Regents-authorized team-based high school serving at-risk students.

- Math, Engineering, and Science Academy Charter High School in Brooklyn—a Regents-authorized school using a Universal Design for Learning model and providing a daily STEM block.
- Democracy Prep Endurance Charter School in Harlem—a Regents-authorized school designed to prepare students for college through rigorous academics and more learning time.
- Icahn Charter School #7 in the Bronx—a SUNY-authorized elementary school utilizing smaller class sizes, a longer school day and year, and the Core Knowledge curriculum.
- New York Center for Autism in Harlem—a New York City Department of Education (NYC DOE)-authorized school receiving a Dissemination grant to partner with two district schools to increase the use of best practices related to serving students with autism.
- South Bronx Classical Charter School II in the Bronx—a Regents-authorized elementary school using the Classical approach to education in a structured environment.
- KIPP Tech Valley Charter School in Albany—a SUNY-authorized middle school partnering with two district middle schools to disseminate best practices related to student response systems and data review.

This report is an analysis and assessment of the data, grant award documents, interviews, and information gathered prior to, during, and following the site visit to the State grantee. Findings in this report reflect the monitoring team's observations and conclusions about the State grantee's compliance and performance under the CSP grant from the beginning of the current grant period to the time of the site visit.

A draft copy of the monitoring report was provided to the grantee for review, with a request for technical edits and corrections accompanied by supporting documentation. The grantee's response is included as an appendix to this report and carefully considered before the monitoring report was finalized. Hence, the final report takes into consideration the grantee's response as well as all of the other evidence gathered during the monitoring process.

The main purpose of the grantee review process is to make the report as accurate as possible. Grantee responses are used to clarify or correct details about policies, practices, or procedures occurring up to the time of the site visit and may result in revisions to observations and ratings, if justified. However, if the grantee submits evidence of new or changed policies, practices, or procedures that occurred after the site visit, that information will not be reflected in the report findings and will only be included in the appendix. This additional information would be beyond the scope of the monitoring visit and would therefore not influence any observation or rating.

III. BACKGROUND INFORMATION ON GRANTEE

STATE STATUTE/POLICIES/CONTEXT

STATUTORY HISTORY

For the context of this report, important provisions of New York's original Charter Schools Act include:

- Charter schools are their own Local Education Agency (LEA) but are a part of their district for purposes of special education, transportation, library materials, and software.
- A lottery is required for enrollment if the charter school will be oversubscribed.
- Charter schools are required to conduct an annual independent financial audit.
- The Regents have the authority to revoke a charter, including those approved by other authorizers, if the school's outcome on State student assessment measures falls below an acceptable level and does not improve within three years.
- Charter schools are funded at 100 percent of the per-student revenue provided by the State.
- Charter schools must publish an annual report containing measures on the academic and fiscal performance of the school, as prescribed in State regulations.
- Charter school applicants are required to incorporate upon approval of a charter.
- The Regents report annually to the Governor, the temporary president of the senate, and the speaker of the assembly on performance in charter schools.

The Act was amended in 2010 and again in 2014[1]. Noteworthy changes include:

- Prohibited for-profit entities from submitting a charter school application or entering into a charter school contract.
- Required a Request for Proposals (RFP) for charter school applications.
- Clarified the distribution of public charter school assets upon closure.
- Established the requirement for enrollment and retention targets (i.e., special education students, English language learners, students qualifying for free or reduced-price lunch) to meet or exceed that of the district in which the charter school is located.
- Increased the limitation on the number of public charter schools to 460 and simultaneously limited charter approval to the Board of Regents (Regents) and the Board of Trustees of the State University of New York (SUNY).
- Created State priorities for charter school applicants to address in order to receive additional points in the application scoring rubric.
- Provided an authorizer the authority to close a charter school that is not performing academically.
- Tightened the contract issuance process to only the Regents having the authority to issue charters; all other authorizers must submit their conditionally-approved charter school applications to the Regents for final approval and charter issuance.

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1 http://www.nyccharterschools.org/sites/default/files/resources/NYSCharterSchoolsActof1998_with2014amendments.pdf Retrieved on June 11, 2014.

- Clarified the guidance for charter schools co-locating with other public schools and specified that districts could not charge rent.

BASIC CHARTER PROVISIONS

The New York Charter Schools Act of 1998[2] provides for four types of authorizers: the Board of Regents (Regents), The Board of Trustees of the State University of New York (SUNY), any local board of education, and the Chancellor of any city school district with a population of one million or more. However, as stated above, the 2010 amendment to the Act limited the approval of new charter schools to the Regents and SUNY.

The Board of Regents is appointed by the State Assembly and the SUNY Board of Trustees is appointed by the Governor. Administrative staff facilitate authorizing responsibilities for both the Regents and SUNY. The NYSED is the administrative division of the Regents and SUNY created the Charter Schools Institute as its administrative division in 1999.

A limitation on the number of charter schools that can be established under the law was originally set at 100. This number increased to 200 in 2007 and then 460 in 2010 with distribution among the authorizers. At the time of the monitoring visit, there were 188 charters left to issue in the state; 46 of these are in NYC and 142 for the rest of the state.

If a chartering entity other than the Regents approves a charter school application, the chartering entity and the applicant will enter into a proposed agreement. The charter school application, proposed agreement, and supporting documentation are forwarded to the Regents. The Regents can either provide final approval and issue a charter, or return the application to the chartering entity for reconsideration. At this point, the chartering entity can resubmit with modifications, resubmit without modifications, or abandon the proposed charter. If the Regents do not act on a resubmitted charter within 30 days it is considered approved.

OTHER SALIENT STATUTORY OR CONTEXTUAL PROVISIONS

The majority (95 percent) of New York's charter schools are in New York City (NYC). Staff at the New York City Charter School Center (City Center) noted in testimony before a legislative committee in early May 2014 that 80,000 students were being educated in five NYC boroughs with an estimated 50,000 more on wait lists. In existing NYC charter schools, 75 percent of students are eligible for free or reduced-price lunch and over 90 percent are either African American or Latino.

Sixty percent of New York charter schools are freestanding rather than being part of an Education Service Provider (ESP)[3] or comprehensive educational services management company. Additionally, 60 percent of the State's charter schools are elementary schools. During the 2013–2014 school year, 65 percent (119 of 183) charter schools in NYC were co-located with other schools. The co-location

[2] New York Law, Article 56, Section 2850, as amended.

[3] National Alliance for Public Charter Schools, Dashboard, 2011-2011.

policy in NYC has been under scrutiny after the election of a new mayor, raising the discussion of the issues of co-location to the national level.

Public charter schools invoice the school district of residence of students attending the school for tuition based on their current enrollment. The schools invoice the district bimonthly and typically receive payment within a couple of weeks. Larger districts such as the NYC DOE invoice the district through an online system. Payments for all public schools will increase slightly in 2014. There is no State funding allocated for charter school facilities; however, SUNY administers a facilities aid program. Charter schools are given additional funds for students with disabilities who are designated as such in the electronic State system. The rate of funding for students with disabilities is based on the level of services required by their Individualized Education Program (IEP).

DATA ON STATE CHARTER SECTOR

GROWTH OF CHARTER SCHOOLS IN THE STATE

As of March 20, 2014 there were 281 charters issued in the state. SUNY oversees the majority of these with 135 charters, the NYC DOE follows with 75 charters, and the Regents oversee 69 charters. Predominantly, these charter schools are located in urban regions of the state; very few charter schools are in the western part of the state. Nine charter schools in the state are public school conversions.

Since the Charter Schools Act was adopted, twenty-two charter schools have closed. Half of these were SUNY-authorized schools that were non-renewed. Of the school closures, SED staff noted that half were for academic reasons while fiscal mismanagement was the cause of five closures.

CHARTER SCHOOL SECTOR PERFORMANCE DATA

The March 4, 2013 Charter School Office Update to the Board of Regents compared the 2012 performance of Regents-authorized charter schools to the local school district and State averages. The results indicate that Regents-authorized charter schools outperformed the local school district more often than they did the State, and charter school students performed better on State math assessments than State ELA assessments.

Percent of Charter Schools that Outperformed the District and State Averages in 2012		
Test	Percent of Charter Schools that Outperformed the Local School District Average	Percent of Charter Schools that Outperformed the State Average
ELA	79%	25%
Math	88%	42%

Sources: New York State Education Department March 4, 2013 Charter School Office Update

A 2009 Stanford University study conducted by Caroline Hoxby showed that New York City charter school students are more likely to be proficient in math and reading than students in the nearest comparable public school. On average, a student who attended a charter school for all grades kindergarten through eighth would close about 86 percent of the achievement gap in math and 66 percent of the gap in English. Further, the report found that a student who attends a charter high school is about 7 percent more likely to earn a Regents diploma by age 20 for each year he spends in that school.

In February 2013, CREDO (Center for Research on Education Outcomes) at Stanford University published a report on New York City public schools with findings that charter school students in NYC outperform their traditional public school peers in reading and math. Specifically, the report found that the typical student in a NYC charter school gains more learning in a year than his traditional public school counterparts, amounting to one month of additional gains in reading and five months in math per year.

THE SEA CHARTER SCHOOLS OFFICE/PROGRAM

The New York Board of Regents is served by the State agency's Charter School Office (CSO). The CSO is led by the Director, Office of School Innovation, a position that oversees charter schools and turnaround schools. CSO staff is organized under three teams: New Schools, Grant Oversight and Performance Oversight. CSO team members focus on new school applications, performance oversight, the CSP Planning and Implementation grant, and the CSP Dissemination grant. There are approximately seven full-time equivalent (FTE) positions funded with CSP funds and three FTE positions funded with State funds. The team works closely with partners organized under the New York State Quality Charter Authorizer Partnership ("the partnership"). These partners are NYSED, SUNY, the NYC DOE, and the City Center.

The New York Charter Schools Act requires other authorizers to send their approved charter applications to the Regents for final approval and contracting. Since State statute was amended in 2010 to require final approval for charter schools through the Regents, NYSED and SUNY have aligned most of their charter school application RFPs and application processes through work with the National Association of Charter School Authorizers (NACSA). Further, both NYSED and SUNY have developed a common performance framework to use for monitoring and oversight of their respective schools—another product developed with NACSA's assistance.

In the CSO, most staff members are assigned as a liaison to a number of charter schools. After the new schools team has assisted the new charter school with opening, the school is transferred to the liaison for ongoing support and technical assistance.

CHARTER SCHOOLS PROGRAM GRANT

GRANT HISTORY

New York has received five CSP grants to date: 1999, 2002, 2005, 2008, and 2011 for a total of $164,753,143.

New York was monitored in 2008 under its 2005 CSP award. The previous monitoring identified several concerns, including: areas of subgrantee waivers; peer review; informing teachers, parents and communities about the grant program; defining significant expansion; identifying best or promising practices and disseminating these practices to each LEA in the State; developing specific performance measures and data to evaluate progress; determining eligibility for Dissemination subgrants; attracting more applicants to the Dissemination grant; and monitoring for Dissemination subgrants.

CURRENT GRANT

The current grant, awarded in 2011, is a five-year grant for approximately $113 million. At the time of the monitoring visit, the State was in the third year of its five-year CSP grant and had drawn down $53,236,758.

New York submitted three waiver requests in its 2011 CSP application, all of which were approved. The SEA was granted waivers to extend the SEA grant from three to five years, award three-year Dissemination subgrants for the purpose of conducting evaluations of the Dissemination projects, and award more than one Dissemination subgrant to a single charter school.

Under this grant, the State cites the following four objectives:

1. Increase the number of high-quality charter schools in New York State, especially those serving educationally disadvantaged students who are at greatest risk of not meeting the State academic standards;
2. Strengthen the overall quality of the New York State charter school authorizing and CSP grant administrative infrastructure;
3. Promote the dissemination of New York State charter school best practices to other public schools; and
4. Improve student achievement outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting State academic standards.

At the time of the monitoring visit, NYSED had awarded 170 Planning and Implementation subgrants (61 in 2011-12, 58 in 2012-13, and 51 in 2013-14). Subgrant award amounts ranged from $10,000 to $545,000 in each year. NYSED has awarded 11 Dissemination subgrants thus far, all in 2013-14.

	Planning Subgrants	Implementation Subgrants	Dissemination Subgrants

	Number	Range of $ Awards	Number	Range of $ Awards	Number	Range of $ Awards
Year 1 (2011-12)	27	$44,000-490,000	34	$60,442-400,000	0	–
Year 2 (2012-13)	24	$49,154-473,313	34	$57,232-362,657	11	$107,068-270,976
Year 3 (2013-14)	10	$166,666-544,952	41	$10,000-355,542	0	–
Total	**61**	**$44,000-544,952**	**109**	**$10,000-400,000**	**11**	**$107,068-270,976**

Prior to the monitoring visit, ED expressed concern about whether New York adequately monitors subgrantee projects to ensure proper accounting for the 20 percent forward funding given to subgrantees at the beginning of their project periods.

IV. SUMMARY

Monitoring focused on three areas: (1) Subgrant Application and Award Process; (2) CSP and Charter School Quality; and (3) Administrative and Fiscal Responsibilities. Within each area, the protocol identifies indicators of grantee compliance or performance. This section presents the monitoring team's observations, assessment of the grantee's performance, and recommendations for each indicator. Grantee ratings are based on the degree to which the grantee meets each indicator. The indicator rating system is as follows:

3 – Grantee fully meets the indicator.

2 – Grantee partially meets the indicator.

1 – Grantee does not meet the indicator.

To summarize, New York has partially demonstrated the necessary program management and fiscal controls to meet the application's objectives.

Subgrant Application and Award Process – The two current authorizers, the Regents and SUNY, have strong charter school application processes. The CSP subgrant application is considered part two of that process, and only when a school has received a charter is it invited to apply for subgrant funds. While the NYSED application addresses all of the descriptions and assurances required by the CSP, the SUNY RFP does not. Additionally, subgrantee applicants are not asked to identify which waivers they seek and the peer review process is used for the charter school application phase, but not the subgrant application phase**. Areas of concern** recommended for follow up by ED include:

- A request for waivers not in application process. The State does not require applicants to designate waiver of Federal and State laws, rules or regulations in its charter school or subgrant applications.
- Missing descriptions and assurances. Several required descriptions and assurances are included in the Regents charter school application, but not the 2014 SUNY RFP. Since the charter school application process is considered part one for the CSP subgrant, both authorizers' applications would have to contain the required descriptions and assurances for the grantee to be in compliance.
- Enrollment Lottery. The State cannot ensure the Dissemination subgrant applicants' enrollment lottery meets Federal CSP requirements. Furthermore, the monitoring team is concerned that the State's lottery review process is not sufficient to ensure compliance with 2014 Federal non-regulatory guidance regarding the use of lotteries, including weighted lotteries.
- Lack of peer reviewers for all subgrant applications. SUNY does not regularly or systematically conduct a peer review of its charter school applications, which is considered to be the first part of the subgrant application process. Therefore, applications for SUNY authorized schools do not appear to be peer reviewed.

CSP and Charter School Quality – The SEA demonstrates high-quality authorizing practices and supports the development of high-quality authorizing practices of other authorizers in the State. The SEA provides a high degree of flexibility and autonomy to its charter schools, awards subgrants to charter schools that complete a rigorous charter school application process, awards subgrants throughout different areas of the state, and conducts fiscal monitoring of all subgrantees. **Areas of concern** recommended for follow up by ED include:

- Monitoring of SEA performance objectives. NYSED's monitoring process does not assess every subgrantee's progress in meeting the goals in the Performance Framework.
- Best or promising practices are not disseminated to every LEA in the State. NYSED has not developed a process for disseminating best or promising practices of charter schools to every LEA in the State.
- Insufficient progress in implementing the full evaluation plan. The grantee has not contracted with an external evaluator to conduct an outcomes research study as proposed in its grant application. Instead, the grantee is planning to use an internal analyst to design and conduct the evaluation.
- Available data are not aligned with the performance measures. In some instances, data provided by the SEA are not aligned with the stated performance measures. This is especially true of Performance Measures 1c, 3c, and 3d.
- Limited progress toward meeting grant objectives. The grantee could not demonstrate progress in 2 out of 10 applicable performance measures and has made insufficient progress towards four future goals.

Administrative and Fiscal Responsibilities – The SEA appropriately provides information to relevant audiences regarding the charter school grant program and other Federal funds. The SEA ensures charter schools receive their commensurate share of Federal funds and has policies in place to ensure LEA deductions are not possible. Transfer of student records occurs in accordance with State law and recordkeeping practices are thorough and align with State policy. However, the SEA lacks engagement in comprehensive outreach to teachers, parents, and community members about the CSP grant program. Further, the SEA has utilized a forward funding procedure such that up to 90 percent of funds can be provided to subgrantees through requests for spending that will occur within 30 days. Additionally, identifying changes in subgrantee spending within budget categories is difficult within the current finance monitoring procedures and the Dissemination subgrantees experienced a long delay between being awarded a Dissemination grant and receiving funds**. Areas of concern** recommended for follow up by ED include:

- Limited outreach regarding CSP opportunities. The grantee does not inform teachers, parents, and community members about the CSP opportunities. Rather, efforts to disseminate information are more appropriate for charter developers.
- Overuse of forward funding. While the grantee has been approved to utilize forward funding to distribute the first 20 percent of funds, the grantee's policy of releasing

monthly grant funds based on expenditures or expected spending in the subsequent 30 days effectively allows up to 90 percent of grant funds to be forward-funded.

- Tracking of modifications within budget categories. The current fiscal oversight process does not allow for careful monitoring of changes to budgeted spending within budget categories.
- Delay in receipt of Dissemination funds. Dissemination subgrantees reported a substantial delay in receiving funds after being awarded a CSP Dissemination grant due to the pre-qualification process required by the Office of the New York State Comptroller.

Promising practices that may be worthy of examination and/or replication by other SEA grantees include:

- Development of authorizer oversight tools. The SEA has taken the lead among the authorizers in the state in developing and sharing authorizer tools related to fiscal oversight (e.g., audit guide, composite scores, and risk assessment).
- Fiscal Oversight Guidebook. The grantee has developed a comprehensive guidebook outlining recommended policies and procedures that help to ensure charter schools use appropriate internal controls and oversight of funds and inventory. This document, along with related technical assistance, is comprehensive and provides useful resources for individuals working in a charter school setting. The guidebook is currently distributed to all Regents-authorized schools and was developed based on a similar resource created by SUNY.
- Charter Schools Audit Guide. All charter schools are audited in accordance with the Charter Schools Audit Guide. This resource was developed by the Charter Schools Office and distributed to all charter schools and charter school auditors to ensure annual audits are comprehensive and relevant to the needs of charter schools. This resource and the technical assistance provided related to this resource appear to be very useful in ensuring audits are completed in accordance with regulations.
- CSP Grant Management Guidance and Procedures. Charter School Office staff have developed the CSP Grant Management Guidance and Procedures document to assist staff in supporting subgrantees. This document provides guidance on assisting subgrantees in getting appropriate internal control processes in place, instructs staff members on how to use available data systems to track budgets and expenditures, and provides information to help Charter School Office staff determine allowability. This document was prepared to ensure a flow of knowledge across all Charter School Office staff members.

A summary table of all of the indicators and their ratings is provided below.

Summary of Indicator Ratings

Section 1: Subgrantee Application and Award Process	Rating

Indicator 1.1	SUBGRANT APPLICATION DESCRIPTIONS AND ASSURANCES. The State requires each eligible applicant desiring to receive a subgrant to submit an application to the State Education Agency that includes the descriptions and assurances required in Federal statute.	2
Indicator 1.2	ELIGIBLE APPLICANTS. The State ensures each applicant desiring to receive a subgrant meets the term "eligible applicant."	3
Indicator 1.3	DEFINITION OF CHARTER SCHOOL. The State ensures each eligible applicant meets the term "charter school."	2
Indicator 1.4	PEER REVIEW. The State uses a peer review process to review and select applications for assistance under this program.	2
Indicator 1.5	PROGRAM PERIODS. CSP subgrants awarded by the State do not exceed the maximum program periods allowed.	3
Section 2: CSP and Charter School Quality		**Rating**
Indicator 2.1	QUALITY AUTHORIZING PRACTICES. State laws, regulations, or other policies provide for quality authorizing practices and the SEA monitors and holds accountable the authorized public chartering agencies in the State so as to improve the capacity of those agencies to authorize, monitor, and hold accountable charter schools.	3
Indicator 2.2	FLEXIBILITY AND AUTONOMY. The SEA affords a high degree of flexibility and autonomy to charter schools.	3
Indicator 2.3	SUBGRANTEE QUALITY. The SEA awards grants to eligible applicants on the basis of the quality of the applications submitted.	3
Indicator 2.4	DISTRIBUTION OF SUBGRANTS. The State awards subgrants in a manner, to the extent possible, to ensure that such subgrants: a) are distributed throughout different areas of the state, including urban and rural areas; and b) will assist charter schools representing a variety of educational approaches.	3
Indicator 2.5	SUBGRANTEE MONITORING. The SEA monitors subgrantee projects to assure approved grant and subgrant objectives are being achieved and to ensure compliance with Federal requirements.	2
Indicator 2.6	DISSEMINATION OF BEST OR PROMISING PRACTICES. The State disseminates best or promising practices of charter schools to each local education agency in the State.	2
Indicator2.7	ACHIEVEMENT OF APPLICATION OBJECTIVES. The State demonstrates substantial progress in meeting its application objectives.	2
Section 3: Administrative and Fiscal Responsibilities		**Rating**
Indicator 3.1	FEDERAL PROGRAMS INFORMATION AND FUNDING. The State informs appropriate audiences about the SEA's charter school grant program, Federal funds that the charter school is eligible to receive and Federal programs in which the charter school may participate, and ensures that each charter school in the State receives its commensurate share of Federal education formula funds.	2
Indicator 3.2	ALLOCATION OF CSP FUNDS. The proportion of grant funds reserved by the State for each activity does not exceed the allowable amount.	3
Indicator 3.3	ADMINISTRATION AND USE OF CSP FUNDS. The SEA administers the CSP funds and monitors subgrantee projects to ensure the proper disbursement, accounting, and use of Federal funds.	2
Indicator 3.4	LEA DEDUCTIONS. The State ensures that the LEA does not deduct funds for administrative expenses or fees unless the eligible applicant enters voluntarily into an administrative services arrangement with the relevant LEA.	3
Indicator 3.5	TRANSFER OF STUDENT RECORDS. The SEA ensures that a student's records and, if applicable, individualized education program accompany the student's transfer to or from a charter school in accordance with Federal and State law.	3

Indicator 3.6	RECORDKEEPING. All financial and programmatic records, supporting documents, statistical records, and other records of grantees and subgrantees related to the CSP grant funds are maintained and retained for grant monitoring and audit purposes.	3

V. FINDINGS

This section presents the monitoring team's description and assessment of the grantee's administration of the CSP grant for each indicator. Each indicator is stated, followed by summary narrative and detailed tabular information containing the monitoring team's observations and findings of grantee implementation related to the indicator. Any areas of concern and promising practices are then highlighted. Finally, a rating, justification for that rating, and, where appropriate, recommendations for improvement are given.

1. SUBGRANT APPLICATION AND AWARD PROCESS

A major function of CSP grantees is to conduct application and award processes to distribute CSP funds to subgrantees in the state, including funds for new charter school planning and implementation as well as for the dissemination of successful charter school practices. A minimum of 95 percent of each State's CSP allocation is distributed to subgrantees through this process. This section focuses on the State's requirements of subgrant applicants, and its processes for evaluating, selecting, and awarding subgrants. Specifically, this section addresses the State's performance in fulfilling its responsibilities to:

- Require subgrant applicants to submit an application with Federally required descriptions and assurances;
- Determine that applicants are eligible to receive CSP subgrants;
- Ensure that eligible applicants meet Federal definitions of a charter school;
- Employ a peer review process to evaluate subgrant applications; and
- Ensure CSP subgrants adhere to allowable time periods.

Indicator 1.1: SUBGRANT APPLICATION DESCRIPTIONS AND ASSURANCES. The State requires each eligible applicant desiring to receive a subgrant to submit an application to the State Education Agency that includes the descriptions and assurances required in Federal statute.

Observations: In the 2009 monitoring report, the grantee partially met this indicator. The previous monitoring team was concerned that not enough technical assistance was being provided for applicants and that not all of the required descriptions and assurances were completely addressed.

Planning/Implementation Subgrants. In 2011 NYSED merged the CSP subgrant application process with the charter school application process. Part two of the process, which is the subgrant application, is provided after a charter has been awarded and is not competitive. Once a charter has been newly awarded by any authorizer, the school is eligible to apply for a subgrant award. Many of the requirements for the CSP are attributed to the charter school application RFPs. CSO staff worked with the State Comptroller's office to ensure all required components of the CSP grant were

addressed either in the NYSED charter school application RFP or the subgrant application RFP. This was not done with the SUNY application.

The subgrant application requires a detailed work plan and budget. If schools are designed to meet the State's priorities, they may receive additional funding. The base award for all eligible schools is $500,000 over a three-year period, which may be increased to $750,000 if the school meets State priorities. The charter school application has an appendix with a scoring rubric for these State priorities. The State's priorities are:

- To serve high-need student groups such as students with disabilities, students who are English language learners, students who are over-age, under-credited or at risk of not graduating;
- To serve students who live in underserved rural communities;
- To promote racial diversity;
- To improve productivity and effectiveness through the use of technologies (including blended instructional programs);
- To replicate existing high-quality charter school models.

Notice for the subgrant program is provided through charter school associations in the state, NYSED's Grants Fiscal Management email list, charter school authorizers, and the CSO.

Dissemination Subgrants. NYSED issued its first Dissemination subgrant RFP in 2013; 11 awards were granted from the 15 applications. The RFP provides examples of projects that could be considered for funding. The Dissemination subgrant RFP notes that $25,000 must be used for grant evaluation. Project activities must be completed within the 24-month window, but evaluation of the projects is done in the third year.

Technical Assistance. There is a recorded webinar online for CSP applicants that covers:

- How to establish the school as a vendor in the State payment system, including obtaining a Federal Employee Identification number from the IRS and a DUNS number.
- Pre-qualifications for Grant Gateway, the State's online grant management system.
- Explanation of allowability and grants management.
- The three State agency processes for approving the grant contract before funds can be released.

In addition, resources are available on the NYSED website such as the subgrant RFP, FS10 budgets, work plan instructions, the 2014 CSP non-regulatory guidance, and an application checklist and timeline.

Waivers. Section 2854(b) of New York's Charter Schools Act states that none of the education code applies to charter schools, except that charter schools must comply with health and safety, civil rights, and student assessment requirements applicable to all other public schools. Consequently, neither the NYSED nor SUNY charter school application kit asks the applicant to request waiver of State statute. Furthermore, neither application kit asks the applicant if they want to request a waiver of Federal statutes or regulations.

Table 1.1: SUBGRANT APPLICATION DESCRIPTIONS AND ASSURANCES.		
ESEA Section 5203. Applications. **(b) Each application submitted pursuant to subsection (a) shall —** **(3) contain assurances that the State education agency will require each eligible applicant desiring to receive a subgrant to submit an application to the State education agency containing —**	**Area of concern**	**Findings: Description of practices and any concerns related to how the SEA grantee ensures that each description and assurance is included in the subgrant application.**
(A) a description of the educational program to be implemented by the proposed charter school, including — (i) how the program will enable all students to meet challenging State student academic achievement standards; (ii) the grade levels or ages of children to be served; and (iii) the curriculum and instructional practices to be used;	☐ Yes ☒ No	The NYSED 2014 Charter School Application Kit requires the applicant to explain its educational program in Section II. Educational Plan, C. Curriculum and Instruction.[4] The 2014 SUNY RFP includes this requirement in Section 5. Academic Success.
(B) a description of how the charter school will be managed;	☐ Yes ☒ No	The NYSED 2014 Charter School Application Kit requires the applicant to explain its management plan in Section III. Organizational and Fiscal Plan, C. Management and Staffing. This is also included in the Organizational Viability section of the 2014 SUNY RFP.
(C) a description of — (i) the objectives of the charter school; and (ii) the methods by which the charter school will determine its progress toward achieving those objectives;	☐ Yes ☒ No	The NYSED 2014 Charter School Application Kit requires the applicant to explain its goals and assessment system in Section II. Educational Plan, A. Achievement Goals and, D. Assessment System and Section III. Organizational and Fiscal Plan, D. Evaluation. The SUNY RFP includes this in Section 2.c. Draft Accountability Plan.
(D) a description of the administrative relationship between the charter school and the authorized public chartering agency;	☐ Yes ☒ No	The NYSED 2014 Charter School Application Kit requires the applicant to explain its relationship with its authorizer in Section III. Organizational and Fiscal Plan. In addition, Section I. Mission, Key Design Elements, Enrollment, and Community, F. Programmatic and Fiscal Impact addresses how a new charter school would impact its authorizer. Further, the NYSED capacity interview with applicant teams includes a standard question regarding the relationship with the authorizer. The SUNY RFP addresses this in Section 14.a. District Relations.

[4] At the time of the monitoring visit, previous versions of the subgrant application were not made available to the monitoring team. As a result, the analysis contained here is only for the most recent version of the subgrant application.

(E) a description of how parents and other members of the community will be involved in the planning, program design, and implementation of the charter school;	☐ Yes ☒ No	The NYSED 2014 Charter School Application Kit requires the applicant to explain how parents and the community were involved in the planning of a new charter school in Section I. Mission, Key Design Elements, Enrollment, and Community, E. Public Outreach and Section III. Organizational and Fiscal Plan, I. Family and Community Involvement. The SUNY RFP includes this description in Section 3. Proposal History Including Community Outreach.
(F) a description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met the objectives described in subparagraph (C)(i);	☒ Yes ☐ No	The NYSED 2014 Charter School Application Kit, Under Budget and Cash Flow, lists a criterion for the applicant to describe the school's plan and the authorizer's role for sustainability beyond the start-up period. A description of how SUNY would provide for the continued operation of a charter school after the Federal grant expires is not addressed in the 2014 SUNY RFP.
(G) a request and justification for waivers of any Federal statutory or regulatory provisions that the eligible applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;	☒ Yes ☐ No	Neither the NYSED 2014 Charter School Application Kit nor the 2014-2016 Planning and Implementation Subgrant Application Template require the subgrant applicant to list any waivers requested from State law, rules, or regulations. This is also not addressed in the 2014 SUNY RFP.
(H) a description of how the subgrant funds or grant funds, as appropriate, will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the Secretary;	☐ Yes ☒ No	The 2014-2016 Planning and Implementation Subgrant Application Template asks the applicant to explain how these start-up and implementation funds will be used in conjunction with other Federal program funds.
(I) a description of how students in the community will be — (i) informed about the charter school; and (ii) given an equal opportunity to attend the charter school;	☐ Yes ☒ No	The NYSED 2014 Charter School Application Kit requires the applicant to address C. Enrollment, Recruitment and Retention in Section I. Mission, Key Design Elements, Enrollment, and Community and in Section I. Family and Community Involvement in III. Organizational and Fiscal Plan. In the 2014 SUNY RFP Sections 3.e. Community Outreach and 15.d. Admissions Policy address this.
(J) an assurance that the eligible applicant will annually provide the Secretary and the State education agency such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);	☒ Yes ☐ No	Charter school applicants are required to address this assurance in Section III. D. Evaluation of the 2014 Charter School Application Kit where applicants are required to explain their annual evaluation plan and how information gained from the evaluation will be used to improve performance. An assurance that the charter school will annually provide information to the State and ED regarding performance toward objectives of the school is not addressed in the 2014 SUNY RFP.

(K) an assurance that the eligible applicant will cooperate with the Secretary and the State education agency in evaluating the program assisted under this subpart;	☐ Yes ☒ No	The 2014-2016 Planning and Implementation Subgrant Application Template lists an assurance that the subgrantee will cooperate in any evaluation conducted related to this subgrant. .
(L) a description of how a charter school that is considered a local education agency under State law, or a local education agency in which a charter school is located, will comply with Sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act;	☐ Yes ☒ No	The NYSED 2014 Charter School Application Kit requires applicants to explain services to students with disabilities in Section II. Educational Plan, G. Special Student Populations and Related Services. Moreover, § 2852 (9)(b)(i) states that an authorizer shall not consider an application that does not meet a list of criteria, which includes the laws regarding serving students with disabilities. In the SUNY RFP, Section 7. Special Populations addresses struggling students, students with disabilities, English language learners, and gifted and advanced learners.
(M) if the eligible applicant desires to use subgrant funds for Dissemination activities under Section 5202(c)(2)(C), a description of those activities and how those activities will involve charter schools and other public schools, local education agencies, developers, and potential developers; and	☐ Yes ☒ No ☐ NA	The 2013-2016 NY Charter School Dissemination Program RFP explains an Overview of Project Activities and details allowable and un-allowable expenditures and activities.
(N) such other information and assurances as the Secretary and the State education agency may require.	☐ Yes ☒ No	The 2014 Planning and Implementation Application Template contains a number of additional State and Federal assurances and certifications, including Non-Construction Programs, Lobbying, Debarment, Suspension, Ineligibility and Voluntary Exclusion.

Sources: *NYSED 2014 New Charter School Application, 2014-2016 Planning and Implementation Subgrant Application Template, 2013-2016 NY Charter School Dissemination Program RFP, and 2014 SUNY RFP.*

Areas of Concern

- A request for waivers not in application process. The State does not require applicants to designate waiver of Federal and State laws, rules, or regulations in its charter school or subgrant applications.
- Missing descriptions and assurances. Several required descriptions and assurances are included in the Regents charter school application, but not the 2014 SUNY RFP. Since the charter school application process is considered part one for the CSP subgrant, both authorizers' application would have to contain the required descriptions and assurances for the grantee to be in compliance.

Rating and Justification: 2 – Grantee partially meets the indicator. With the exception of waivers, the descriptions and assurances listed in § 5203 of the Elementary and Secondary Education Act as amended (ESEA) are addressed in either the Regents charter school application RFP or the subgrant application template. However, several descriptions and assurances are missing from the SUNY charter application.

Recommendations: The State should ensure that each eligible applicant, regardless of charter authorizer, submits subgrant applications that include all of the required descriptions and assurances.

Indicator 1.2: ELIGIBLE APPLICANTS. The State ensures each applicant desiring to receive a subgrant meets the term "eligible applicant."

Observations: In the 2009 monitoring report, the grantee fully met this indicator.

Planning and Implementation Subgrants. The initial screen of eligible applicants is done as a part of the charter school application. Both the NYSED and SUNY charter application kits include sections on the governance and organization capacity of the charter developers. In addition to verifying the legal status of charter school applicants, the State's pre-opening checklist for new charter schools includes filing with the IRS for non-profit status and registering with the State as a non-profit. Schools must provide evidence of this when pre-qualifying in the statewide grants management system.

Due to the relationship between the charter application process and the subgrant application process, all applicants must have submitted a charter application ahead of submitting a subgrant application and there was no evidence to suggest that some schools may forgo CSP subgrant funds. As a result authorizers are aware of the developer's intent to apply for subgrant funds.

Dissemination Subgrants. The Dissemination Grant application requires that schools are on the Substantial Progress list of schools managed by the department, are open at least three years, and can demonstrate substantial academic achievement. The State provides a list of schools designated as Substantial Progress Schools with the Dissemination RFP. If a school is not on the list, but is otherwise eligible, the Dissemination subgrant applicant can use other means to demonstrate academic achievement. NYSED confirms years of operation through a published list of school start dates and desk monitoring.

Table 1.2: ELIGIBLE APPLICANTS.

The State ensures each applicant desiring to receive a subgrant meets the term "eligible applicant," including:	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee ensures that each applicant desiring to receive a subgrant meets the term eligible applicant.
The school's developer has applied to an authorized public chartering authority to operate a charter school	☐ Yes ☒ No	The subgrant application process is contingent on the charter school application process; therefore, only approved charter schools are invited to apply for the start-up funds.
The school's developer has provided adequate and timely notice to that authority under Section 5203(d)(3)	☐ Yes ☒ No	The subgrant application template is only provided by NYSED and SUNY to charter schools that have been approved and received a charter. Therefore, authorizers are aware of the developer's intent to apply for funds.
Non-profit status of the charter holder	☐ Yes ☒ No	New York Statute Article 56, § 2853 (1) requires charter schools to incorporate as an education corporation upon approval. Article 56, § 2851 (1) prohibits for-profit or corporate entities from applying to establish a charter school.

Not more than one grant to a school	☐ Yes ☒ No	In the 2014-2016 Planning and Implementation Application Template, the subgrant applicant must acknowledge that they have not received funding under a Replication and Expansion Grant. Additionally, the CSO checks with the ED to ensure that a school has not also received replication and expansion funding.
For Dissemination applicants: the charter school has been in operation for at least 3 consecutive years and has demonstrated overall success, including— (i) substantial progress in improving student academic achievement; (ii) high levels of parent satisfaction; and (iii) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.	☐ Yes ☒ No ☐ NA	The 2013-2016 New York Charter School Dissemination Program application includes the requirement to demonstrate qualifying Overall School Success either through being on the list of Substantial Progress Schools or through evidence in improving student academic achievement, particularly for at-risk students; high levels of satisfaction; and management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school (Part I., 1.)

Sources: *2014-2016 NY Planning and Implementation Application Template, 2013-2016 NY Charter School Dissemination Program RFP and NY Statutes, Article 56*.

Rating and Justification: 3 – Grantee fully meets the indicator. For Planning and Implementation subgrants, NYSED and SUNY both define "eligible applicant" in their charter school application kits. State charter school law also provides a definition in § 2851(1). The Dissemination subgrant RFP requires schools to demonstrate student academic achievement, high levels of parent satisfaction and the leadership necessary to overcome initial start-up issues.

Recommendations: None.

Indicator 1.3: DEFINITION OF CHARTER SCHOOL. The State ensures each eligible applicant meets the term "charter school."

Observations: In the 2009 monitoring report, the grantee fully met this indicator.

The State's Charter Schools Act defines a charter school in essentially the same way Federal law does. The components of the Federal definition are in myriad sections within the Act, as noted in the table below. In addition, NYSED has aligned the Federal definition with the language in its application kit. All of the components of the Federal definition are addressed in either application citations or application components. This is also true of the 2010, 2011, 2012, and 2013 NYSED application kits. The January 2014 SUNY RFP similarly asks applicants to describe how they meet the Federal definition of a charter school through components required by State statute. The State verifies charter school applicants are proposing a new public charter school that will meet the definition of a charter school through the NYSED and SUNY application processes. Furthermore, the CSO liaisons review charter school governing board minutes that are regularly submitted to

ensure the school's status does not change over time. The NYSED is provided with copies of fiscal and renewal reports from SUNY schools.

Lottery. The State's Charter Schools Act in § 2851 (2)(d), requires admission policies, including lottery procedures, be included as an attachment to the charter school application. These are reviewed for compliance with State and Federal law by the CSO staff. If the policy is not in compliance, the applicant has an opportunity to remedy. For the most part, Federal non-regulatory guidance lottery requirements mirror State statute and are also detailed in State regulation. However, State law permits charter schools to use weighted lotteries in order to reach demographic levels that are comparable to the surrounding school district. At the time of the CSP monitoring visit, the State was in discussion with ED attorneys about the State's previously enacted lottery statute in relation to the 2014 non-regulatory guidance on weighted lotteries.

That being said, the monitoring team visited a subgrantee school that used specific disability criteria for children to be eligible for its lottery process. Furthermore, the Dissemination subgrant process may not include verifying the school's lottery policy to ensure compliance with the CSP non-regulatory guidance.

Special Populations. The State Charter Schools Act requires charter schools to meet certain enrollment and retention targets that are comparable to the district in regard to students with disabilities, English language learners, and students who are eligible for free or reduced-price lunch (§ 2851 (4)(c)). Although these data are reported annually, there is no clear enforcement. Charter schools are encouraged to direct their marketing efforts to students who would help the school reach its targets.

Any change to the school's enrollment policy is listed as a material change and would require the school to file an amendment to their charter with the State.

The annual independent financial audit required of all charter schools and the State's annual site visit of NYSED-approved schools contains a checklist that includes a test for State statutory compliance of the enrollment lottery; however, compliance with applicable Federal non-regulatory guidance is not a part of that test. The State encourages charter schools to put their enrollment policy on the school's website and the authorizer periodically monitors these policies for compliance.

Table 1.3: DEFINITION OF CHARTER SCHOOL.		
ESEA Section 5210. DEFINITIONS. **(1) CHARTER SCHOOL- The term 'charter school' means a public school that —**	**Area of concern**	**Findings: Description of practices and any concerns related to how the SEA grantee ensures that each eligible applicant meets each clause of the Federal term "charter school".**

(A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;	☐ Yes ☒ No	New York Statute, Article 56, § 2854. (1)(b) exempts charter schools from all State and local laws, rules, regulations, or policies governing public schools except for health and safety, civil rights, and student assessment requirements. See Indicator 2.2 for additional information about the flexibility and autonomy afforded to charter schools by the State.
(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;	☐ Yes ☒ No	New York Statute § 2851 (1) specifies who may submit a charter school application, while (3) specifically excludes private school conversion to charter status. Further, (3) delineates permitted charter entities; § 2853 (1)(c) deems charter schools independent and autonomous public schools, and the charter entity and the Board of Regents are given the authority to supervise and oversee the public charter school.
(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;	☐ Yes ☒ No	Charter school applicants must detail their educational objectives in their application per § 2851 (2)(b), New York Statute. Applications that do not 1) rigorously demonstrate how they will achieve increased student academic achievement and increased high school graduation rates, and 2) have a focus on academic achievement of middle school students and preparing them for a successful transition to high school will not be approved pursuant to § 2852 (9-a)(c), New York Statute.
(D) provides a program of elementary or secondary education, or both;	☐ Yes ☒ No	§ 2853 (b) authorizes the education corporation organized to operate a charter school to operate an elementary or secondary school or both.
(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;	☐ Yes ☒ No	§ 2854 (2) requires charter schools to be nonsectarian and stipulates a charter will not be issued to a school that would be affiliated with any religious denomination, or in which denominational tenets or doctrines are taught.
(F) does not charge tuition;	☐ Yes ☒ No	§ 2854 (2) prohibits charter schools from charging tuition or fees, on the same basis as other public schools.
(G) complies with the Age Discrimination Act of 1975, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Part B of the Individuals with Disabilities Education Act;	☐ Yes ☒ No	§ 2854 (2) requires charter schools to comply with the nondiscrimination provisions that apply to all public schools.

(H) is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;	☒ Yes ☐ No	§ 2855 (1)(e) requires charter schools to widely publicize their enrollment lotteries. During the time of this grant, some school lotteries used weighted lottery systems that may exceed the circumstances permitted under the Federal non-regulatory guidance. Furthermore, charter schools receiving CSP funds are not allowed to use weighted lotteries before the State amends their CSP grant.
(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;	☐ Yes ☒ No	§ 2854 (c) states a charter school shall be subject to an independent financial audit at least annually and shall maintain procedures and standards consistent with generally accepted accounting and audit standards.
(J) meets all applicable Federal, State, and local health and safety requirements;	☐ Yes ☒ No	§ 2854 (b) requires a charter school to meet the same health and safety, civil rights, and student assessment requirements applicable to all other public schools.
(K) operates in accordance with State law; and	☐ Yes ☒ No	§ 2854 (1) notes the applicability of other State laws and (2) and (3) explain admissions and school personnel and how they apply to charter schools.
(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.	☐ Yes ☒ No	§ 2852 details the issuance of a charter, which must be approved by the Board of Regents. § 2854 (d) notes that charter school students must take Regents examinations. § 2857 requires charter schools to submit an annual charter school report card that is made available to the public. See Indicator 2.1 for additional information about the performance contract between the charter school and its authorizer.

Sources: *NYSED 2014 New Charter School Application, 2014-2016 Planning and Implementation Subgrant Application Template, 2014 CSP Nonregulatory Guidance, and 2013-2016 NY Charter School Dissemination Program RFP.*

Areas of Concern

- Enrollment lottery. The State cannot ensure the Dissemination subgrant applicant's enrollment lottery meets Federal CSP requirements. Furthermore, the monitoring team is concerned that the State's review process is not sufficient to ensure compliance with 2014 Federal non-regulatory guidance regarding the use of lotteries, including weighted lotteries.

Rating and Justification: 2 – Grantee partially meets the indicator. While the State ensures that subgrant applicants meet and then remain compliant with the Federal definition of a charter school,

the monitoring team is concerned that the Dissemination subgrant program may not examine the school's lottery as a part of its eligibility process.

Recommendations: The State must ensure that all CSP subgrantees fully comply with the Federal non-regulatory guidance for lotteries, including the use of weighted lotteries, during the period of Federal funding.

Indicator 1.4: PEER REVIEW. The State uses a peer review process to review and select applications for assistance under this program.

Observations: In the 2009 monitoring report, the grantee partially met this indicator. The previous monitoring team recommended the State strengthen its peer review process by including more than one peer reviewer.

In its 2011 CSP grant application, the grantee proposed to integrate its charter authorization and CSP grant peer review processes. While many of the subgrant application elements are included in the charter application process, there are several required descriptions and assurances contained in part two of the application process and not subject to peer review. See Indicator 1.1 for additional information about subgrant application descriptions and assurances.

The State uses an online review system where the applicant uploads their application and related documents and then reviewers use the system to conduct their evaluation. Each NYSED charter school application has three reviewers, including charter school educators, administrators or consultants and representatives from other chartering entities. The NYC DOE assigns a staff member to the review team when a NYC school is being considered. All NYSED reviewers sign a statement of confidentiality and a conflict disclosure statement. After independently reading and scoring each application, a team phone call, moderated by CSO staff, allows the reviewers to discuss the application and their scores.

CSO staff conduct a webinar to train charter application peer reviewers and there are also resources available through the online review system. Likewise, CSO staff conducts a training for Dissemination grant reviewers. Training resources are in the online review system and NYSED staff conduct a webinar for reviewers each cycle. During the entire application review process, there is a public comment period for all applications through the CSO and its website. The CSO records public comment and makes it available to the Regents.

SUNY uses a different review process, which is done primarily through a staff review. External experts may be used at SUNY's discretion but are not required.

Subgrant applications do not have a separate peer review and are instead reviewed by CSO staff. Program staff review for completeness, appropriate grant goals, approved budget items, and required attachments before logging the applicant in to the office's spreadsheet management system. Applicants are awarded funds based on the amount of funds available and the score of the charter application. After funding has been determined, other units within NYSED are notified.

Dissemination subgrant applications are reviewed with the New York State Quality Charter Authorizer Partnership (NYSQCAP) which includes NYSED, SUNY, and the City Center. Two peer reviewers independently read and score applications and if the points vary significantly, a third reviewer reads and scores the application.

Table 1.4: PEER REVIEW.

Elements of the State's peer review process.	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee conducts its peer review process.
Identification and notification to peer reviewers: This was not addressed in the State's application.	☐ Yes ☒ No	Peer reviewers for charter applications are solicited through State associations, the State's email lists, and from operating charter schools.
Composition and qualifications of peer reviewers: This was not addressed in the State's application.	☒ Yes ☐ No	NYSED charter school applications are reviewed by charter school educators, administrators and consultants. SUNY charter applications are reviewed primarily by SUNY CSI staff. Planning and Implementation subgrant applications are reviewed by NYSED CSO staff. The monitoring team is concerned that charter applications from SUNY authorized schools may be reviewed by external experts at SUNY's discretion, but are not required. The process for Dissemination grant review involves partner organizations, which includes peers.
Reviewer guidance and training: The State's application states that selected peer reviewers receive guidelines which include general information about the process, an assurance to be signed (regarding confidentiality, any existing conflict of interest, and a reviewer's impartiality assurance), a process evaluation, and travel reimbursement paperwork instructions.	☐ Yes ☒ No	The State uses an online system that includes training for NYSED charter school application reviewers. The subgrant application aspect of the process is not competitive and the CSP subgrant application is reviewed by CSO staff before being entered into the office's spreadsheet for subgrant management.
Use of peer reviews to select applications for funding: This was not addressed in the State's application.	☒ Yes ☐ No	Charter school applications are peer reviewed. If the applicant is awarded a charter, they are automatically eligible for CSP grant funds. While a peer review process is used for charter school applications, the subgrant applications are not peer reviewed.

Sources: *NYSED Call for Reviewers, NYSED 2014 New Charter School Application, 2014 SUNY Application RFP, 2014-2016 Planning and Implementation Subgrant Application Template, and 2013-2016 NY Charter School Dissemination Program RFP.*

Areas of Concern

- Lack of peer reviewers for all subgrant applications. SUNY does not regularly or systematically conduct a peer review of its charter school applications, which is considered to be the first part of the subgrant application process. Therefore applications for SUNY authorized schools do not appear to be peer reviewed.

Furthermore, the required descriptions and assurances contained in the second part of the subgrant application process are not subject to peer review for any charter schools.

Rating and Justification: 2 – Grantee partially meets the indicator. The peer review process is varied: NYSED uses peers for its charter application, SUNY primarily uses staff and may consult externally if there are questions, subgrant applications are reviewed by CSO staff, and Dissemination subgrants are reviewed by the State's partnership.

Recommendations: The State should take the necessary steps to ensure that each subgrant application is reviewed by peers.

Indicator 1.5: PROGRAM PERIODS. CSP subgrants awarded by the State do not exceed the maximum program periods allowed.

Observations: In the 2009 monitoring report, the grantee fully met this indicator.

Planning and Implementation. The NYSED and SUNY publish the CSP program periods in their charter school application kits. The State's Grant Award Notice also includes the program periods. Additionally, the GAN includes the payment, reporting schedule, and related timing information. The 2014-2016 Planning and Implementation subgrant application template specifically notes the maximum 18-month planning and 24-month implementation project periods and requires the subgrantee to develop relevant budgets for each project period. Moreover, the total 36-month grant period is tracked by the CSO and grants fiscal management offices. NYSED CSO and grants management staff ensure compliance with CSP program periods during the approval process and through desk monitoring over the life of the grant.

Dissemination. The State asked for and received a waiver of the 24 months allotted for Dissemination grants in order to extend evaluation of the program into the third year of funding. The Dissemination subgrant RFP specifically notes the project period as a maximum of 24 months with an additional 12 months for evaluation, as does the Grant Award Notice. Additionally, the electronic grants management system includes the ability to ensure funds are spent only within the allowable timeframe.

In January 2014 the State implemented a new online grants management system. The pre-qualification process was challenging for some charter schools trying to access their awarded grant funds through the new system. The result was that some charter schools experienced a delay in receiving Dissemination subgrant funds. Whereas previously initial funds would have been received within a couple of months of an award notice, some of last year's Dissemination subgrant recipients did not receive funds for up to a year after the award letter. The CSO was cognizant of the difficulties and tried to assist the charter schools in accessing their funds sooner. While the State believed this to be a one-time difficulty, they stated they would be closely monitoring during future grant cycles.

Table 1.5: PROGRAM PERIODS.		
CSP subgrants awarded by the State do not exceed the maximum program periods allowed of:	**Area of concern**	**Findings: Description of practices and any concerns related to how the SEA grantee ensures that subgrant awards are used within the allowable time periods.**
Not more than 3 years, of which the eligible applicant may use —	☐ Yes ☒ No	Project periods are clearly published in the 2014-2016 Planning and Implementation Subgrant Application Template, Grant Award Notice, contract cover page, and grant financial forms. The CSO uses an Excel spreadsheet and an online grants fiscal management system to monitor program periods.
(A) not more than 18 months for planning and program design;	☐ Yes ☒ No	As noted above.
(B) not more than 2 years for the initial implementation of a charter school; and	☐ Yes ☒ No	As noted above.
(C) not more than 2 years to carry out dissemination activities described in Section 5204(f)(6)(B).	☐ Yes ☒ No ☐ NA	Project periods are delineated numerous times in the 2013-2016 New York Charter School Dissemination Program RFP. The State has been granted a waiver of the project period to allow for Dissemination grant evaluations to extend into a third year of the grant. The CSO monitors this through communication with the subgrantee and the internal grants fiscal management system.

Sources: *2014-2016 Planning and Implementation Subgrant Application Template and 2013-2016 NY Charter School Dissemination Program RFP, Grant Award Notice, Contract Cover Page, and Payment Reporting Schedule.*

Rating and Justification: 3 – Grantee fully meets the indicator. The appropriate project periods are published in numerous places and subgrantees fully understand the project periods and which period they are currently in. In addition, the CSO utilizes an Excel spreadsheet to monitor subgrantee activity and a grants fiscal management system that shows when funds are drawn on the subgrant.

Recommendations: None.

2. CSP AND CHARTER SCHOOL QUALITY

One of the key goals of the CSP is to support and encourage the development of high-quality charter schools. To do so, the SEA needs to establish policies and practices that promote high-quality charter schools. This section focuses on how the SEA furthers high quality in authorizing practices, charter school flexibility and autonomy, subgrant assessment and awards, monitoring, dissemination of best or promising practices, and progress toward its own application objectives. It includes seven indicators that cover the State's role in:

- Providing for quality authorizer practices;
- Affording charter schools a high degree of flexibility and autonomy;

- Awarding CSP subgrants on the basis of the quality of the applications;
- Awarding subgrants to ensure geographic distribution and a variety of educational approaches across the state;
- Monitoring subgrantee achievement of project objectives;
- Disseminating best or promising practices of charter schools; and
- Meeting its application objectives.

Indicator 2.1: QUALITY AUTHORIZING PRACTICES. State laws, regulations, or other policies provide for quality authorizing practices and the SEA monitors and holds accountable the authorized public chartering agencies in the State so as to improve the capacity of those agencies to authorize, monitor, and hold accountable charter schools.

Observations: This indicator was not included in the 2009 monitoring report.

Assurances 3a and 3b. In November 2012, ED determined that NYSED was in full compliance with Assurances 3a and 3b on the basis of information submitted by the State; in particular, the New York State Board of Regents' adoption of the charter school renewal policy and Performance Framework.

The Performance Framework, included in the charter agreement for each Regents-authorized charter school, outlines the 10 performance benchmarks the schools will be evaluated on to earn a recommendation for renewal. The performance benchmarks are organized into three key areas of charter performance: educational success, organizational success, and faithfulness to charter and law. The charter school renewal policy establishes that student academic achievement is the most important factor in making renewal decisions.

The charter school renewal policy and Performance Framework directly apply to Regents-authorized charter schools and establish the priorities considered by NYSED and the Regents in reviewing renewal applications by other authorizers. Other authorizers are required to adopt renewal policies and processes that are comparable to that of the Regents and with similar emphasis on academic achievement for all students.

High-Quality Authorizer Practices. NYSED oversees initial and renewal charters submitted from other authorizers for approval and issuance by the Board of Regents. The Regents may either approve the proposed charters or return them with comments and recommendations within 90 days. An LEA-authorized charter school cannot get a charter or revision without the Regents' approval. SUNY, however, has a different relationship with NYSED. As any authorizer in the state, SUNY sends charters to the Regents for approval and issuance and may have their charters returned with comments and recommendations prior to authorization. SUNY may then choose to send the proposed charters back to the Regents without changes and their charters go into effect by operation of law after 30 days. For this reason, the SEA has greater oversight and influence over Buffalo- and NYCDOE-authorized schools and a more collegial relationship with SUNY.

NYSED monitors authorizers by analyzing student performance data for all charter schools and providing fiscal oversight for CSP subgrantees. Further, NYSED collaborates with other authorizers through the New York State Quality Charter Authorizer Partnership (NYSQCAP). NYSQCAP began as a partnership between NYSED and SUNY to support high-quality authorizing practices in New York State through three key activities: 1) revising and aligning NYSED oversight protocols and guidelines, 2) participating in and contributing to charter school authorization and policy discussions at the State and national level, and 3) providing technical assistance and professional development to charter school authorizers. NYSQCAP activities have included developing the CSP subgrant priorities, CSP Agreed-Upon Procedures Report, and annual report submissions, and the Charter School Audit Guide training sessions and webinars.

Closures. Twenty-two charter schools (11–SUNY, 6–Regents, 5–NYCDOE) have closed or failed to open in New York State since 2001. The primary method of closure was non-renewal (10 charters). Additional methods for closure included revocation (5 charters), surrender (4 charters), and expiration (3 charters). While there is usually more than one reason for closure, the majority of schools closed in the last six years due to academic failure.

Table 2.1: QUALITY AUTHORIZING PRACTICES.

Federally defined quality authorizing practices	Area of concern	Findings: Description of how quality authorizing practices are required by State law, regulation, or other policies and how these policies are implemented.
Charter or performance contracts describe the obligation and responsibilities of the school and the authorizer.	☐ Yes ☒ No	NYSED's charter agreement template establishes the key responsibilities of Regents-authorized schools and NYSED and incorporates the Oversight Plan and Performance Framework. As part of the contract for each SUNY charter school, the school establishes a performance agreement, known as the Accountability Plan.
Charter schools submit annual financial audits to the authorizer.	☐ Yes ☒ No	The New York Charter Schools Act of 1998 [Article 56 of the New York Education Law 2854(c)] requires that a charter school shall be subject to financial audits, the audit procedures, and the audit requirements set forth in the charter.
Charter schools are held accountable to demonstrate improved student academic achievement.	☐ Yes ☒ No	The Performance Framework outlines the 10 benchmarks by which a Regents-authorized school will be evaluated when it applies for renewal, including benchmarks related to educational success, organizational soundness, and faithfulness to its charter and to law. Buffalo also uses NYSED's Performance Framework. Similarly, the Accountability Plan outlines expectations for student learning and achievement for SUNY-authorized schools.

Authorizers use student academic achievement for all groups of students as the most important factor when determining to renew or revoke a school's charter and provide for the continued operation of successful charter schools.	☐ Yes ☒ No	In November 2012, the Regents approved the Charter School Renewal Policy and the Performance Framework. This made clear that while all benchmarks in the Performance Framework will be considered for renewal recommendations and decisions, student academic performance is the most important factor. All authorizers must adhere to a similarly rigorous renewal policy and process to obtain approval from the Regents.
The SEA monitors and holds accountable authorized public chartering agencies, so as to improve the capacity of those agencies to authorize, monitor, and hold accountable charter schools.	☐ Yes ☒ No	NYSED has oversight over initial and renewal charters submitted from other authorizers in the State. NYSED monitors other authorizers through reviewing student performance data, risk assessments, audit findings, composite scores, and management decisions based on independent audit findings and developing renewal recommendations for the Regents. Additionally, NYSED collaborates with other authorizers through the New York State Quality Charter Authorizer Partnership (NYSQCAP). Major activities for the NYSQCAP include development of the CSP preferences, CSP Agreed-Upon Procedures report, and annual report submissions.

Sources: *2011 CSP Application, Article 56 Charter School Law, Initial Charter Agreement Template, Assurance Compliance Letter, Charter School Renewal Policy and Performance Framework for Charter Schools Authorized by the Board of Regents, NYSED Authorizer Monitoring and Technical Assistance Plan, Schools No Longer Operating, New York State Education Department Charter School Office Survey of the New York State Quality Charter Authorizer Partnership (NYSQCAP), Guidelines for Creating an Accountability Plan.*

Promising Practices

- Development of authorizer oversight tools. NYSED has taken the lead among the authorizers in the state in developing and sharing authorizer tools related to fiscal oversight. (See Appendix 1: *Charter Schools Audit Guide,* Appendix 2: *2013 Composite Scores for Charter Schools,* and Appendix 3: *Risk Assessment for CSP Desk Audits.*)
- New York State Quality Charter Authorizer Partnership (NYSQCAP). The authorizers in the state have partnered to support high-quality authorizing practices through collaboration and professional development.

Rating and Justification: 3 – Grantee fully meets the indicator. NYSED demonstrates high-quality authorizing practices and has also developed several tools that support the capacity of other authorizers to monitor and hold charter schools accountable.

Recommendations: None.

Indicator 2.2: FLEXIBILITY AND AUTONOMY. The SEA affords a high degree of flexibility and autonomy to charter schools.

Observations: In the 2009 monitoring report, the grantee fully met this indicator.

Under New York State Education Law, charter schools are subject to all laws related to health and safety, civil rights, and student assessment but are exempt from all other State and local laws governing public schools and school districts. The board of trustees of a charter school has final authority over budgets, personnel, and operational policies provided they are not materially different from those described in the charter application. The State grants charter schools additional flexibility around teacher certification.

The schools visited by the monitoring team felt they had sufficient flexibility and autonomy to operate their charter schools. However, schools located in NYCDOE buildings described additional responsibilities and challenges due to co-location. For example, one school could not open until it met the requirements of both NYCDOE and NYSED for Automated External Defibrillators. This school also went without a school nurse for three weeks because the charter school started earlier than NYC schools. Another school felt constrained by the lack of space in the building. In this instance, NYCDOE helped resolve the issues between the schools. In general, these schools sought more communication between NYSED and NYCDOE to facilitate their operations concerns.

Table 2.2: FLEXIBILITY AND AUTONOMY.

Areas for charter school flexibility and autonomy.	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee affords charter schools flexibility and autonomy in each area.
Budget/Expenditures: As noted in the grant application, charter schools are independent and autonomous public schools. The trustees of each charter school's board are responsible for approving the school's annual budget and for monitoring its finances. Charter schools are subject to annual independent fiscal audits and procedures as set forth in the charter agreement with their authorizers.	☐ Yes ☒ No	Regents-authorized charter schools prepare and submit annual budget and monthly cash flow projections to the CSO for the first full fiscal year after incorporation and any subsequent years if the budget or projects differ in any material respect from those set forth in the charter application and submit annual fiscal audits. SUNY-authorized charter schools submit annual budgets and cash flow statements, quarterly financial reports, and annual audited financial reports to their authorizer.
Personnel: As noted in the grant application, charter schools are allowed up to 30 percent or five teachers who are not certified, whichever is less. The New York Charter Schools Act specifies no requirement for school administrators. Additionally, all conversion charter schools have to be unionized. All other new charter schools that enroll fewer than 250 students during the first two years may be started without a unionized work force.	☐ Yes ☒ No	As stipulated in the charter agreement, charter schools must employ instructional providers who are certified or qualified to teach under New York Statute, Article 56, § 2854 (3)(a-l)(i)-(iv). Teachers exempted from certification may not exceed 30 percent of instructional employees or five teachers, whichever is less.

Daily Operations: According to the grant application, charter schools are subject to all laws, rules, and regulations affecting health and safety, civil rights, and student assessment applicable to other public schools. Charter schools are exempt from all other State and local laws, rules, regulations or policies governing public or private schools, boards of education and school districts. The board of trustees of the charter school has the final authority for policy and operation decisions of the school.	☐ Yes ☒ No	Per the charter agreement, the charter application sets forth the general operational policies of the charter school. The charter school may implement policies, procedures, and specific terms of operation that differ from those in the application provided they are not prohibited by the Charter School law, charter, or are materially different from those set forth in the application.

Sources: *2011 CSP Application, Article 56 Charter School Law, Initial Charter Agreement Template, 2014 Opening Procedures Checklist, Memorandum Guidance: Annual Budgets, Quarterly Reports and Audited Financial Reports.*

Rating and Justification: 3 – Grantee fully meets the indicator. The SEA affords a high degree of flexibility and autonomy to charter schools in the State.

Recommendations: None.

Indicator 2.3: SUBGRANTEE QUALITY. The SEA awards grants to eligible applicants on the basis of the quality of the applications submitted.

Observations: In the 2009 monitoring report, the grantee fully met this indicator.

Definition of Quality. NYSED noted that its charter application process only allows high-quality schools to be chartered. Successful applicants must complete all phases of the charter application process (Letter of Intent, Full Application, Capacity Interview, and Request for Modifications) to be approved. As noted elsewhere in the report, SUNY applicants complete a similar process. However, the State did not otherwise articulate a definition of quality to assess the quality of charter schools.

Subgrant Award Process. As noted above, the subgrant application is embedded in the charter application process. Furthermore, every school issued a charter is eligible to receive a CSP subgrant unless the school is receiving funding through a CSP Replication and Expansion grant.

For NYSED applicants, charter applications are scored in the following areas: Mission, Key Design Elements, Enrollment, and Community; Educational Plan; and Organizational and Fiscal Plan. Responses are rated as Inadequate, Approaches, Meets, or Exceeds based on evaluation criteria established in each section or subsection of the application. Applicants that largely "Meet" or "Exceed" the criteria in the full application are invited to the capacity interview. Applicants may make technical modifications to the charter application if the CSO requests clarifications; for example if a policy needs to be revised to be in alignment with the law. The Director of School Innovation uses the reviewers' ratings, findings from the capacity interview, and public comments to make recommendations for new charter applications.

SUNY charter applicants are scored in the following areas: Proposal Summary, School Establishment, Academic Success, and Organizational Viability. SUNY's review process includes

academic, legal, and fiscal review by Charter School Institute staff and may include a panel of external reviewers. Neither the exact number of reviewers nor the application rubric were available in the January 2014 SUNY RFP. Applicants with strong proposals are invited to an interview with Institute staff. Applicants may also be asked to amend aspects of their application to comply with the Charter Schools Act or other laws and regulations, or to provide additional details. A formal interview with the SUNY Charter Schools Committee precedes the final recommendation to the SUNY Board of Trustees. Approved proposals are then transmitted to the Board of Regents for their consideration.

Dissemination subgrant applications were scored in the following areas: Demonstration of Overall School Success, Purpose, Organizational Capacity, Demonstrated Need or Demand, Description, Action Plan, Evaluation, and Budget. Applications can earn a maximum of 100 points before bonus points. Bonus points are awarded for student achievement, letters of support, and school partnership types. Applications were read by three reviewers, reviewers' scores were averaged, and applications with final average scores that met the minimum of 70 points were considered for an award. After assigning bonus points, applications were ranked and funded in rank order.

Table 2.3: SUBGRANTEE QUALITY.		
SEA efforts to award grants on the basis of quality.	**Area of concern**	**Findings: Description of practices and any concerns related to how the SEA grantee awards subgrants on the basis of quality.**

The SEA has criteria for subgrantee and application quality to assess CSP applicants and award subgrants: Not specified in the grant application.	☐ Yes ☒ No	NYSED charter application evaluation criteria are embedded in the application. They include the following: • Mission, Key Design Elements, Enrollment, and Community • Educational Plan • Organizational and Fiscal Plan Responses are rated as Inadequate, Approaches, Meets, or Exceeds based on evaluation criteria established in each section or subsection of the application. Evaluation criteria were not listed in the most recent application; however, the SUNY charter application requires responses in the following areas: • Proposal Summary • School Establishment • Academic Success • Organizational Viability Dissemination subgrant applications are rated accordingly: • Demonstration of Overall School Success (15 points) • Purpose (15 points) • Organizational Capacity (10 points) • Demonstrated Need or Demand (10 points) • Description (10 points) • Action Plan (10 points) • Evaluation (10 points) • Budget (20 points) Optional Bonus Priorities points are given accordingly: • Academic Achievement Priority (5 points) • Letters of Support from Proposed Partner(s) (5 points) • School-Type Partnership Priority (5 points)

How the SEA uses these criteria to review and award CSP subgrant applications: Not specified in the grant application.	☐ Yes ☒ No	NYSED Reviewers rate applicant responses based on the evaluation criteria in each section or subsection of the application. Reviewers also provide summative ratings for each section of the application and the application as a whole. Applications must substantially meet or exceed the evaluation criteria to be invited to the Capacity Interview. SUNY's review process includes academic, legal, and fiscal reviews by Charter School Institute staff and may include a panel of external reviewers. Neither the exact number of reviewers nor the application rubric were available in the January 2014 SUNY charter RFP. Enhanced awards are given to subgrantees for meeting two types of incentive priorities: • Underserved student populations priority—Charter schools that meet one or more enrollment targets (e.g., students with disabilities, English language learners, students eligible for free or reduced-price meals) by the October Basic Education Data System (BEDS) student reporting date in their first year of enrollment will receive awards up to $625,000. • Authorizer program design priority—Charter schools that meet one or more authorizer design priorities in their applications may receive up to $750,000. See Indicator 2.4 for additional information about authorizer design priorities.
The SEA demonstrates a high-quality process to determine the quality of the CSP applicant and application, including considering the review of the applicant during the charter authorization process (i.e. use of rubrics, hearings, rigor). In its grant application, NYSED proposed to work with the other major active authorizers in the State to integrate the charter authorization review processes with the CSP subgrant review process.	☐ Yes ☒ No	CSP Planning and Implementation subgrants are awarded to all applicants who are issued a charter, except applicants affiliated with CMOs who received a CSP Replication and Expansion grant. If applications score well and meet certain criteria, both NYSED and SUNY invite the applicant to a capacity interview. The questions are asked of the governing board and the writer's consultant is not allowed to participate.

Sources: *2011 CSP Application, 2012 NYSED Charter School Application Kit, 2013 NYSED Charter School Application Kit, 2014 NYSED Charter School Application Kit, January 2014 SUNY Request for Proposals (RFP), 2013-2016 New York Charter School Dissemination Program Application Guidance, SUNY Case Study.*

Rating and Justification: 3 – Grantee fully meets the indicator. NYSED and SUNY have rigorous charter application processes to which Planning and Implementation subgrants are directly tied. This has resulted in a subgrant award process that awards subgrants on the basis of quality.

Recommendations: None.

Indicator 2.4: DISTRIBUTION OF SUBGRANTS. The State awards subgrants in a manner, to the extent possible, to ensure that such subgrants: a) are distributed throughout different areas of the State, including urban and rural areas; and b) will assist charter schools representing a variety of educational approaches.

Observations: In the 2009 monitoring report, the grantee fully met this indicator.

Charter schools are distributed throughout the State, to the extent possible, with the highest concentration in New York City. However, the sector is expected to grow statewide as New York City approaches its cap. Accordingly, NYSED is actively pursuing charter networks to expand into western New York.

NYSED offers enhanced CSP subgrant awards for applicants who meet authorizer design priorities including schools that use a blended learning approach and schools designed to support the achievement of special populations. Additionally, the grantee offers incentives for charter schools opening in rural areas and schools that meet demographic targets in the first year of operation. These incentives were not offered in the first year of the grant, as they were not specified in the CSP subgrant application. Instead, all subgrantees received a larger base amount. Eighteen charter schools (nine in 2012-13, nine in 2013-14) have received enhanced awards for meeting authorizer design priorities. Two awards were for schools specifically designed to meet the needs of English language learners. One award was for a school designed for over-age, under-credited students.

Table 2.4: DISTRIBUTION OF SUBGRANTS.

Categories of award distribution in the State as required by Federal statute.	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee distributes awards throughout different areas of the State and across a variety of educational approaches.
Geographic distribution: The grantee proposed to provide an enhanced grant to schools located in school districts that are or have rural LEAs.	☐ Yes ☒ No	The 2012-2014 Charter School Application Kits include an authorizer design priority for NYSED applicant schools that serve students in rural areas. Applicants that meet this priority may receive an enhanced subgrant award up to $750,000. To date, NYSED has not received any strong applications from developers in rural areas. SUNY's application does not include a priority for rural schools.

Educational approach: The grantee proposed to provide enhanced grants to charter schools proposing blended or on-line instructional programs (e28) or high schools designed to serve over-age, under-credited students.	☐ Yes ☒ No	Regents-authorized charter schools are eligible to receive an enhanced CSP award for meeting one of nine authorizer design priorities, including schools designed to meet the needs and raise the achievement of special populations (i.e., English language learners; students with disabilities; over-age, under-credited students) and schools that use a blended learning approach. SUNY-authorized charter schools are eligible for an enhanced CSP award for meeting one of four authorizer design priorities including proposing to replicate an existing, successful SUNY-authorized charter school; leasing or purchasing a facility for three or more years of operation; partnering with a school district to phase out a persistently low-performing school and replace it with the proposed school; or meeting demographic targets in its first year that suggest it will meet or exceed its enrollment targets for at-risk students.

Sources: *2011 CSP Application, 2014 Charter School Application Kit, Grant Priorities Report 4.21.14, January 2014 SUNY Request for Proposals (RFP).*

Rating and Justification: 3 – Grantee fully meets the indicator. NYSED ensures subgrants are distributed throughout different areas of the State to the extent possible, and will assist charter schools representing a variety of educational approaches. Enhanced subgrant awards are used to encourage charter developers to open charter schools in rural areas and design schools which meet authorizer priorities.

Recommendations: None.

Indicator 2.5: SUBGRANTEE MONITORING. The SEA monitors subgrantee projects to assure approved grant and subgrant objectives are being achieved.

Observations: In the 2009 monitoring report, the grantee partially met this indicator. The previous monitoring team was concerned that the State did not have a formal process in place to monitor Dissemination subgrants.

Currently, Planning and Implementation subgrantees report on their progress toward meeting objectives in the charter application through the annual report, though these objectives are not specific to the CSP subgrant. To receive continuation funding, Planning and Implementation subgrantees identify the progress made on the top five activities supported during the prior subgrant period on Annual Project Progress Reports, report equipment purchased with grant funds, and submit final expenditure reports. Subgrantee progress toward meeting NYSED's performance objectives is assessed during site visits and at the time of renewal for Regents-authorized charter schools only. Subgrantees with other authorizers are not required to meet NYSED's performance objectives. Dissemination subgrantees report on their progress toward meeting project goals in their interim progress reports and during interim conference calls with the Dissemination Specialist and their partner district.

Desk Monitoring. The Office of Audit Services provides financial oversight of all charter schools in the State. Audit Services reviews all charter school financial statement audits, A-133 Single Audits, and corrective action plans, and within six months issues management decision letters on findings. Audit Services also developed a composite score that measures a charter school's performance on key financial indicators (e.g., primary reserve, equity, and net income). Composite scores are provided to other authorizers and used by NYSED in renewal decisions.

The CSO monitors grant expenditures on an ongoing basis by reviewing requests for funds, budget amendments, and final expenditure reports.

In May 2012, the CSO surveyed Planning and Implementation subgrantees to monitor their adherence to EDGAR. The survey included questions about the timeliness of the initial 20 percent payment, expenditures made to the grant, interest earned on CSP funds, and procedures for following the non-regulatory guidance for use of grant funds such as payroll certification associated with initial implementation activities.

Since 2012-13, Section 8 of the Charter Schools Audit Guide, which covers the CSP Agreed-Upon Procedures (CSP AUP) Report on CSP Funding, is required of all subgrantees that had CSP expenditures greater than or equal to $50,000 and are not required to submit an A-133 audit. The CSP AUP sets forth specific procedures the independent auditor is required to perform and submit to NYSED to evaluate grant compliance. Procedures include reviewing a detail of the expenditures, testing a sample of expenditures, and verifying that items requested for reimbursement had been previously expended or expended within one month of the request.

In 2013-14, a risk assessment was conducted for every subgrantee school that was required to submit the CSP AUP in 2012-13. Four subgrantees (out of 14) with the highest risk ratings were selected for a desk audit. The Project Director reviewed the subgrantees' general ledgers, a sample of transactions, supporting documents, and grant-related policies and procedures. A follow-up letter was sent to each subgrantee at the completion of the desk audit, which outlined findings and corrective actions to be taken. The findings included CSP expenditures that were not accurately identified in the general ledger, insufficient supporting documentation, and appropriate procedures had not been followed to minimize the time between the receipt and disbursement of funds.

On-Site Monitoring. NYSED conducts annual on-site monitoring visits to all Regents-authorized schools but does not join the other authorizers on their visits. As part of its authorizer duties, NYSED conducts pre-opening visits; first, second, and fourth year check-ins; a full program evaluation site visit in year three, and a renewal visit. The CSO's New Opening Schools Team conducts the pre-opening visit. The Performance Oversight Team conducts the annual visits. The SEA has contracted with Class Measures to perform the renewal site visits. CSP grant expenditures may be monitored during site visits. Additionally, four monitoring visits were conducted at Dissemination subgrantee sites in 2013-14. The visits were primarily programmatic in nature and covered the activities of the subgrantees' projects. The remaining Dissemination subgrantees will be visited in 2014-15. Besides Dissemination subgrantees, NYSED does not conduct site visits to

SUNY schools. However, NYSED and SUNY are in constant communication when there is a concern with CSP subgrantees.

Other SEA Monitoring. The Title I Office includes charter schools in its compliance monitoring, including on-site targeted reviews and desk audits. The Office of Special Education includes a sample of charter schools in its desk monitoring but only visits charter schools to investigate complaints on a case-by-case basis. Since 2010, the Office of Special Education has not had the capacity to conduct on-site monitoring of charter schools.

Table 2.5: SUBGRANTEE MONITORING.

Elements of subgrantee monitoring.	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee carries out its subgrantee monitoring.
SEA regularly monitors subgrantee projects: The grantee proposed that quantitative and qualitative evidence would be gathered and assessed through a combination of desk audits, independent fiscal audits, on-site visits, school self-reporting, and third-party school quality review visits during the five-year term of a New York charter. The grant application also noted that all charter authorizers conduct regular formal and informal monitoring visits to visit classrooms, review records, and interview parents, teachers, administrators, and board members to ascertain compliance with charter provisions and applicable statute and regulation. Furthermore, annual reports are submitted to the authorizer and Board of Regents by August 1st of each year.	☐ Yes ☒ No	NYSED monitors all charter schools through annual financial statement audits, composite scores, a management decisions database, and analysis of academic progress. NYSED additionally monitors Regents-authorized schools through on-site visits (pre-opening; first, second, and fourth year check ins; full three-year visit; and renewal visits), the annual report, and the renewal application process. Grant expenditures may be monitored during site visits. Dissemination subgrantees are monitored once during their subgrant period. Monitoring visits are primarily programmatic in nature.
SEA selects subgrantees to be monitored using a risk-based or other strategic approach: Not specified in the grant application.	☐ Yes ☒ No	A risk assessment was completed for each subgrantee required to submit a 2012-13 CSP AUP Report. A risk level was assigned to each subgrantee, with points assigned for risk factors such as CSP AUP findings, financial statement or single audit findings, management letter observations, and liaison or authorizer concerns. The four schools with the highest risk ratings had a CSP desk audit during 2013-14.
SEA uses trained monitors to monitor subgrantee projects: Not specified in the grant application.	☐ Yes ☒ No	The Project Director (who has a background in Audit Services) conducted the CSP desk audits of the four schools selected for enhanced desk monitoring.

SEA monitoring processes allow it to assess a subgrantee's progress in meeting the performance objectives outlined in its subgrant application: Not specified in the grant application.	☐ Yes ☒ No	Planning and Implementation subgrantees identify the progress made on the top five activities supported during the prior grant period through the Annual Project Progress Report. Dissemination subgrantees report on their progress toward meeting specific project goals in their interim progress reports and during interim conference calls.
SEA monitoring processes support subgrantee projects in meeting SEA performance objectives: Not specified in the grant application.	☒ Yes ☐ No	Regents-authorized charter schools are held accountable for meeting the goals in the Performance Framework at the time of charter renewal as set forth in their charter agreement and during site visits. The Performance Framework has been officially used twice and will be used again in 2015-16. Other charter schools are not required to meet all of the SEA's performance objectives.
SEA monitoring processes allow it to assess a subgrantee's fiscal control and fund accounting procedures: Not specified in the grant application.	☐ Yes ☒ No	The Office of Audit Services receives all charter school financial statement audits, A-133 Single Audits, and corrective action plans, and within six months issues management decision letters on findings. Audit Services also developed a composite score that measures a charter school's performance on key financial indicators (e.g., primary reserve, equity, and net income). Composite scores are provided to other authorizers and used by NYSED in renewal decisions. Beginning with 2012-13 audits, all subgrantees submit the CSP AUP Report with their annual audit, except those required to submit an A-133 audit. Desk audits were conducted for four subgrantees with the highest risk ratings in 2013-14.
SEA monitoring includes formal follow-up or corrective action plans for identified deficiencies: School visits are documented in site visit reports, which become part of a charter school's record for purposes of renewal (e3).	☐ Yes ☒ No	The SEA submits a site visit report within 30 days of a monitoring visit. Letters were also sent to subgrantees at the completion of desk audits. Subgrantees are required to submit corrective action plans and remedy deficiencies for any independent auditor or desk audit finding.

Sources: *2011 CSP Application, CSP Subgrantee Monitoring, 2011-2012 CSP Planning and Implementation Subgrantee Monitoring Report, CSP Charter School Audit Guide, Planning and Implementation Grant Continuation Funding Annual Project Progress Report, Annual Report Guidelines for New York State Charter Schools, 2013-2016 New York State Dissemination Program Joint Work Plan Template. Risk Assessment for CSP Desk Audits.*

Areas of Concern

- Monitoring of SEA performance objectives. NYSED's monitoring process does not assess every subgrantee's progress in meeting the goals in the Performance Framework.

Rating and Justification: 2 – Grantee partially meets the indicator. NYSED has a systematic approach for fiscal monitoring and monitors achievement of subgrantee project objectives through Annual Project Progress Reports. However, current monitoring does not assure approved grant objectives are achieved beyond Regents-authorized schools.

Recommendations: NYSED is encouraged to develop a monitoring process that assesses every subgrantee in meeting performance objectives related to NYSED's performance objectives.

Indicator 2.6: DISSEMINATION OF BEST OR PROMISING PRACTICES. The State disseminates best or promising practices of charter schools to each local education agency in the State.

Observations: In the 2009 monitoring report, the grantee did not meet this indicator. The previous monitoring team was concerned that at the time of the monitoring visit, the grantee did not have a process in place for identifying best or promising practices of charter schools and disseminating such information to each LEA in the State.

Under the 2011 grant, the State proposed to use its Dissemination subgrant application process for identifying and selecting best or promising practices of charter schools. In the second year of the grant, NYSED funded 11 Dissemination subgrants to support the dissemination of instructional best practices. This included providing professional development to district schools related to ELA, math, data analysis, assessment, transition to Common Core State Standards, and effective strategies for educating children with autism.

The CSO disseminates previously identified best practices of charter schools through a monthly email blast to charter schools, charter networks, charter support organizations, private foundations, school districts, state departments of education, and universities; articles; press releases; and a report to the Board of Regents. NYSED is also planning a conference for February 2015 at which the Dissemination subgrantee practices and projects will be showcased. However, the monitoring team is concerned that these venues do not reach all LEAs and NYSED has does not have a process in place for disseminating best practices to every LEA in the State.

Table 2.6: DISSEMINATION OF BEST OR PROMISING PRACTICES.

Elements of dissemination of best or promising practices.	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee implements the elements of its dissemination of best or promising practices of charter schools to each LEA in the State.

Identification and selection of best or promising practices: The grantee proposed that the Dissemination Specialist would develop a system to recruit, evaluate, feature, and promote best practices. The Dissemination Specialist would be charged with coordinating efforts with other charter authorizers, the New York Charter School Association and the New York City Charter School Center to collaboratively identify and disseminate the best or promising practices of charter schools. Lastly, the grantee proposed that charter schools would report on their best educational practices as part of their annual reports. These would be summarized by NYSED for its annual report on charter schools to the governor and legislature.	☐ Yes ☒ No	NYSED defines best or promising practices as effective practices, programs, or innovations that have been developed, tested, and designed to improve student academic achievement in New York Charter Schools. NYSED identifies and selects best practices of charter schools through its Dissemination subgrant application process as proposed. At the time of the monitoring visit, NYSED had funded 11 Dissemination subgrants to support the dissemination of successful innovations to district schools through district-charter partnerships. Best practices identified in the subgrants include co-teaching, using data to inform instruction, and establishing and supporting professional learning communities. NYSED is also working with the City Center to identify and post best practices to the City Center website.
Dissemination of best or promising practices of charter schools to each LEA in the State: The grantee proposed to coordinate regular presentations and share sessions (in a variety of formats, including online and in-person) about the ongoing work; support the District-Charter School Collaboration Compacts in New York City and Rochester; provide opportunities to high-performing charter schools to complete a Best or Promising Practices proposal which will be highlighted on the Successful Practices section of the P12 website; develop new communication vehicles such as webinars, a regular newsletter, and presentations at statewide conferences, in addition to the CSO website and charter school listserv; and develop an online survey to assess the awareness of educators in school districts of the availability of resources from NYSED related to best or promising practices of charter schools.	☒ Yes ☐ No	The CSO has participated in in-person training sessions and/or webinars related to the Charter School Audit Guide and Fiscal Controls and Integrity for Charters. The audience for these sessions is independent auditors and charter schools. The Dissemination Specialist has supported NYC Collaborates, the District-Charter Collaboration Compact in New York, through the creation of successful practices videos and planning of a statewide conference. NYSED staff explained that the District-Charter Collaboration Compact in Rochester formally ended in summer 2012 when the Superintendent resigned. Descriptions of current dissemination projects and a link to a video featuring a district-charter partnership are available on the New York Charter School Dissemination Program Grant webpage. NYSED also intends to post the video of the district-charter partnership on the Engage New York website (though this had not been completed at the time of the monitoring visit). Other dissemination activities include a monthly email blast on best practices to the charter school listserv, articles, press releases, and a conference planned for February 2015. The CSO administered a survey to stakeholders at Dissemination partnership schools on the impact of the partnership on implementation of best practices at their school and awareness of resources related to charter school best practices. About half of the respondents were from district schools.

Sources: *2011 CSP Application, 2013-2016 New York Charter School Dissemination Program Application, NYSED website, Report on CSP Dissemination Progress April 15, 2014, Report on CSP Dissemination Progress April 22, 2014.*

Areas of Concern

- Best or promising practices are not disseminated to every LEA in the State. NYSED has not developed a process for disseminating best or promising practices of charter schools to every LEA in the State.

Rating and Justification: 2 – Grantee partially meets the indicator. While best practices of charter schools are identified through the Dissemination subgrant application and other avenues, NYSED does not have a process in place for disseminating best practices to every LEA in the State.

Recommendations: NYSED is encouraged to expand its efforts to disseminate best or promising practices of charter schools to every LEA in the State.

Indicator 2.7: ACHIEVEMENT OF APPLICATION OBJECTIVES. The State demonstrates substantial progress in meeting its application objectives.

Observations: In the 2009 monitoring report, the grantee partially met this indicator. The previous monitoring team was concerned that although the State appeared to be on track to meet its application objectives, it could not demonstrate convincingly that it had specific performance measures and data in place to evaluate its progress.

At the time of the current monitoring visit, the grantee partially demonstrated progress toward accomplishing its objectives and performance measures. The grantee has met targets on eight of its 21 performance measures, data were not able to be assessed for five performance measures, and six performance measures are future goals that will be assessed at the end of the grant.

NYSED has made substantial progress in strengthening the quality of New York State charter school authorizing and CSP grant administration infrastructure (Objective 2). However, the grantee has made limited progress toward increasing the number of high-quality charter schools in New York State (Objective 1) and promoting best practices of New York State charter schools to other public schools (Objective 3). While the grantee has made partial progress toward improving student achievement outcomes for students in New York State charter schools (Objective 4), the monitoring team was unable to assess four of the performance measures as the baseline data established in Year 1 cannot be accurately compared to Year 3 data due to implementation of new tests aligned to Common Core State Standards. Similarly, the team was unable to assess Performance Measure 4B5 as there are no rural charter schools in New York. These performance measures have been removed from the final analysis below.

External Evaluation. The CSO has contracted with the Center for Evaluation and Education Policy (CEEP) to provide technical support and build staff capacity. In this role, CEEP has developed and administered several surveys including surveys to evaluate the charter school oversight practices of the CSO, administration of the charter application process, the NYSQCAP

partnership, and perceptions of the clarity, usefulness, and ease of the CSP grant process. The contractor has also provided support with evaluation of Dissemination subgrants, an internal survey of Dissemination subgrantees, and completion of the Annual Performance Report. Future surveys will examine the dissemination partnerships established through the Dissemination subgrant. The grantee has made changes to the charter application process and training as a result of the survey findings. That being said, the grantee has not contracted with an external evaluator to conduct an outcomes-based study as proposed in its grant application. Instead, an internal analyst will design and conduct this aspect of the evaluation.

Table 2.7: ACHIEVEMENT OF APPLICATION OBJECTIVES.

Objective 1: ***Increase the number of high-quality charter schools in New York State, especially those serving educationally disadvantaged students who are at greatest risk of not meeting the State academic standards.***

Performance Measure (How is the grantee measuring progress?)	Data Collection Activities (What data are being collected? How? By whom?)	Progress (To what extent has the goal been accomplished so far?)	
Performance Measure 1A: By December 31, 2015, New York State charter authorizers will issue 150 additional charters for new high-quality charter schools to open.	The grantee tracks progress using its new schools database. Given changes in the cap, the grantee expects 151 charters will be issued by end of the fifth year.	☐ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☒ Insufficient Progress	2011-12: 22 new charters issued 2012-13: 35 new charters issued (57 total new charters) 2013-14: 17 new charters issued (74 total new charters)
Performance Measure 1B: By December 31, 2015, New York State charter authorizers will issue 15 additional charters for new high-quality charter schools to open that meet grant priorities related to school turnaround.	The grantee tracks the number of subgrantees that receive enhanced awards for meeting incentive priorities. At the time of the monitoring visit, no incentives had been awarded related to turnaround schools, though two districts (Syracuse and Buffalo) are considering it. The Director of the Office of School Innovation, which encompasses charter schools and school turnaround, has provided technical assistance to districts.	☐ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☒ Insufficient Progress	2011-12: 0 new charters issued meeting school turnaround grant priorities 2012-13: 0 2013-14: 0

Performance Measure 1C: Each year, 100% of the portfolio of existing charter schools who earn charter renewal from their authorizer will meet New York State's high-quality charter school performance standards; those that do not will be closed.	The Regents approved the Charter Renewal Policy and the Performance Framework for Regents-authorized charter schools in November 2012. At the time of the monitoring visit, two schools had been renewed under the Performance Framework. The others were evaluated based on the goals in their charter contracts. Over the grant period, four charter schools were not renewed (2 revocations, 1 voluntary surrender, 1 non-renewal). Several renewals included in Year 3 are short-term two-year renewals due to a technical adjustment that ensures all charter contracts end on June 30.	☒ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 94% (16/17) of renewal applicants met New York State's charter school performance standards 2012-13: 97% (38/39) of renewal applicants met New York State's charter school performance standards 2013-14: 100% (63/63) of renewal applicants met New York State's charter school performance standards Note: The 2011-12 and 2012-13 data provided for this performance measure (i.e., number of renewal applications/schools up for renewal) does not align with how the performance measure is written.
Performance Measure 1D: Each year, at least 90% of post-charter Planning and Implementation subgrant recipients will give an overall rating of "satisfied" or higher when asked to rate NYSED's administration of the CSP subgrant program in the areas of clear communication, timely release of funds, and responsiveness.	CEEP conducted surveys of charter schools in New York State. In November and December 2012, 54 charter applicants were surveyed about the NYSED charter application process. However, the data were not disaggregated for subgrantees and SUNY applicants were not included, nor were the questions specific to grant administration. In April 2013, a survey was sent to 21 current CSP subgrantees. Six respondents provided their overall level of satisfaction with the SEA's administration of the CSP subgrant program.	☐ Measure Met ☒ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: Data not available 2012-13: Data not available 2013-14: 67% of respondents noted overall ratings of "satisfied" or higher rating

Objective 2: ***Strengthen the overall quality of the New York State charter school authorizing and CSP grant administrative infrastructure.***

Performance Measure (How is the grantee measuring progress?)	Data Collection Activities (What data are being collected? How? By whom?)	Progress (To what extent has the goal been accomplished so far?)	
Performance Measure 2A: By June 30, 2013, NYSED will successfully complete the systematic revision and alignment of oversight protocols and guidelines.	In response to changes in statute in 2012, the SEA has completed the Charter Renewal Policy and the Performance Framework, Charter Agreement, Renewal Charter Agreement, Opening Procedures, Renewal Application, and Annual Report. The Audit Guide and Fiscal Oversight Guidebook are in the final draft phase.	☒ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: Not applicable 2012-13: Revision complete 2013-14: Not applicable

Performance Measure 2B: Each year, at least three representatives of New York State charter authorizing entities will be invited to present on best practices related to charter authorizing and/or CSP grant oversight at a national or regional conference.	The SEA tracks the number of individuals invited to present at workshops or conferences. Presentations have included the National Alliance Conference, New York Charter School Association Charter Conference, Harvard School Turnaround Institute, Yale School of Management Conference, and New York City Charter School Center.	☒ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 13 individuals invited to present at workshops or conferences 2012-13: 9 individuals invited to present at workshops or conferences 2013-14: 20 individuals invited to present at workshops or conferences
Performance Measure 2C: Each year (beginning with 2012-13), at least 75% of NYSQCAP authorizing staff members will give an overall rating of "satisfied" or higher when asked to rate the quality of collaboration and professional development opportunities through NYSQCAP.	In June 2013, a web-based survey was sent to participants of the Audit Training Guide training sessions and webinars conducted on May 22 and May 30, 2013. 14 respondents who were part of NYSQCAP (of 187 total participants) indicated their level of satisfaction with NYSED collaboration and professional development.	☐ Measure Met ☒ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: Not applicable 2012-13:Not applicable 2013-14: 72% responding with overall "satisfied" or higher rating
Objective 3: ***Promote the dissemination of New York State charter school best practices to other public schools.***			
Performance Measure (How is the grantee measuring progress?)	**Data Collection Activities** (What data are being collected? How? By whom?)	**Progress** (To what extent has the goal been accomplished so far?)	
Performance Measure 3A: By June 30, 2013 NYSED will award at least 7 Dissemination subgrants that meet the rigorous subgrant competition standard.	In Year 2, 11 Dissemination subgrantees were selected. A second round has not been planned.	☒ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 0 2012-13:11 Dissemination subgrants awarded 2013-14: Not applicable
Performance Measure 3B: By the end of year four of the grant, seventy-five percent (75%) of key stakeholders at each partner school will indicate that the dissemination partnership with a high-performing charter school has had an impact on the implementation of best practices at their school.	In May 2014, an internal survey was administered to stakeholders at dissemination partnership schools. There were over 50 total respondents with about equal numbers representing district and charter schools.	☐ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☒ In Progress ☐ Insufficient Progress	2011-12: Not applicable 2012-13: Not applicable 2013-14: 91% of survey respondents indicating the dissemination partnership has had an impact on the implementation of best practices at their school

Performance Measure 3C: Beginning in year three of the grant, there will be a ten percent (10%) annual increase in the number of educational personnel in traditional public school districts who are aware of resources related to charter school best practices.	In May 2014, an internal survey was administered to stakeholders at dissemination partnership schools.	☐ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☒ In Progress ☐ Insufficient Progress	2011-12: Not applicable 2012-13: Not applicable 2013-14: 74% of district respondents reported being aware of resources related to charter school best practices Note: The baseline percentage was established in Year 3 and, more importantly, the survey respondents may not be representative of the population stated in the performance measure.
Performance Measure 3D: Beginning in year three of the grant, there will be a five percent (5%) annual increase in the number of educational personnel in traditional public school districts that indicate that they have adopted charter school best practices.	In May 2014, an internal survey was administered to stakeholders at dissemination partnership schools. However, no questions were directly related to adoption of charter school best practices and, more importantly, the survey respondents are not representative of the population stated in the performance measure.	☐ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☒ Insufficient Progress	2011-12: Not applicable 2012-13: Not applicable 2013-14: Data not available

Objective 4: ***Improve student achievement outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting State academic standards.***

Performance Measure (How is the grantee measuring progress?)	Data Collection Activities (What data are being collected? How? By whom?)	Progress (To what extent has the goal been accomplished so far?)	
Performance Measure 4A1: ELA 4th: Each year the percentage of fourth grade charter school students in New York State that achieve at or above the proficient level on State examinations in Reading/English Language Arts will increase by 2% from the prior year.	Schools report demographic, enrollment, and program service data to a Regional Information Center (RIC) or Board of Cooperative Educational Services (BOCES). Data flows from the RIC and BOCES to the SEA through the Student Information Repository System (SIRS) where they are aggregated into a statewide data warehouse, Level 2 Repository.	☐ Measure Met ☐ Not Met ☒ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 51% of fourth grade charter school students achieved proficient or above in ELA 2012-13: 60% of fourth grade charter school students achieved proficient or above in ELA 2013-14: 28% of fourth grade charter school students achieved proficient or above in ELA Note: Statewide ELA proficiency rates declined in Year 3, likely due to new tests aligned to Common Core State Standards.

Performance Measure 4A2: Math 4th: Each year the percentage of fourth grade charter school students in New York State that achieve at or above the proficient level on State examinations in mathematics will increase by 2% from the prior year.	Statewide math proficiency rates declined in Year 3 with implementation of new tests aligned to Common Core State Standards.	☐ Measure Met ☐ Not Met ☒ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 69% of fourth grade charter school students achieved proficient or above in math 2012-13: 73% of fourth grade charter school students achieved proficient or above in math 2013-14: 38% of fourth grade charter school students achieved proficient or above in math
Performance Measure 4A3: ELA 8th: Each year the percentage of eighth grade charter school students in New York State that achieve at or above the proficient level on State examinations in Reading/English Language Arts will increase by 2% from the prior year.	See Performance Measure 4A1.	☐ Measure Met ☐ Not Met ☒ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 34% of eighth grade charter school students achieved proficient or above in ELA 2012-13: 39% of eighth grade charter school students achieved proficient or above in ELA 2013-14: 24% of eighth grade charter school students achieved proficient or above in ELA
Performance Measure 4A4: Math 8th: Each year the percentage of eighth grade charter school students in New York State that achieve at or above the proficient level on State examinations in mathematics will increase by 2% from the prior year.	In 2012-13, all eighth grade students took the New York State Grade 8 Common Core Mathematics Test even if they were taking a higher-level math course. Beginning in Spring 2014, an ESEA waiver will end double-testing of students receiving instruction in Algebra I or Geometry, for example, and taking the Regents Exam.	☐ Measure Met ☐ Not Met ☒ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 62% of eighth grade charter school students achieved proficient or above in math 2012-13: 64% of eighth grade charter school students achieved proficient or above in math 2013-14: 30% of eighth grade charter school students achieved proficient or above in math
Performance Measure 4B1: Each year, high school graduation rates for all charter school students in New York State will either meet the State standard of 80% or will reduce the gap between the State standard and the prior year's rate by at least 20%, as measured by either the four year graduation cohort rate or the five year extended cohort graduation rate.	The grantee compared the high school graduation rates of charter school students to the State standard using the four year graduation cohort rate, the percent of students who started 9th grade and had graduated after four years. All charter schools with graduating classes are included.	☒ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 64% graduation rate of all charter school students 2012-13: 66% graduation rate of all charter school students 2013-14: 85% graduation rate of all charter school students

Performance Measure 4B2: Each year, high school graduation rates for all charter school students with disabilities in New York State will either meet the State standard of 80% or will reduce the gap between the State standard and the prior year's rate by at least 20%, as measured by either the four year graduation cohort rate or the five year extended cohort graduation rate.	The grantee compared the high school graduation rates of charter school students with disabilities to the prior year's rate using the four year graduation cohort rate. All charter schools with graduating classes are included.	☒ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 36% graduation rate of charter school students with disabilities 2012-13: 50% graduation rate of charter school students with disabilities 2013-14: 69% graduation rate of charter school students with disabilities (reduced the gap between the State standard and the prior year's rate)
Performance Measure 4B3: Each year, high school graduation rates for English language learner (ELL) charter school students in New York State will either meet the State standard of 80% or will reduce the gap between the State standard and the prior year's rate by at least 20%, as measured by either the four year graduation cohort rate or the five year extended cohort graduation rate.	The grantee compared the high school graduation rates of ELL charter school students to the prior year's rate using the four year graduation cohort rate. All charter schools with graduating classes are included.	☒ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 34% graduation rate of ELL charter school students 2012-13: 48% graduation rate of ELL charter school students 2013-14: 79% graduation rate of ELL charter school students (reduced the gap between the State standard and the prior year's rate)
Performance Measure 4B4: Each year, high school graduation rates for charter school students who qualify for free or reduced-price lunch in New York State will either meet the State standard of 80% or will reduce the gap between the State standard and the prior year's rate by at least 20%, as measured by either the four year graduation cohort rate or the five year extended cohort graduation rate.	The grantee compared the high school graduation rates of charter school students who are economically disadvantaged to the State standard using the four year graduation cohort rate. All charter schools with graduating classes are included.	☒ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 62% graduation rate of charter school students that qualify for FRPL 2012-13: 67% graduation rate of charter school students that qualify for FRPL 2013-14: 88% graduation rate of charter school students that qualify for FRPL
Performance Measure 4B5: Each year, high school graduation rates for charter school students who reside in a rural LEA in New York State will either meet the State standard of 80% or will reduce the gap between the State standard and the prior year's rate by at least 20%, as measured by either the four year graduation cohort rate or the five year extended cohort graduation rate.	The grantee compared the high school graduation rates of charter school students whose district of residence was considered rural to the State standard using the four year graduation cohort rate. In Years 1 and 3 there were no rural charter school students.	☐ Measure Met ☐ Not Met ☒ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: Not applicable 2012-13: 100% graduation rate of rural charter school students 2013-14: Not applicable
Performance Measure 4C: By the end of the grant period, results from a rigorous outcomes research study will show that New York State charter schools will outperform, at a statistically significant level, comparable students in traditional New York State public schools in categories determined by the research design.	The grantee's analyst is doing pre-planning work to design and assess this performance measure. Using student growth, charter school students are at the State average in math but below the State average in ELA. Graduation rate data for charter schools are incomplete as there are few charter high schools.	☐ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☒ Insufficient Progress	2011-12: Not applicable 2012-13: Not applicable 2013-14: Not applicable

Sources: *2011 CSP Application, Year 1 Annual Performance Report, Year 2 Annual Performance Report, Year 3 Annual Performance Report Draft, New York State Education Department (NYSED) Survey for Charter Schools Operating in New York State; New York State Education Department Charter School Office New Applicant Survey Results 2012–2013; New York State Education Department Survey for Charter Schools Operating in New York State, Charter School Program Grant; Two-Year Comparison of New Charter School Applicant Survey Results; New York State Education Department Charter School Office Survey of the New York State Quality Charter Authorizer Partnership (NYSQCAP).*

Areas of Concern

- Insufficient progress in implementing the full evaluation plan. The grantee has not contracted with an external evaluator to conduct an outcomes research study as proposed in its grant application. Instead, the grantee is planning to use an internal analyst to design and conduct the evaluation.
- Available data are not aligned with the performance measures. In some instances, data provided by the SEA are not aligned with the stated performance measures. This is especially true of Performance Measures 1c, 3c, and 3d.
- Limited progress toward meeting grant objectives. The grantee could not demonstrate progress in 2 out of 10 applicable performance measures and has made insufficient progress towards four future goals.

Rating and Justification: 2 – Grantee partially meets the indicator. The grantee has demonstrated partial progress in meeting some but not all grant objectives. Furthermore, the grantee has made insufficient progress in conducting the project evaluation.

Recommendations: The SEA is encouraged to pursue an outcome research study as proposed in its grant application and to better align its performance data with the measures and necessary analysis.

3. ADMINISTRATIVE AND FISCAL RESPONSIBILITIES

CSP grantees incur specific administrative and fiscal responsibilities under Federal law. This section focuses on the SEA's allocation of, use of, and controls over the CSP grant funds and other Federal funds, as well as associated State responsibilities in administering the CSP grant. It includes indicators that cover the State's responsibilities to:

- Inform appropriate audiences about Federal funding for charter schools and ensure that charter schools receive their commensurate share of relevant funds;
- Allocate no more than the allowable amounts of CSP funds for administration, dissemination, and revolving loan fund purposes;
- Administer and monitor the proper use of CSP funds;
- Ensure LEAs do not deduct funds for administrative expenses or fees except in certain circumstances;
- Ensure the timely transfer of student records; and
- Maintain and retain records related to the CSP grant funds.

Indicator 3.1: FEDERAL PROGRAMS AND FUNDING. The State informs appropriate audiences about the SEA's charter school grant program, Federal funds that the charter school is eligible to receive and Federal programs in which the charter school may participate, and ensures that each charter school in the State receives its commensurate share of Federal education formula funds.

Observations: This exact indicator was not included in the 2009 monitoring report; however, the grantee was able to partially meet related indicators. The previous monitoring team was concerned about the grantee's lack of outreach to teachers, parents, and communities about the State's charter school grant program and was concerned that the State had not developed a definition of significant expansion to guide the disbursement of Federal funds.

Charter Schools Grant Program. Information on CSP funding is available on NYSED's website, which is publicly accessible. The website includes information specific to planning, continuation, and dissemination grant options. The grantee indicated that they rely on the website and their relationships with charter associations (i.e., Northeast Charter Network and NY City Center) to disseminate information about CSP opportunities. In addition, staff from the CSO conduct outreach in areas not served by the charter associations (e.g., western New York). Efforts to conduct direct outreach to parents, teachers, and communities beyond the information available on the website were not apparent. The CSP grant is described in the Regents charter application toolkit and the SUNY Charter Schools Institute Request for Proposals. Because CSP grants are non-competitive in New York, charter applicants are instructed to account for use of CSP funds in their proposed budget when they apply for a charter. Upon receiving a charter, a webinar to explain the CSP program is conducted for new charter schools in order to provide further detail about the grant program. This webinar is available on NYSED's website for any interested parties. CSP grant information is also disseminated through email listservs and through regional centers specific to the needs of charter schools (e.g., New York City Charter Schools Center and Northeast Charter Center).

Other Eligible Federal Funds. Charter schools are eligible for IDEA, Title I, Title II, and Title III funds and are able to utilize the same consolidated application as other public schools. These Federal funds flow to the LEA and the LEA distributes funds as appropriate. To ensure charter schools are aware of the Federal funds for which they may be eligible, these funds are included in budget templates in charter application materials, are the topic of annual trainings for new charter school operators, and are discussed in the Fiscal Oversight Guidebook distributed by NYSED. The CSO conducts trainings and disseminates information via listservs with the support and collaboration from the Office of Education Finance, one State office involved in Title funding. Additionally, NYSED's website includes information about these funding sources.

Commensurate Share. To ensure charter schools receive their commensurate share of Federal funding, the CSO works with relevant offices in the department to provide notification upon the issuance of each new charter. A survey to assess enrollment is conducted in the spring to first estimate the number of students who will be enrolled and calculate preliminary allocations, and then

in the fall to verify whether the allocations should be increased or decreased. Initial IDEA funds are based on estimates prior to the opening of the school. At the conclusion of the first year, reports of actual IDEA funds due to the school are developed and reconciled with what has been provided. Additionally, NYSED has developed written guidance to direct the allocation of Title I funds in the case of significant expansion, which is defined as any increase in a school's student body equivalent to a grade level or at least 15 percent.

When issues arise in which charter schools are not receiving the Federal funds to which they are entitled from an LEA, the Charter School Office works with the charter school to submit a package of interception, which diverts funds from the LEA and sends them directly to the charter school. According to the CSO, only one subgrantee has experienced this problem. The grantee reported that this particular subgrantee had not received any Federal funds from their LEA and a package of interception had to be enacted in order to divert reimbursement funds from the LEA to the subgrantee. The interception process must occur every thirty days until the issue is resolved. The subgrantees that were visited did not report any problems receiving Federal funds.

Table 3.1: FEDERAL PROGRAMS AND FUNDING.

Responsibilities of the SEA to inform and ensure access to Federal programs and funding.	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee informs and ensures access to Federal programs and funding.
The SEA informs teachers, parents, and communities of the State education agency's charter school grant program: The grantee proposed to work collaboratively with other authorizers, the New York Charter Schools Association, and the New York City Charter School Center to conduct outreach about the CSP grant. Outreach was to include conference calls, webinars, flyers, e-mail blasts, and regional information sessions directed at teachers, parents, and communities to inform them about funding for start-up and dissemination. Additionally, the grantee indicated that NYSED's website would be updated to allow for easier navigation of information for specific audiences related to CSP grant opportunities. The Dissemination Specialist, along with the Charter School Office, will be responsible for these activities.	☒ Yes ☐ No	The grantee provides information about the CSP grant program on its website, which is available to any interested parties. Web pages include a general page describing the grant program and specific pages for different types of grantees (e.g., CSP Planning grantee, Continuation grantee, Dissemination grantee). Email listservs reach all New York charter schools and public schools. CSP information is also shared with relevant charter school organizations (e.g., New York City Charter Schools Center and Northeast Charter Schools Network). Beyond the information posted on the website, efforts to inform parents, teachers, and community members directly were not apparent. The CSP grant is described in the NYSED charter application kit and the SUNY Charter Schools Institute Request for Proposals document. Budgets submitted during the charter application process for both NYSED and SUNY include anticipated CSP funds. After schools have received a charter, outreach to about the funds includes a webinar dedicated to the CSP grant program.

The SEA informs each charter school in the State about Federal funds that the charter school is eligible to receive: Charter schools are informed about the Federal funds they are eligible to receive through NYSED's website, NYSED's email distribution list, and the inclusion of charter schools in regional meetings for all special education, entitlement, and Race to the Top grant programs.	☐ Yes ☒ No	All charter schools are eligible for IDEA, Title I, Title II, and Title III funds. All charter schools can obtain information about Title and IDEA funds from NYSED's website. Additionally, budget templates completed by developers during the charter application process include line items for IDEA and Title funds to ensure that developers applying through the Regents or SUNY are aware of the funds they may be eligible to receive. The CSO conducts an annual training for all new charter schools and personnel new to operating charter schools to inform them of all the Federal funding options available. Additionally, the Charter School Office developed and disseminated the Fiscal Oversight Guidebook, which provides information about Federal funding and is systematically distributed to Regents-authorized schools. Non-Regents-authorized schools have can access the Fiscal Oversight Guidebook on the NYSED website. Additionally, the grantee reported that SUNY provides similar information and resources to the SUNY-authorized subgrantees.
The SEA ensures that each charter school in the State receives the charter school's commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the charter school: The grantee's application states that each charter school in the State is eligible for all funding available under ESEA and IDEA. A consolidated application, which references charter schools throughout, can be used for any applicable Federal funds. The grantee proposed to notify all State agencies and offices involved with nutrition, Title funding, and special education of each newly chartered school. Additionally, allocation notifications are posted on NYSED's website and notices will be sent to each LEA. The grant application states that in order to ensure charter schools receive their commensurate share of Federal funds in a timely manner, NYSED collects enrollment data and other relevant information twice per year (fall and spring).	☐ Yes ☒ No	NYSED's CSO helps ensure charter schools receive all Federal funds available to them. This is accomplished through the provision of support such as a "package of interception" for charter schools that experience delays or problems obtaining Federal funds from their district. Additionally, written guidance regarding significant expansion and allocation of Title I funds was recently developed [i.e., Guidance RE: Adjustments to 2013-14 (and beyond) Title I, Part A Allocations for Charter School LEAs with Significant Enrollment Expansion]. All subgrantees visited indicated they received Federal formula funds in a timely manner. No subgrantees indicated delays in receiving Federal formula funds. The grantee indicated that one subgrantee, which was not visited, has experienced difficulties obtaining Federal funds from their district. In this situation the CSO has worked with the school to submit a package of interception to send the funds directly to the subgrantee. This process can take place after funds have been delinquent for 30 days and must be repeated every 30 days until the problem is resolved.

Sources: *2010 CSP Application; 2014-16 CSP Initial Application Webinar; NYS Charter Schools Program (CSP) Grants Web Page; Fiscal Oversight Guidebook; Special Education Budget and Finance Web Page; Guidance RE: Adjustments to 2013-14 (and beyond) Title I, Part A Allocations for Charter School LEAs with Significant Enrollment Expansion; January 2014 SUNY Request for Proposals (RFP); SUNY Start-up-Budget-and Cash-Flow-Template.*

Areas of Concern

- Limited outreach regarding CSP opportunities. The grantee informs teachers, parents, and community members at charter schools about the CSP opportunities. Rather, efforts to disseminate information are more appropriate for charter developers.

Rating and Justification: 2 – Grantee partially meets the indicator. The grantee ensures some interested parties are informed about CSP and other Federal funds, but does not explicitly include parents, teachers, and communities in those efforts. Additionally, the grantee has processes in place that have been successfully utilized in order to ensure charter schools receive their commensurate share of Federal formula funding.

Recommendations: The grantee should strengthen its efforts to inform teachers, parents, and communities about CSP funding opportunities.

Indicator 3.2: ALLOCATION OF CSP FUNDS. The proportion of grant funds reserved by the State for each activity does not exceed the allowable amount.

Observations: This exact indicator was not included in the 2009 monitoring report; however, the grantee was able to fully meet related indicators.

At the time of the 2014 monitoring visit, the grantee had used 2.4 percent of CSP grant funds toward administrative expenses and 1.5 percent of the CSP grant funds toward dissemination activities. The grantee expected to continue using funds for administrative expenses such that the total amount will equate to between 3.5 and 3.9 percent at the end of the grant period. Administrative fees are set aside at the beginning of the grant period for use throughout the grant.

Similarly, the grantee expects to continue spending CSP funds for dissemination activities totaling $5,000,000 (4.4 percent) across the grant period. Because the anticipated use of dissemination funds is less than the budgeted 10 percent, NYSED is considering moving the extra funds from Dissemination subgrants to Planning and Implementation subgrants. CSP funds have not and will not be used for a revolving loan fund.

Use of CSP funds across categories is tracked by staff from the P-12 School Operations Office within NYSED using Excel. Information in the Excel spreadsheets includes the total allowable under the CSP for administration, dissemination, revolving loans, and planning, design, and implementation; set-aside amounts; and actual amounts spent in each category including personnel and non-personnel services. The information to populate the Excel spreadsheets is obtained from

the NYSED accounting system, Café, and the State financial systems, PeopleSoft and MainFrame, which draw on accounting records and staff time charges.

Table 3.2: ALLOCATION OF CSP FUNDS.		
Limits on the allocation of CSP funds.	**Area of concern**	**Findings: Description of practices and any concerns related to how the SEA grantee allocates the CSP grant funds to each category.**
Not more than 5% for administrative expenses associated with the program: In the grant application the grantee proposed to utilize $8,392,701 of the requested $167,854,013 award (5.0%) toward administrative expenses.	☐ Yes ☒ No	At the time of the monitoring visit, $2,693,814 (2.4%) of the total award ($113,343,065) had been spent on administrative expenses. The grantee used administrative grant funds primarily for staff time. An Access database that lists all P-12 School Operations Office employees (which includes the Charter Schools Office staff), their funding stream, and their active effort is maintained by the P-12 School Operations Office. It is projected that an additional $1,275,000 – $1,600,000 will be spent on administrative expenses during the grant period, totaling 3.5% - 3.9% of the award.
Not more than 10% to support allowable dissemination activities: The grantee proposed to utilize $16,785,401 of the requested $167,854,013 award (10.0%) toward dissemination activities.	☐ Yes ☒ No ☐ NA	At the time of the monitoring visit $1,666,667 (1.5%) of the total award ($113,343,065) had been spent on Dissemination subgrant activities. It is projected that an additional $3,333,334 will be spent on Dissemination subgrant activities during the grant period, totaling 4.4% of the grant award.
Not more than 10% for the establishment of a revolving loan fund: The grantee did not propose the establishment of a revolving loan fund.	☐ Yes ☐ No ☒ NA	No funds have been used for a revolving loan fund.

Sources: *2010 CSP Application; CSP Budget to Actual Spreadsheet*; *Business Office CSP Budget to Actual Spreadsheet.*

Rating and Justification: 3 – Grantee fully meets the indicator. The grantee is within the allowable limits for administrative and dissemination use of grant funds.

Recommendations: None.

Indicator 3.3: ADMINISTRATION AND USE OF CSP FUNDS. The SEA administers the CSP funds and monitors subgrantee projects to ensure the proper disbursement, accounting, and use of Federal funds.

Observations: In the 2009 monitoring report, the grantee fully met this indicator.

The CSO has developed a Fiscal Oversight Guidebook and a Charter Schools Audit Guide that serve as resources for subgrantees and other charter schools. These documents, along with the related technical assistance, are strengths of the grantee's fiscal control and fund accounting procedures.

- The Fiscal Oversight Guidebook provides information about appropriate policies, procedures, and activities to equip new charter schools to set up and maintain strong financial systems. This guide is distributed to all Regents-authorized charter schools and is available to all other interested parties on NYSED's website. This guide was developed based on a similar resource developed by SUNY and distributed to SUNY-authorized subgrantees. Technical assistance related to this document is provided to Regents-authorized subgrantees and available to all other subgrantees on the NYSED website.

- The Charter School Audit Guide is distributed to all charter schools and the auditors that they work with in order to provide clear guidance on the expected components of an audit for charter schools, including specific direction related to CSP funds. This document gives explicit instructions and requirements that auditors can use to obtain all necessary information. Technical assistance related to the audit guide is available to all charter schools.

Additionally, the CSO has developed the CSP Grant Management Guidance and Procedures document to be used internally. This document outlines general information about the CSP grant to inform acceptable internal controls for subgrantees, instructions to monitor budgets and expenditures using data systems, and guidance on determining allowability.

Several programs are utilized for budget management and fund accounting across many levels of the State government. Statewide, the MainFrame and PeopleSoft systems are used to maintain contracts and budgets. At the time of the monitoring visit, the State was in the process of transitioning from MainFrame to PeopleSoft and used both programs across different departments as the transition is carried out. Within NYSED, the Café system is used to track both budgets and payments. This includes payments being processed and payments that have already been completed. In the P-12 School Operations Office, Excel spreadsheets with information gathered from Café are used to track overall spending of CSP funds by category (e.g., implementation, dissemination, administration). Finally, within the CSO, Access, Excel, and Fiscal Dashboard software are utilized to track the budget and spending of each subgrantee.

Flow of Funds. The grantee gained approval from ED to forward-fund the initial 20 percent of CSP funds to subgrantees. The grantee and subgrantees indicated that forward funding has not been limited to the first 20 percent and instead has been utilized to distribute funds on an ongoing basis. Specifically, subgrantees can request funds monthly for reimbursements and for any expenses they anticipate making within 30 days. Up to 90 percent of a subgrantee's award may be distributed this way; only the final 10 percent is held back for reimbursement upon reconciliation. This is not in accordance with Federal regulations and the grantee may need further guidance on forward funding.

Additionally, the monitoring team notes that Dissemination subgrantees reported that approximately 8 months passed between being awarded and receiving CSP funds. This delay was caused by a newly implemented pre-qualification procedure which requires extensive documentation prior to accessing any grant funds that are distributed by the State. In addition to the documentation required of subgrantees, staff from the CSO also had to learn about the new procedures. This caused a delay as

Dissemination subgrantees had to go back and forth with the Comptroller's Office and the CSO to provide all necessary documentation. Due to the timing of awards, this delay has only impacted Dissemination subgrantees thus far. While this is the case, the new system applies to any organization receiving new funds moving forward and therefore this delay could be experienced by Planning and Implementation subgrantees during future award cycles. However, subsequent awards should be processed more quickly as only updates to documentation will be required. Additionally, while the CSO staff was just learning this new system at the time the Dissemination grants were being awarded, they are now more familiar with the requirements and process.

Disposition of Assets. The Regents and SUNY's charter applications require the development of a dissolution plan describing procedures in case of a school closure or dissolution. For Regents-authorized schools, the CSO obtains an inventory list from each charter school annually and therefore has a list of assets acquired each year. The CSO has also developed the Closing Procedures Guide and Checklist for New York State Charter Schools Authorized by the Board of Regents document which is focused exclusively on the steps that must be taken in the event of a school closure. This document provides guidance on the transfer of student records, notifications to parents and the community, transfer of financial records, use of reserve funds, reporting of financial condition, inventory, and disposition of assets. Guidelines within this document indicate that any items purchased with Federal grant money must be distributed in accordance with Federal regulations. This document is distributed to all Regents-authorized schools. While this guidance has been implemented, no schools currently funded under the current CSP grant have closed or undergone dissolution. Specific details about SUNY's requirements for dissolution plans were not provided at the time of the monitoring visit.

Table 3.3.a: FISCAL CONTROL AND FUND ACCOUNTING PROCEDURES.

EDGAR Regulations	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee ensures proper fiscal control and funding accounting and complies with Federal requirements in each area.
34 CFR 80.20 Standards for financial management systems.		

(1) Financial reporting (e.g., complete disclosure of financial results)	☐ Yes ☒ No	Within NYSED, the Grants Finance Office tracks overall spending for the CSP grant and for reporting to ED. Audits of NYSED are conducted annually. NYSED requires an annual audit of each charter school conducted by an independent certified public accountant in accordance with the Government Auditing Standards. In addition, desk audits are conducted for schools identified as high-risk. At minimum, subgrantees authorized by the Regents and SUNY are required to produce a quarterly financial report. Regents-authorized schools must provide quarterly reports to the CSO upon request and SUNY-authorized schools must provide quarterly reports to the Charter Schools Institute. All subgrantees must complete standard State forms for budgeting, amendments, and expenditures. Specifically, subgrantees complete an FS10 report to detail their initial budget, an FS10A when an amendment to the budget is necessary, an FS25 to request payment based on reimbursement or anticipated expenses in the subsequent 30 days, and an FS10F at the end of each year to detail expenses as they compare to the anticipated budget.
(2) Accounting records (e.g., source and application of funds)	☐ Yes ☒ No	The grantee uses Café, MainFrame, PeopleSoft, Access and Excel to maintain accounting records. Café is used internally in the P-12 School Operations Office to track real time payments, payments in process, and budgets by spending categories, while MainFrame and PeopleSoft, the statewide financial systems, are used by the Grants Finance Office to track budgets and expenditures once the Comptroller Office approves the budget. Grants ledgers for each year include information regarding allowable funding levels for each category of spending (i.e., administration; dissemination; revolving loans; and planning, design, and implementation) and actual spending in these areas. Subgrantee spending is monitored by the CSO using Access, Excel, and the Fiscal Dashboard software. Additionally, some CSO staff responsible for finances in particular utilize a CSP Database from the MainFrame system to review budget forms and gather information for the Fiscal Dashboard.

(3) Internal control (e.g., process and measures to account for funds, property and assets)	☐ Yes ☒ No	The CSP Grant Management Guidance and Procedures document outlines processes to monitor subgrantee fiscal procedures and ensure they are acceptable. This document includes a general overview of funding cycles, procedures for use of budget forms (e.g., FS10, FS25), procedures for initial payment of CSP grant funds, guidance on allowable costs, and information on use of the CSP database within MainFrame to review and approve budgets, amendments, and expenditures. *The Fiscal Oversight Guidebook* includes recommendations on internal controls for governance; accounting and reporting; revenue and cash management; facilities, equipment, and inventory control; student services; and student-related data. The CSO also obtains an inventory list from each charter school annually and therefore has a list of assets acquired each year.
(4) Budget control (e.g., process and measures to compare outlays with budget amounts)	☐ Yes ☒ No	Subgrantees must submit a budget annually, with revisions submitted quarterly to the CSO. The annual budget is reviewed and approved by CSO staff. Quarterly financial reports documenting budgeted to actual spending must be generated, but are only provided to the CSO upon request. In addition, the Grants Finance Office tracks budgeted to actual spending for individual subgrantees through the review of budget forms such as the FS10 and FS25. The CSO uses Fiscal Dashboard software to track schools' debt-to-assets and cash flow. While spending is tracked and compared to what was budgeted, changes to anticipated spending within budget categories is difficult to identify. For example, one subgrantee used funds that were approved for legal services to ensure the school was able to operate toward legal services related to a lawsuit. Because spending was within the same budget category, the SEA was not aware this change had been made and therefore had not assessed the allowability of this expense.

(5) Allowable cost (e.g., procedures to determine allowable, allocable, and reasonable use of funds).	☐ Yes ☒ No	The CSP Grant Management Guidance and Procedures document outlines criteria to determine allowability of potential requests. In addition to referencing the CSP non-regulatory guidance, this document states that allowable costs should meet the following criteria: • Be necessary and reasonable for proper and efficient operation of the program • Be permissible under applicable State and/or Federal laws and regulations • Conform to any limitations or exclusions set forth in these guidelines, laws, or regulations, or other government limitations as to types or amounts of cost items • Be the net amount after applying all applicable credits, such as purchase discounts, project-generated income, and adjustments of overpayments • Must not be included as a cost in any other project or grant The Fiscal Oversight Guidebook assists subgrantees in determining what are allowable and appropriate uses of grant funds. The Guidebook also refers to the NYSED's CSP Grants website, which includes Federal non-regulatory guidance. While this resource is widely available and distributed, it was primarily developed for Regents-authorized subgrantees. SUNY-authorized schools receive similar guidance.
(6) Source documentation (e.g., evidence from transactions that accompany accounting records)	☐ Yes ☒ No	Fiscal guidelines for subgrantees available on NYSED's website discuss the need for documentation for different types of expenses including equipment, services, salaries, and supplies/materials. All subgrantees visited provided documentation of their expenditures including invoices, purchase orders, and receipts. However, these are not provided routinely to the NYSED and are only checked comprehensively as part of an audit or when a school is identified as high-risk.

(7) Cash management (e.g., timely disbursement of funds to not accrue interest).	☒ Yes ☐ No	NYSED obtained a waiver from ED to permit forward funding of the initial 20% of awards to subgrantees. However, NYSED continues to use a forward-funding approach after the initial 20% is disbursed. Subgrantees are permitted to submit monthly requests for reimbursements and any expenses anticipated within the subsequent 30 days until 90% of their award has been spent. The remaining 10% is not distributed until the budget and actual expenditures are reconciled at the end of the grant period. The State's Charter School Audit Guidelines includes a section specific to CSP subgrantees which requires auditors to perform tests to ensure funds are spent within a 30-day window. The grantee was aware of at least one audit finding in which a subgrantee had not spent the forward-funded money within 30 days. While the fiscal guidelines on NYSED's website describe the requirement to return earned interest, NYSED did not know of any subgrantees paying interest on funds they did not spend within 30 days.
34 CFR 80.36 Procurement standards, including competitive bidding and contracting	☐ Yes ☒ No	NYSED has procurement standards that outline thresholds for discretionary spending and the circumstances in which different levels of review or competitive bidding are necessary. Formal bidding is required for projected costs exceeding $50,000, though three informal quotes must be obtained for projected costs between $15,001 and $50,000. Single/sole-source approvals can be obtained through prior approval from the Contract Administration Unit, Purchasing Unit, or Comptroller office, depending on the projected costs. Subgrantees are advised that they must follow State policy regarding these standards and the Charter School Audit Guide instructs auditors to review documentation and identify any unusual or improper procurement or bidding procedures.
34 CFR 75.525 Conflict of interest	☐ Yes ☒ No	The Regents and SUNY charter applications evaluate applicants, in part, based on their ability to provide a Code of Ethics that includes standards for conflicts of interest (COIs). Additionally, the CSP subgrant application requires the development of safeguards related to COIs. The Fiscal Oversight Guidebook addresses COIs in further detail for Regents-authorized subgrantees.

34 CFR 80.32(e) Disposition of assets	☐ Yes ☒ No	When completing the Regents or SUNY charter application, developers must provide a dissolution plan which describes the procedures they will follow in the case of a closure or dissolution of their school. This plan should include information regarding student records and disposition of assets. Regents applicants must also state assurances that any additional NYSED-required procedures will be followed. The CSO developed the Closing Procedures Guide and Checklist for New York State Charter Schools Authorized by the Board of Regents. This document specifies that closing schools must develop a disposition of assets, property, and inventory plan that aligns with Federal regulations.

Sources: *Fiscal Oversight Guidebook; Fiscal Oversight Guidebook Webinar; Internal Controls Webinar; Closing Procedures Guide and Checklist for New York State Charter Schools Authorized by the Board of Regents; Charter Schools Audit Guide; Fiscal Guidelines for Federal and State Grants Web Page; 2014-16 Charter Schools Program Planning and Implementation Grant Application Template; CSP Grant Management Guidance and Procedures: Draft Version; New Discretionary Thresholds- State Finance Law Amendment; 2014 NYSED Charter Application Kit; January 2014 SUNY Request for Proposals (RFP); SUNY Guidance: Annual Budgets, Quarterly Reports and Audited Financial Reports.*

Use of Grant Funds. Funds for planning were commonly used to recruit staff and fund positions, including principals, directors, trainers, teachers, aides, and support staff prior to the opening of the schools. A subset of visited subgrantees used funds for professional development targeting higher-level staff (e.g., principal, curriculum director, school finance director) to prepare them for the opening of their school. One subgrantee used planning funds to establish administrative infrastructures in preparation for the school opening. To ensure CSP-funded schools utilized planning funds within an allowable time frame, the Charter School Audit Guidelines requires auditors to compare the timing and type of spending against the non-regulatory guidance and report any discrepancies in the audit findings. While most planning expenditures appear to be allowable, allocable, and reasonable across subgrantees, remodeling expenditures were made by one subgrantee to update a bathroom unrelated to accessibility, which may not be allowable. In addition, one subgrantee used planning funds for legal fees to remove their campus from a lawsuit against their sister campus, which may not be allowable. The CSO staff was not aware that funds had been used in this way; the approved use of funds for contractual services, including legal fees, was for the purpose of getting the school opened and operating.

For the most part, implementation funds were used in the same way across the visited subgrantees. A large subset of funds across all visited subgrantees was used to acquire equipment, furniture, and technology for the schools. Implementation funds were also used to develop recruitment materials including websites and advertisements, to purchase curricula and workbooks, and to set up general infrastructure (e.g., telephone systems). Among the visited schools, implementation expenditures appear to be allowable, allocable, and reasonable across subgrantees

The two Dissemination subgrantees visited utilized different approaches. While one subgrantee focused on disseminating practices to the partner schools, the second subgrantee utilized a bi-directional approach where both partners provided assistance to one another, one emphasizing ELA

and one emphasizing math. Dissemination funds were primarily used to cover staff time and purchase curriculum, materials, technology, and equipment for the partner school in order to replicate the data-driven instruction practices of the subgrantee. While this accounted for the majority of purchases, some technology and an ELA curriculum were purchased for use by the subgrantee. Based on what was observed in these two schools, dissemination expenses appear to be allowable, allocable, and reasonable.

Specific details about the use of funds for subgrantees visited during the monitoring visit are listed below. Due to the large number of subgrantees in the state, the monitoring team was unable to review budget and expenditure documents for subgrantees other than the ones visited by the team.

Table 3.3.b: USE OF GRANT FUNDS.

How did the grantee propose to use the grant funds in the approved budget?	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee uses the grant funds.
Post-award planning and design of the educational program		
Refinement of the desired educational program and of the methods for measuring progress toward those results	☐ Yes ☒ No	Subgrantees used planning funds for personnel necessary to refine a school's program and open a school, including salaries for the following positions: principal, curriculum director, finance director, principal trainer, teachers, classroom aides, secretary, secretary trainer, executive director, accountant/bookkeeper, special education coordinator, counselor aide, director of business and operations, instructional coach, special projects manager, instructional leader, director of athletics, and director of operations. The Charter School Audit Guidelines require auditors to verify the timing of these expenditures and ensure spending is consistent with the requirements in the non-regulatory guidelines.
Professional development of teachers and other staff who will work in the charter school	☐ Yes ☒ No	Subgrantees used planning funds for professional development of staff including principals, a curriculum director, and a school finance director. One school used funds toward training for their campus director which included professional development, hiring of staff, and educational program refinement. These expenses included travel funding for attendance at professional development events.

Other: Legal fees, remodeling fees, business operations support.	☒ Yes ☐ No	Subgrantees used planning funds for legal expenses directly related to the opening of the school (e.g., securing a facility). One subgrantee used funds to represent the school in lawsuit proceedings related to its sister campus. One subgrantee used funds for minor remodeling including painting and updates to a restroom which were not intended to address accessibility issues. Another subgrantee used planning funds to develop operational infrastructure including bringing in experts to set up financial accounts, develop frameworks for job responsibilities, set up board management procedures, and implement technology.
Initial implementation of the charter school		
Informing the community about the school	☐ Yes ☒ No	Subgrantees used implementation funds for the development and publishing of a website, recruitment materials, and advertisements. These expenses included logo development, photocopying of materials, postage, and costs for consultants to develop materials.
Acquiring necessary equipment and educational materials and supplies	☐ Yes ☒ No	Subgrantees used implementation funds for equipment and supplies, including: student laptops, staff computers/laptops, SMART boards, iPads, iPad carts, printers, document cameras, library books, teaching supplies, furniture, gym equipment, and lockers.
Acquiring or developing curriculum materials	☐ Yes ☒ No	Subgrantees used implementation funds for curricular materials including SuccessMaker Curriculum and Powerschool by Pearson software. Funds were also used to hire a consultant to provide training on curriculum (i.e., curricular specialist). Textbooks and workbooks were also purchased.
Other initial operational costs that cannot be met from State or local sources	☐ Yes ☒ No	Other initial operating costs included: telephone systems and services set-up, accounting systems, personnel timekeeping services, and software consultants.
Dissemination activities (if applicable)		
Assisting other individuals with the planning and start-up of one or more new public schools	☐ Yes ☐ No ☒ NA	The two Dissemination subgrantees visited by the monitoring team did not use grant funds to assist with planning or start-up of a public school. The monitoring team did not receive information on the other Dissemination subgrantees.
Developing partnerships with other public schools	☐ Yes ☐ No ☒ NA	The Dissemination subgrantees visited by the monitoring team already had relationships with their partner public schools and funds were not used to further develop this relationship. The monitoring team did not receive information on the other Dissemination subgrantees.

Developing curriculum materials, assessments, and other materials that promote increased student achievement	☐ Yes ☒ No ☐ NA	Dissemination funds were used to obtain supplies and equipment to assist student learning. Purchases at one school included classroom performance systems, Mobi whiteboards, Castle Online Learning systems, technology, laptops, Lexile-Leveled Library books, and Scholastic Reading Inventory materials. In the case of one subgrantee, both schools involved in the dissemination partnership received these materials.
Conducting evaluations and developing materials that document the successful practices	☐ Yes ☒ No ☐ NA	One visited school has used dissemination funds to hire an external evaluator to evaluate funded activities. The second visited school focuses on ongoing assessment and collects data on student performance consistently, which will be used for evaluation by an external evaluator.
Other: Staff time, professional development, and travel.	☐ Yes ☒ No ☐ NA	Dissemination funds were used to hire and/or support personnel such as an instructional data analyst, classroom managers, special education teachers, substitute teachers, instructors, and school aides. Funds were used to support project coordination, grant monitoring, and reporting. Funds were also used to provide teacher stipends, professional development, and to cover local travel expenses.

Sources: *Budgets and on-site accounting records of visited planning and implementation grantees (Urban Dove Team Charter School; New Dawn Charter High School; Citizens of the World I Williamsburg; Math, Engineering, and Science Academy Charter High School; Democracy Prep Endurance Charter School; Icahn Charter School #7; South Bronx Classical Charter School II); Budgets and on-site accounting records of visited Dissemination subgrantees (New York Center for Autism; KIPP Tech Valley Charter School).*

Areas of Concern

- Overuse of forward funding. While the grantee has been approved to utilize forward funding to distribute the first 20 percent of funds, the grantee's policy is to distribute funds monthly based on expenditures or expected spending in the subsequent 30 days, up to 90 percent of grant funds
- Tracking of modifications within budget categories. The current fiscal oversight process does not allow for careful monitoring of changes to budgeted spending within budget categories.
- Delay in receipt of funds. Dissemination subgrantees reported a substantial delay in receiving funds after being awarded a CSP Dissemination grant due to the pre-qualification process required by the Office of the New York State Comptroller. Given the funding cycle, only Dissemination subgrantees were impacted at the time of the visit but this may affect all subgrantees in future funding cycles.

Promising Practices

- Fiscal Oversight Guidebook. The grantee has developed a comprehensive guidebook outlining recommended policies and procedures to insure internal controls and oversight of funds and inventory. This document, along with related technical assistance, is comprehensive and provides useful resources for individuals working in a charter school

setting. The guidebook is currently distributed to all Regents-authorized schools and was developed based on a similar resource created by SUNY. (See Appendix 4: *Fiscal Oversight Guidebook.)*

- Charter Schools Audit Guide. All subgrantees are audited in accordance with the Charter Schools Audit Guide. This resource was developed by the CSO and distributed to all charter schools and charter school auditors to ensure annual audits are comprehensive and relevant to the needs of charter schools. This resource and the technical assistance provided related to this resource appears to be very useful in ensuring audits are completed in accordance with regulations. (Appendix 1)
- CSP Grant Management Guidance and Procedures. The CSO has developed the CSP Grant Management Guidance and Procedures document to assist staff in supporting subgrantees. This document provides guidance on assisting subgrantees in getting appropriate internal control processes in place, instructs staff members on how to use available data systems to track budgets and expenditures, and provides information to help Charter School Office staff determine allowability. This document was prepared to ensure a flow of knowledge across all CSO staff members. (See Appendix 5: *CSP Grant Management Guidance and Procedures: Draft Version.*)

Rating and Justification: 2 – Grantee partially meets the indicator. The grantee's use of forward funding exceeds what is allowable and its ability to track changes in subgrantee spending within budget categories is limited. Furthermore, time between the award of some CSP subgrants and subgrantee receipt of funds was lengthy. However, the grantee has developed and provides subgrantees with strong resources and technical assistance related to audits, internal controls, and other administrative and fiscal operations.

Recommendations: The grantee should ensure that its policy on forward funding aligns with Federal regulations and the approved grant application. The grantee should also review its budget monitoring process to ensure that changes to spending within budget categories are identifiable so that necessary oversight can be accomplished. The Charter School Office should also work with the Office of the New York State Comptroller to accelerate the pre-qualification process for charter schools and ensure CSP funds are distributed promptly.

Indicator 3.4: LEA DEDUCTIONS. The State ensures that the LEA does not deduct funds for administrative expenses or fees unless the eligible applicant enters voluntarily into an administrative services arrangement with the relevant LEA.

Observations: In the 2009 monitoring report, the grantee fully met this indicator.

CSP subgrants go directly from the State to the subgrantee. The LEA does not have any opportunity or permission to deduct funds or administrative fees from subgrants. The grantee and subgrantees have not experienced any problems with LEA deductions from CSP funds.

Table 3.4: LEA DEDUCTIONS.

SEA efforts to ensure LEA deductions are appropriate.	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee's actions ensure that any LEA deductions are appropriate?
Efforts to inform LEAs and subgrantees regarding the LEA's ability to deduct administrative expenses or fees: Not specified in the grant application.	☐ Yes ☒ No	CSP subgrant funds go directly from the State to eligible charter schools and LEAs are not able to deduct funds.
Efforts to ensure any deductions are mutually agreed upon and voluntary: The grantee's application states that CSP subgrant funds go directly from the State to eligible charter schools and therefore LEAs are unable to deduct administrative expenses or fees.	☐ Yes ☒ No	CSP subgrant funds go directly from the State to eligible charter schools and therefore LEAs are unable to deduct administrative expenses or fees.
Efforts to identify and resolve concerns related to LEA deductions from grant funds: Not specified in the grant application.	☐ Yes ☒ No	The grantee and subgrantees have not experienced any problems with LEA deductions from CSP funds.

Sources: *2010 CSP Application.*

Rating and Justification: 3 – Grantee fully meets the indicator. CSP funds flow directly from the grantee to the subgrantees. LEAs do not have the opportunity to deduct any expenses or fees.

Recommendations: None.

Indicator 3.5: TRANSFER OF STUDENT RECORDS. The SEA ensures that a student's records and, if applicable, individualized education program accompany the student's transfer to or from a charter school in accordance with Federal and State law.

Observations: In the 2009 monitoring report, the grantee fully met this indicator.

The State has policies in place regarding the transfer of student records and IEPs that apply to all schools, including charter schools. In addition, charter schools are required in their charter application to develop a dissolution plan. The dissolution plan must include procedures for the transfer of student records and IEPs in the event of a school closure.

Across the state, record transfers occur when schools learn a student has enrolled and files a request with the previous school to send the records. Hard copies of all records are sent and there is no statewide electronic records transfer system. New York City has an additional electronic system, ATS, which allows for the immediate transfer of electronic student records once a student is enrolled in a given school. Visited subgrantees in New York City indicated that this system is extremely useful in obtaining student records quickly. This system only transfers student records; it does not transfer IEPs. All schools receive IEPs through the regional Special Education Committee, which is typically housed at the district level. These bodies control IEPs and when an IEP is needed for a newly enrolled student, the regional Special Education Committee processes the request and sends the IEP.

Both NYSED and the visited subgrantees indicated they have not experienced any issues with the transfer of student records. While no problems related to the transfer of IEPs were described by subgrantees, the grantee noted that in the past charter schools have reported that the regional Special Education Committees can move slowly. In those situations the CSO works with the P-12 School Operations Office to ensure the IEP is sent in a timely manner.

Table 3.5: TRANSFER OF STUDENT RECORDS.

SEA efforts to ensure timely transfer of student records.	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee ensures that student records accompany the student's transfer to or from a charter school.
Efforts to inform LEAs and charter schools about their responsibilities to transfer student records, including IEPs: Transfer of student records was not specifically mentioned in the application.	☐ Yes ☒ No	Charter schools are required to develop a dissolution plan as part of their charter application that outlines procedures for the transfer of student records in case of a school closure. This topic is also included in the Closing Procedures Guide and Checklist for New York State Charter Schools Authorized by the Board of Regents document. Systematic efforts to inform LEAs about their responsibilities are not made beyond the requirements for transfer of records for all schools across the state.
Efforts to ensure student records, including IEPs, are transferred according to State laws and guidelines: Transfer of student records was not specifically mentioned in the application.	☐ Yes ☒ No	The grantee does not play a role in the transfer of student records or IEPs and all schools are expected to adhere to policies. Rather, the transfer of student records occurs by request between schools or the district of residence and the charter school. In New York City, all records are transferred electronically via ATS as soon as a student is registered in a new school, in addition to the traditional transfer of hard copy records. The transfer of IEPs does not happen directly from school to school and instead occurs through the regional Special Education Committees which are typically housed at the district level. Subgrantees that were visited did not describe problems transferring IEPs.
Efforts to intervene in transfer of student records, including IEPs, when records are not received: Transfer of student records was not specifically mentioned in the application.	☐ Yes ☒ No	The grantee is not aware of any issues related to the transfer of student records, and visited subgrantees did not report any problems with the transfer of student records. The grantee does not have direct control over this process but has collaborated with the P-12 School Operations Office when schools have indicated the process for transferring IEPs is slow.

Sources: *Closing Procedures Guide and Checklist for New York State Charter Schools Authorized by the Board of Regents; 2014 Charter School Application Kit.*

Rating and Justification: 3 – Grantee fully meets the indicator. The records and IEP transfer process is well-established in the State across all schools, including charter schools. Charter schools are made aware of their responsibilities related to records and IEP transfer and school closing in their charter

application. While systematic guidance for non-closure-related transfer of records was not conducted, problems with the transfer process were not identified by the grantee or subgrantees.

Recommendations: The grantee should consider additional guidance on the transfer of student records in instances of non-closure.

Indicator 3.6: RECORDKEEPING. All financial and programmatic records, supporting documents, statistical records, and other records of grantees and subgrantees related to the CSP grant funds are maintained and retained for grant monitoring and audit purposes.

Observations: In the 2009 monitoring report, the grantee fully met this indicator.

The CSO maintains electronic files that include all necessary documentation including the grant application, grant award notification, and annual performance reports. Timesheets are housed in the Leave and Accrual Tracking System (LATS) software system. The Business Office maintains the names of staff members who charge hours to the CSP grant. Subgrantee files housed at the SEA include a database in Access to track grantee information, grant amount, contract number, contract start and end dates, whether the subgrantee is eligible for payment, incentive type if awarded an incentive, Federal budget period (i.e., grant year), and amendment information. In addition, individual subgrantee files include folders for subgrant applications, budgets, contracts, and amendments, as well as desk audit records if one has been completed. These files are accessible to the CSO team and remote access is not available. Hard copies of grant files are maintained in the Grants Finance Office. When staff leave the CSO all files are maintained on the network drive, which is accessible to other members of the CSO, in order to ensure information is maintained.

Records maintained by the subgrantees that were visited were comprehensive and included many pieces of information. Hard copy documentation of grant applications, award notifications, approved budgets, annual reports, audit reports, FS form submissions, and documentation to support purchases including invoices, receipts, and credit card statements were available.

All records related to the CSP grant are retained at NYSED for at least six years after the date of the final grant requirement, as mandated by State policy. Electronic documents are housed on a network drive. Hard copy documents are housed in the Grants Finance Office. Similarly, subgrantees are expected to maintain records for six years and this was reported by the grantee and subgrantees.

Table 3.6: RECORDKEEPING.

EDGAR regulations require grantees to maintain:	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee maintains and retains its grant records.

Recordkeeping system and practices	☐ Yes ☒ No	SEA files include all necessary documents. Grant files are maintained electronically on a network drive. A network drive houses a file for each subgrantee that includes the charter application, budget, contracts, amendments, and, when applicable, desk audit findings.
Records retention policy and practices	☐ Yes ☒ No	New York State Archives has developed records management policies that require that records be kept for 6 years after the submission of a final report unless otherwise stated in the grant agreement. The Fiscal Oversight Guidebook for charter schools indicates that subgrantees should maintain supporting documentation for grants and grant contracts for at least 6 years after the last payment was made. Subgrantees reported adhering to this practice.

Sources: *Fiscal Oversight Guidebook; Records Retention and Disposition Web Page.*

Rating and Justification: 3 – Grantee fully meets the indicator. The State maintains and retains all required programmatic and financial records for the CSP grant.

Recommendations: None.

VI. LIST OF DOCUMENTS REVIEWED

- 2014 NYSED Charter School Application Kit
- 2014-16 Charter Schools Program Planning and Implementation Grant Application Template
- Charter School of Excellence Dissemination Grant Application
- Citizens of the World Charter School New York 1 Planning and Implementation Grant Application
- New Dawn Planning and Implementation Grant 2012-2013 Application for Continuation
- KIPP Tech Valley Dissemination Grant Application
- NYSED Charter School Office, Oversight and Monitoring of the Charter Schools Program's Planning and Implementation Grants to Meet Grant Goals and Objectives
- NYSED Charter School Office, FY12 Federal Charter Schools Program (CSP) Grant Orientation for New Recipients Webinar August 19, 2011
- NYSED Charter School Office, FY13 Federal Charter Schools Program (CSP) Grant Orientation for New Recipients Webinar December 6, 2012
- NYSED Charter School Office, FY13-14 Federal Charter Schools Program (CSP) Continuation Orientation Webinar July 18, 2013
- Email Correspondence "Dissemination Grant (Briefly) Featured on Front Pg. Of NY Times!" May 12, 2014
- Email Correspondence "Fiscal Controls and Integrity for Charters Follow-Up Materials" May 8, 2104
- Outreach Contact List
- Board of Regents Renewal Charter Agreement Template
- NYSED Full Site Visit Report 2013-2014 Template
- Guidelines for Check-In Site Visits 092013
- NYSED Charter Renewal Site Visit Protocol (Performance Framework Version) 2013-2014
- Charter Dissemination Grant Meeting Agendas
- Evaluation Guidance
- Evaluation Matrix: New York Charter School Dissemination Program July 1, 2013-July 31, 2015
- Email Correspondence "Updated Risk Assessment for CSP desk audits" March 3, 2014
- CSP Dissemination 2013-2014 Monitoring Site Visits

- 2013-15 Public Charter Schools Dissemination Grant Application Proposal Evaluation Rubric
- Online Toolkit for the 2013-2016 New York Charter School Dissemination Program Awardees' Toolkit
- Fiscal Oversight Guidebook
- Charter Schools Audit Guide
- CSP Grant Management Guidance and Procedures: Draft Version
- Closing Procedures Guide and Checklist for New York State Charter Schools Authorized by the Board of Regents
- Guidance RE: Adjustments to 2013-14 (and beyond) Title I, Part A Allocations for Charter School LEAs with Significant Enrollment Expansion (scanned document)
- New Discretionary Thresholds- State Finance Law Amendment
- CSP Budget to Actual Spreadsheet
    - Original file name- CSP pipeline planning SD (In folder 3.2a)
- Business Office CSP Budget to Actual Spreadsheet
    - Original file name- EMSC CofA 1314 Charter BG VMK(In folder 3.2a)
- Fiscal Oversight Guidebook Webinar
- Internal Controls Webinar
- 2014-16 CSP Initial Application Webinar
- NYS Charter Schools Program (CSP) Grants Web Page
    - (http://www.p12.nysed.gov/psc/grants.html)
- Special Education Budget and Finance Web Page
    - (www.p12.nysed.gov/specialed/finance/2013-14-IDEAapplicationMemo.htm)
- Records Retention and Disposition Web Page
    - (http://www.archives.nysed.gov/a/records/mr_retention.shtml)
- Fiscal Guidelines for Federal and State Grants Web Page
    - (http://www.oms.nysed.gov/cafe/guidance/guidelines.html)
- Budgets and on-site accounting records of visited Planning and Implementation grantees (Urban Dove Team Charter School; New Dawn Charter High School; Citizens of the World I Williamsburg; Math, Engineering, and Science Academy Charter High School; Democracy Prep Endurance Charter School; Icahn Charter School #7; South Bronx Classical Charter School II); Budgets and on-site accounting records of visited Dissemination subgrantees (New York Center for Autism; KIPP Tech Valley Charter School)

VII. APPENDICES

Appendix 1: Charter Schools Audit Guide

Appendix 2: 2013 Composite Scores for Charter Schools

Appendix 3: Risk Assessment for CSP Desk Audits

Appendix 4: Fiscal Oversight Guidebook

Appendix 5: CSP Grant Management Guidance and Procedures: Draft Version

Appendix 6: NY Response to WestEd for Items with a 2 Rating

Appendix 7: NY Response, Technical Edits

Appendix 8: NY Response, Additional Evidence and Documentation

Appendix 1

Charter Schools Audit Guide

Charter School Audit Guide

New York State
Education Department
89 Washington Avenue | Albany | New York | 12234

May 2014

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What's New

- Education Corporations that oversee more than one school must provide financial information separately for each school.
- When there are consolidated statements, a statement of activities broken down by related parties should be included as supplementary information.
- Auditors should verify that per pupil billing did not exceed the maximum approved enrollment provided for within the charter agreement.

Reminders:

- Note disclosures in the financial statements are required for contributions of space and other services.
- The Statement of Functional Expenses must conform to the template provided in Appendix D
- Effective for 2015-16 fiscal audits, OMB Uniform Guidelines will supercede and consolidate OMB Circular's A-21, A-87, A-89, A-102, A-110, A-122 and A-133 and portions of A-50 pertaining to audit.

NYSED Preference:

- **Statement of Cash Flow:** The direct and the indirect methods of preparing the statement of cash flow are allowable under accounting standards however NYSED prefers the direct method because it is easier for charter schools to read than the indirect statement of cash flows. When possible the direct method of preparing the statement of cash flow should be used.

Introduction

In New York State ("NYS"), charter schools are defined as "independent and autonomous public schools" [Education Law §2853(1)(c)] and are authorized by the New York Charter Schools Act of 1998 (Article 56 of the New York State Education Law, (the" Act")). NYS charter schools are legally organized as not-for-profit education corporations [Education Law §2853(1)] and are subject to the terms of a contractual agreement, or charter, between the school and the chartering entity which approved the school's application for a charter. Charter schools are non-sectarian, tuition-free, open to all students residing in NYS, governed by the school's own self-selecting board of trustees and independent of existing school districts.

The Act authorizes several entities as "chartering entities" or "authorizers" that can receive and approve applications for charters and then conduct oversight and evaluation of the charter schools that the entity has approved. Prior to 2010, the Act authorized the NYS Board of Regents and the Board of Trustees of the State University of New York ("SUNY") as statewide chartering entities and all local boards of education as chartering entities for their respective school districts [§2851(3)]. Amendments to the Act in 2010 removed the authority of local boards of education to approve applications for new charters although those boards remain the chartering entities for any charter schools they had previously authorized (only the New York City Chancellor, on behalf of the New York City Department of Education ("NYCDOE") and the Buffalo Board of Education have exercised the option to approve charter schools in their districts). All applications for new charters must now be submitted to either the NYS Board of Regents or the SUNY Board of Trustees. In addition, local boards of education continue to have the authority to approve applications for the conversion of existing public schools to charter schools within their respective school districts.

About the Guide

The New York Charter Schools Act requires that a charter school shall be subject to the financial audits, the audit procedures, and the audit requirements set forth in its charter. Such procedures and standards shall be applied consistent with Generally Accepted Auditing Standards ("GAAS") and Generally Accepted Government Auditing Standards ("GAGAS"). Independent audits of financial statements shall be required at least once annually. Such audits are required to be comparable in scope to those required of other public schools, keeping in mind that charter schools are required to follow the accounting standards set by the Financial Accounting Standards Board ("FASB") and public schools are required to follow the accounting standards set by the Government Accounting Standards Board ("GASB").

This Audit Guide (the "Guide") was developed to provide assistance to auditors of charter schools authorized by NYS Board of Regents as well as for any charter school receiving Federal Charter School Program ("CSP") funds through the NYS Education Department ("NYSED") (see Section 8 and Appendix B of this Guide). This guidance is focused on helping auditors understand the differences between charter schools and other non-profit entities, as well as providing specific guidance to the auditor and charter school management about the form and content of reports and testing required by NYSED and NYS law for Regents-authorized charter schools. Other charter entities are encouraged to adopt the Guide as they see fit.

Charter school officials are encouraged to read the Guide in order to understand the areas their independent auditor will be focusing on in addition to routine financial matters. **THE AUDITOR SHOULD NOT CONSIDER THIS DOCUMENT TO BE ALL-INCLUSIVE OR A SUBSTITUTE FOR PROFESSIONAL JUDGEMENT. FURTHERMORE, THE AUDITOR CLEARLY NEEDS TO FOLLOW PROFESSIONAL STANDARDS THAT ARE REFERENCED BUT NOT REPEATED AS PART OF THIS DOCUMENT.**

NYSED would like to acknowledge the assistance of the staff of the NYCDOE, the SUNY Charter Schools Institute, school officials, and several audit practitioners in preparing this document. Comments or questions regarding this Guide should be sent to NYSED Charter School Office.

Authoritative Nature

Charter schools authorized by the NYS Board of Regents are required, under the terms of their charter agreement with the Regents, to follow the audit requirements set forth by NYSED. This Guide was written to provide standardized guidance to auditors of Regents-authorized charter schools to ensure that audits of those schools are performed in accordance with the charter agreement requirements. Any charter school, regardless of authorizer, currently receiving funding through the NYSED CSP grant is required to adhere to the terms of the Agreed-Upon Procedures ("AUP") Report on CSP funds as described in Section 8 and Appendix B of the Guide.

Background

This Guide was developed by NYSED in response to a variety of factors that affect charter schools in NYS:

- The statutory increase in the "cap" on the number of charters that can be issued to charter schools to 460
- The award of $697 million under "Race to the Top" funding from the Federal government to NYS schools
- The award of a $113 million grant to NYS under the Federal Charter School Program ("CSP")
- Differences found in audit quality and auditor understanding of the charter school environment

NYSED's responsibilities for monitoring the use of public funds, including the CSP grant, necessitate a very high level of audit quality. This Guide is intended to enhance the auditor's understanding of the requirements for charter schools, detail certain specific procedures required by NYSED, standardize reporting of audit results and findings, and provide guidance on matters specific to charter schools in NYS.

As a pass-through entity, NYSED is responsible for monitoring the proper use of funds and compliance with CSP grant requirements by each school awarded funds under this grant. NYSED has determined that the most efficient method of monitoring grant compliance in this area is to allow each charter school's independent auditor, who is already reviewing records of the charter school, to perform additional procedures as part of the audit and to issue a separate report on those procedures. See Section 8 and Appendix B for further information on this requirement.

Section 1: Audit Requirements and Deadlines

In accordance with the charter school's charter agreement, the charter school shall retain an independent Certified Public Accountant ("CPA"), licensed in New York State, to perform an audit of the charter school's annual financial statements in accordance with GAAS and GAGAS issued by the Comptroller General of the United States as well as any additional requirements and guidelines provided by the Board of Regents.

Auditor's Reports

Some, and possibly all, of the following reports, prepared by the charter school's independent CPA will be necessary for a charter school and are covered in this Guide:

A. Agreed-upon Procedures Report on Initial Statement of Controls
B. Opinion on Audited Financial Statements
C. Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards (the "Yellow Book" Report)
D. Agreed-upon Procedures Report on Charter School Program (CSP) Grant
E. Report on Compliance for Each Major Federal Program; Report on Internal Control Over Compliance; and Report on the Schedule of Expenditures of Federal Awards Required by OMB Circular A-133 (the "A-133 Report")

Deadlines

The Agreed-Upon Procedures report on the Initial Statement of Controls is due no later than forty-five days (45) after the commencement of the Agreed-Upon Procedures engagement. The engagement shall commence within sixty (60) days after the date on which the charter school has received and disbursed more than $50,000 in monies received from payments from school districts, under §2856 of the Education Law, or from grants or other revenue sources.

The audited financial statements must be submitted to NYSED by **November 1** of each fiscal year after the conclusion of the charter school's first year of providing instruction to students. The audit must include a management letter, if applicable, and other reports required by GAGAS. The charter school must submit the management letter along with a corrective action plan addressing any weaknesses or problems identified in the report. No extensions are available.

If the charter school expends $500,000 or more in federal funds during the fiscal year, an independent audit as prescribed in the Federal Office of Management and Budget Circular A-133 must also be completed and filed with the Federal Government and NYSED by **November 1**. See further details on OMB Circular A-133 audits in Section 7. NYSED can approve an extension of the deadline for completion of the OMB Circular A-133 audit no later than the Federal due date of 9 months after year-end, i.e. March 31st of the following year.

The Agreed-Upon Procedures report on the CSP grant must be submitted to NYSED by **November 1** of each year it is required.

Section 2: Auditor Requirements

An audit in accordance with GAGAS requires the auditor to comply with more stringent independence standards, Continuing Professional Education ("CPE") and peer review requirements, and perform additional procedures beyond those performed in an audit under GAAS. A separate report on internal control over financial reporting and on compliance and other matters based on an audit of financial statements performed in accordance with Government Auditing Standards (the "Yellow Book" report) is issued to provide school management and those charged with school governance with the results of the additional procedures. Full details of Generally Accepted Government Auditing Standards and the most recent version of GAGAS are available on the Government Accountability Office ("GAO") website at http://www.gao.gov/yellowbook.

Independence

Audits performed in accordance with GAGAS require the auditor to comply with additional guidelines governing independence and require documentation of the consideration of any threats to independence. The Governmental Audit Quality Center ("GAQC") of the American Institute of Certified Public Accountants ("AICPA") has prepared a comparison of the differences between the AICPA and the Yellow Book or GAGAS independence rules for non-audit services. This comparison is available on the GAQC website (to GAQC members and non-members) at:
http://www.aicpa.org/InterestAreas/ProfessionalEthics/Resources/Tools/DownloadableDocuments/2012MayAICPAGAOComparision.pdf

Continuing Professional Education ("CPE")

Audits performed in accordance with GAGAS require the auditor to obtain CPE that directly relates to government auditing, the government environment, or the specific and unique environment in which the audited entity operates. Auditors performing work in accordance with GAGAS, including planning, directing, performing audit procedures, or reporting on an audit conducted in accordance with GAGAS, are required to obtain at least 24 hours of CPE every two years that meet the requirements above. Auditors who are involved in any amount of planning, directing, or reporting on GAGAS audits and auditors who are not involved in those activities but charge 20 percent or more of their time annually to GAGAS audits should also obtain at least an additional 56 hours of CPE (for a total of 80 hours of CPE in every 2-year period) that enhances the auditor's professional proficiency to perform audits. Auditors required to take the total 80 hours of CPE should complete at least 20 hours of CPE in each year of the 2-year period. Auditors hired or initially assigned to GAGAS audits after the beginning of an audit organization's 2-year CPE period should complete a prorated number of CPE hours.

Peer Review

Audit firms performing audits under GAGAS are required to have an external peer review, performed by reviewers independent of the audit organization being reviewed, at least once every 3 years.

Section 3: Initial Statement of Controls

Initial Statement of Controls ("Initial Statement") and Agreed Upon Procedures Report on the Initial Statement

In accordance with section 5.1 of a school's charter, NYSED requires the charter school to provide an Initial Statement to NYSED concerning the status of management and financial controls no later than one hundred-twenty (120) days from the date the charter was issued by the Board of Regents. The Initial Statement must address whether the charter school has documented adequate controls and implemented them, when applicable, relating to:

1. preparing and maintaining financial statements and records in accordance with Generally Accepted Accounting Principles ("GAAP");

2. payroll procedures;

3. accounting for contributions and grants;

4. procedures for the creation and review of interim and annual financial statements, which procedures shall specifically identify the individual(s) who will be responsible for preparing and reviewing such financial statements and ensure that such statements contain valid and reliable data;

5. existence of appropriate internal financial controls and procedures;

6. safeguarding of assets including cash and equipment;

7. compliance with applicable laws and regulations;

8. ensuring that the purchasing process results in the acquisition of necessary goods and services at the best price;

9. following appropriate guidance relating to budget development and administration; and

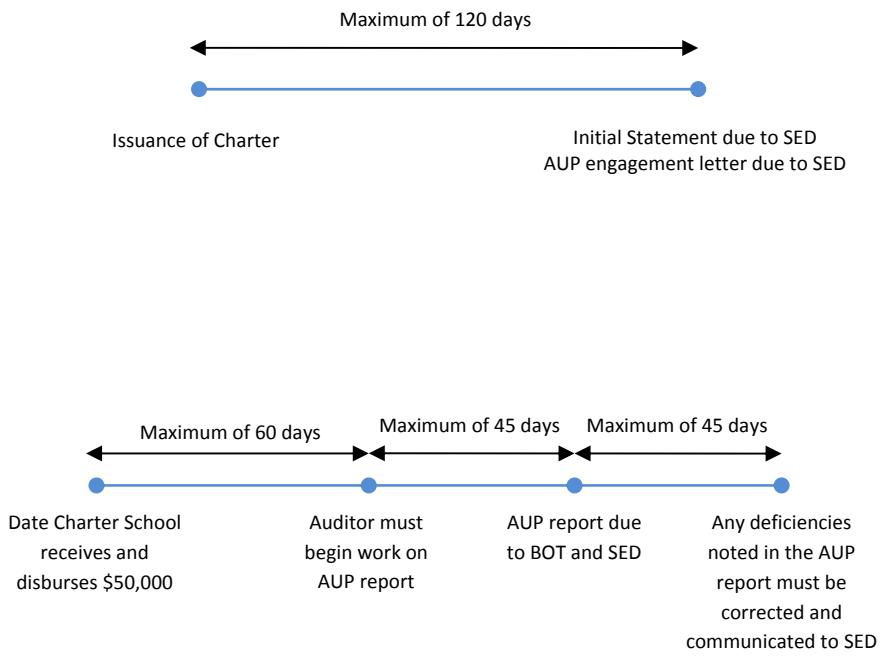
10. following appropriate guidance relating to a code of ethics and cash management and investments.

The Initial Statement shall be reviewed and ratified by the charter school's Board of Trustees prior to its submission to NYSED.

After completing the initial statement of internal controls, the charter school shall thereafter retain an independent CPA licensed in New York State to perform an agreed-upon procedures engagement (the "Independent Accountant's Report") in accordance with attestation standards established by the AICPA. The purpose of the engagement will be to assist the school's Board of Trustees and NYSED in evaluating the Initial Statement and the procedures, policies and practices established thereunder. The engagement shall commence within sixty (60) days after the date on which the charter school has received and disbursed more than $50,000 in monies received from payments from school districts, under §2856 of the Education Law, or from grants or other revenue sources. NYSED has set forth a standard format for the Independent Accountant's Report as shown in Appendix A.

The resulting Independent Accountant's Report should be provided to the school's Board of Trustees no later than forty-five days (45) after the commencement of such engagement with a copy to NYSED. In the event that the Independent Accountant's Report reveals that any of the above management and financial controls (subparagraphs (a) – (i) of this section) are not in place, the charter school shall remedy such deficiencies no later than forty-five (45) days from the date the Independent Accountant's Report was received by the Board of Trustees and shall provide to NYSED within that forty-five (45) day period a statement that all deficiencies identified in the Independent Accountant's Report have been corrected, including the date they were corrected and who was responsible for implementing the corrections. Such statement shall identify the steps undertaken to correct the identified deficiencies. NYSED may require additional evidence to verify the correction of all such deficiencies. All documents required to be submitted pursuant to this paragraph shall be submitted electronically in accordance with guidance provided by NYSED.

Timeline of Initial Statement of Controls and related reports



Section 4: Auditing Charter School Financial Statements

All charter school audits shall be conducted in accordance with GAAS issued by the AICPA and GAGAS issued by the Comptroller General of the United States. The procedures included in the Guide offer additional best practices to provide assistance for independent certified public accountants conducting an audit of a public charter school to ensure that the charter school's financial statements are presented fairly in all material respects. **THE PROCEDURES SHOULD BE VIEWED AS ADDITIONAL PROCEDURES UNIQUE TO CHARTER SCHOOLS AND SHOULD BE CONSIDERED IN ADDITION TO THE AUDIT REQUIREMENTS REQUIRED UNDER GAAS AND GAGAS.**

Cash

As part of the charter agreement, charter schools agree to establish an escrow account of no less than a set dollar amount as determined by NYSED. This amount is established to pay for legal and audit expenses that would be associated with a dissolution should it occur. The auditor should verify that the escrow account has been established and that it is funded at a minimum of the level established in Section 8.5 of the charter school's charter agreement.

Accrued Payroll and Benefits

Accrued payroll for a charter school is unique from other not-for-profit organizations as the teachers and many other staff members are 10 or 11 month employees vs. typical 12 month employees at other organizations. Auditors must take into consideration that this expense should be fully accrued as of June 30th, even if the teachers are being paid over the summer months, if their services have been completed as of June 30th. Be aware of the timeframe of teacher contracts. Some contracts may cover the period from July 1 to June 30; therefore, the summer months pay should not be accrued as of June 30th. In addition, auditors should consider whether other related expenses such as 401(k) contributions, taxes, and other benefits are expensed over the appropriate period.

Per-Pupil Funding

Charter schools receive public funding based on the number of students the charter school serves and the basic charter school tuition rate for the school district of residence of the students attending the charter school. Calculations must be made of the number of Full Time Equivalent ("FTE") students from each district of residence. Therefore, it is expected that testing of the revenue associated with student FTEs will comprise a substantial portion of the audit. This testing is generally broken down into two parts:

1. Testing of student existence/enrollment and verification of attendance
2. Verification of funding rate per student (determined by the student's resident district)

Student existence testing

The auditor should test that the school's internal reporting system reconciles to the full time equivalent roster. The auditor should select a sample of students from the full time equivalent roster or similar document and test for proof of existence by looking through student files. Auditors should also verify the reported dates per the FTE report through review of attendance records, especially for any students who have transferred in or out during the year. Auditors can also consider whether report cards or other evidence of student enrollment for the year can provide the documentation needed. The auditor should

also test to be sure the student has valid proof of residency, by looking at documents such as a lease or utility bill, and that the proper district is being billed for the services.

Consideration for Special Education ("SPED") students

All students who are identified to need special education services have an Individualized Education Program ("IEP"), formalized for his or her unique needs. Based on this IEP, the student is categorized into one of three levels of service, as defined by §3602(19)(b)(1)-(4) of the Education Law as follows; 0-20% service, 20-60% service, or 60% or more service required. While it is outside the scope of the audit as well as the auditor's expertise to evaluate whether the student has been assessed in the correct tier, auditors should test that the student is being funded at the appropriate level based on the IEP. Although charter schools may provide services to students that go beyond what is required in that student's IEP, it is inappropriate for a charter school to bill for more services than are required under the IEP. The auditor should also test to be sure that the proper district is being billed for the services.

Recalculation of rate

To test the calculation of the core pupil aid received, the auditor should first verify the rate used in the calculation. The charter school basic tuition rate is included on the NYSED website at https://stateaid.NYSED.gov/charter under tuition by year. Auditors should verify that the charter school is using the student's resident district rate for the correct school year. Auditors should also verify that the appropriate special education funding rate is used. This rate is determined from historical data by school districts on an annual basis. A spreadsheet to determine the rate can be obtained from the NYSED website at https://stateaid.NYSED.gov/speced under Special Education Aid Information.

The auditor should obtain the charter school's FTE Reconciliation or equivalent which details all students and attendance dates (date admitted, date discharged, and FTE). The auditor should select a sample of students from this report in which to perform existence testing, as discussed above. The auditor should recalculate the FTE which essentially calculates the number of days attended between admission date and discharge date divided by total length of the school year. There is also an FTE Calculator available on the NYSED website at https://stateaid.NYSED.gov under State Aid / Attendance and Enrollment / FTE Calculator which can be used to recalculate individual student FTEs. To recalculate the core aid in total, the auditor should multiply the rate by the number of full time equivalents as determined on the FTE reconciliation form or equivalent by the district and compare to the total core pupil aid for the fiscal year being audited.

Auditors should verify that per pupil billing did not exceed the maximum approved enrollment. Maximum approved enrollment can be found within the charter agreement and is described in section 202 of the charter agreement .

The auditor should consider vouching payments received from the funding source (the local school district typically received bi-monthly during the school year) to the bank statements. This total should be reconciled to the total core pupil aid for the fiscal year being audited. Included in the reconciliation will be any amounts due from the funding source included in accounts receivable at year end or any amounts payable to the funding source included in accounts payable at year end as amounts are trued up to actual based on actual numbers submitted at year end. This Year End FTE Reconciliation will be prepared subsequent to the year-end date. The New York City Department of Education maintains a website

(https://vendorportal.nycnet.edu) which provides this information for all NYC charter schools. The auditor should consider requesting this information from the charter school. **No Child Left Behind (NCLB or "Title") funding**

Auditors should obtain support for additional funding via the NYSED website. This information is included at https://www.oms.NYSED.gov/cafe/reports . The information is arranged by county and school and can be obtained for the prior five years. Available information includes No Child Left Behind Funding (Title funding), IDEA Allocation, as well as an Agency Summary Report. This information should be reconciled to the amounts recognized on the general ledger for the fiscal year being audited. These grants are cost reimbursement grants and therefore revenue should not be recognized in excess of grant funds expended.

Co-locations

Many charter schools are co-located, meaning they are allowed by the local school district to use what would be otherwise empty space in its under-utilized buildings. Clearly, these charter schools are at a distinct financial advantage over those charter schools who must maintain their own location. When a charter school is co-located within a local school district building, the charter school is not charged rent but typically has an agreement with the local school district for use of that space. The charter school should disclose in its financial statements any agreement in place with the local school district as well as any rent that is charged, including fees charged for after-school or weekend usage. The charter school's financial statements should also disclose any payments related to utilities and maintenance of these facilities. In addition, the note disclosure should include the square footage of space being used by the charter school.

In some cases, a charter school may be co-located within the same building as another charter school. In this situation, expenses to maintain the facility should be allocated between the two schools. The auditor should review this allocation to determine that the method of allocation appears reasonable, whether it is based on FTE students, square footage, or some other reasonable method of allocation.

Management fees

Many charter schools utilize a third party to provide back office support for the charter school such as hiring, continuing professional development, accounting, or public relations and allow it to take advantage of economies of scale in regard to purchases, etc. These management organizations can either be Charter Management Organizations ("CMOs") which are non-profit organizations or Education Management Organizations ("EMOs") which are for-profit organizations. In either case, these organizations typically charge a management fee for the services provided. As with the majority of long term agreements, the auditor should obtain a copy of the agreement between the charter school and the management organization and verify that the school's authorizer approved the agreement. Auditors should consider the materiality of the expense to determine whether recalculation of the expense is deemed necessary and if disclosure is required in the notes to the financial statements.

Fraud Considerations

The Statements on Auditing Standards and related Clarified Statements require that an auditor obtain knowledge about the entity's business and the industry in which it operates. In obtaining this knowledge, information may come to the auditor's attention which should be considered in identifying risks of material misstatement due to fraud. As part of these procedures, the auditor should perform the following:

1. Make inquiries of management and others within the entity to obtain their views about the risks of fraud and how they are being addressed.
2. Consider any unusual or unexpected relationships that have been identified in performing analytical procedures in planning the audit.
3. Consider whether one or more fraud risk factors exist.
4. Consider other information that may be helpful in the identification of risks of material misstatement due to fraud.

The United States Government Accountability Office lists the following conditions that might indicate a heightened risk of fraud which should be considered when identifying potential fraud:

1. Economic, programmatic, or entity operating conditions threaten the entity's financial stability, viability or budget;
2. The nature of the entity's operations provide opportunities to engage in fraud;
3. Management's monitoring of compliance with policies, laws, and regulations is inadequate;
4. The organizational structure is unstable or unnecessarily complex;
5. Communication and/or support for ethical standards by management is lacking;
6. Management is willing to accept unusually high levels of risk in making significant decisions;
7. Operating policies and procedures have not been developed or are outdated;
8. Key documentation is lacking or does not exist;
9. Asset accountability or safeguarding procedures is lacking;
10. Improper payments;
11. False or misleading information;
12. A pattern of large procurements in any budget line with remaining funds at year end, in order to "use up all of the funds available";

13. Unusual patterns and trends in contracting, procurement, acquisition, and other activities of the entity or program.

Auditors should consider the following factors that are common areas of fraud risk in charter schools.

1. Heightened risk of misappropriation of assets due to the high use of credits cards (personal and school issued) by employees of the charter school for charter school expenses. The auditor should be cognizant of this risk and develop audit steps to test appropriateness of expenses, if deemed appropriate. In addition, the auditor should consider additional testing related to expense reimbursements testing for proper approval of expenses and authorized signatures on checks.

2. The auditor should inquire regarding the existence of transactions with related parties and examine Board minutes, agreements, conflict of interest statements from Board of Trustees and key employees and other underlying documents to ascertain whether there are any material related party transactions not being disclosed. The auditor should test any material related party transactions, including transactions with management companies (CMOs and EMOs) and gain an understanding of the business purpose of such transaction and the reasonableness of the value of goods or services being provided. In the event there are transactions with a related party with which a member of the Board of Trustees has a conflict of interest, the Board minutes should be examined to ascertain whether there was a recusal from such Board member in relation to voting on procurement of such goods or services in which the member has a conflict of interest. The auditor should also gain an understanding of purchasing and procurement policies to ascertain dollar thresholds and goods and/or services that are required to be procured through a competitive bidding process.

Section 5: Presentation of Charter School Financial Statements

The charter school shall maintain financial statements that are prepared in accordance with GAAP. All statements required by Financial Accounting Standards Board ("FASB") Accounting Standards Codification ("ASC") 958, *Not-for-Profit Entities*, should be presented including a Statement of Financial Position as of the end of the reporting period, Statement of Activities for the reporting period, and Statement of Cash Flows for the reporting period. In addition, the statements shall include the required note disclosures and a supplemental Schedule of Functional Expenses. The Schedule of Functional Expenses should be in a format consistent with Appendix D and subject to the auditing procedures applied in the audit of the financial statements. Such supplemental schedule is not a required part of the financial statements and should be included for the purposes of additional analysis. Alternatively, the Schedule of Functional Expenses can be included as part of the basic financial statements.

Schedule of Functional Expenses

The Schedule of Functional Expenses must present, in reasonable detail, the nature of the expenses incurred in each category of program and supporting services reported in the Statement of Activities. The sample schedule in Appendix D shows the typical level of detail expected. Charter schools should add additional categories if it will enhance the reader's understanding of the schedule. Likewise, classifications not applicable to the charter school may be eliminated.

If not otherwise presented, charter schools employing management companies should obtain and provide in note disclosure a breakdown of contracted services in a similar format to the Schedule of Functional Expenses to facilitate comparisons among NYSED authorized schools.

> **Note on allocation of expenses:** Charter schools must use allocation methods that are fair and reasonable to allocate costs for the Schedule of Functional Expenses. Such allocation methods, as well as the statistical basis used to calculate allocation percentages, should be documented and retained for review upon audit. Salaries of employees who perform tasks for more than one program must be allocated among all programs for which they work. The cost of supplies that are purchased for distribution among multiple programs must be allocated among these programs if direct charges are not possible. Allocation percentages and methodology should be reviewed, at a minimum, on an annual basis by both management and the Board of Trustees and adjusted as necessary.

Supplementary Information

For charter schools operating different grade levels at multiple sites/locations under one charter, (for example elementary grades at one site and middle school grades at another), the financial statements should include statements of activities broken down for each site/location as supplementary schedules.

Education Corporations

Upon issuance of a charter by the NYS Board of Regents to a charter school, the charter school is incorporated as an education corporation and is issued a provisional charter/certificate of incorporation (see Ed Law Section 2853(1)(a)). The NYS Charter School statute also permits an education corporation to operate more than one charter school (Ed Law Section 2853(1)(b-1). In those cases, each individual charter school is not a separate education corporation, the entity to which the provisional charter/certificate of incorporation is granted is the

governing education corporation with the authority to operate those charter schools for which charter agreements were executed between the education corporation and the authorizer.

For Education Corporations that operate more than one school the auditor must show financial information by school within the statements. Related Parties

According to FASB ASC 958-810 *Reporting of Related Entities by Not-for-Profit Organizations*, not-for-profit organizations with a controlling financial interest in another not-for-profit organization through direct or indirect ownership of a majority voting interest in that other not-for-profit organization should consolidate with that other organization, unless control does not rest with the majority owner, in which case consolidation is prohibited. Auditors should consider whether the related party and the charter school have the same board members, overlapping members of management, etc. and whether those charged with governance are similar between the two organizations. Auditors need to also consider whether the entities are operating with a shared economic interest. If the answer is yes, then the related party may need to be consolidated with the charter school for financial statement purposes. When there are consolidated statements, a statement of activities broken down by related parties should be included as supplementary information.

Contributed Goods, Services and Other Assets

Charter schools often receive contributions of cash, other assets, and certain services. Other assets contributed to a charter school may include securities, use of facilities, materials and supplies and curriculum materials. In accordance with FASB ASC 958-605, contributions must be recognized as revenues or gains in the period received and as assets, decreases of liabilities, or expenses depending on the form and type of contribution.

Donated space in School District facilities

Many charter schools, especially those located in New York City, are provided space in a building owned by the school district/NYCDOE at minimal or no charge to the charter school. The value of this space is often very difficult for the charter school to determine and therefore is often not recorded in the financial statements. In order to aid in comparison of financial statements of district-located and non-district located charter schools, the audited financial statements should include a note disclosure describing the current facility arrangement and if any amount has been recorded in the financial statements for donated district space. The note should include the current square footage in use by the charter school. For charter schools located in shared facilities, appropriate allocations of square footage should be made for shared space such as a gymnasium, cafeteria or auditorium. Allocations should be made based on a reasonable allocation methodology, such as a percentage of each school's enrollment to the total enrollment at the shared facility.

Other Services provided by a local district

Similar to donated district space as described above, often the local school district will provide transportation or other services, such as food service or special education services, at no cost to the charter school. To the extent which the charter school can determine the value, these items should be recorded in the financial statements as in-kind revenues and expenses. To aid in comparison, charter schools recording values for donated transportation or other district-provided services should disclose the amount recorded or the fact that services were received but the charter school was unable to determine a value.

A sample note disclosure for contributions of space and other services is as follows:

The Charter School is located in a New York City Department of Education facility and utilizes approximately _____ square feet at no charge. In addition, the Charter School received donated transportation, food service and special education services from the local district. The Charter School was unable to determine a value for these services.

Section 6: Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards (the "Yellow Book" report)

Audits performed under GAGAS require issuance of a separate report on internal control over financial reporting and on compliance with provisions of laws, regulations, contracts, and grant agreements that could have a material effect on the financial statements (the "Yellow Book" report). The Yellow Book report should be issued for any audit performed in accordance with GAGAS, regardless of the results of the audit and whether or not there are any findings to report.

Internal control over financial reporting

The auditor must describe the scope of their consideration of internal control over financial reporting as part of the audit of the financial statements. The auditor need not provide an opinion on internal control over financial reporting. Any material weaknesses or significant deficiencies in internal control over financial reporting identified during the audit, or continuing from a previous year, must be included in the Yellow Book report. These may include lack of controls in place over financial reporting such that significant audit entries were required or concerns regarding segregation of duties.

Compliance with Provisions of Laws, Regulations, Contracts and Grant Agreements

As part of the financial statement audit, the auditor will determine whether the audited entity is in compliance with material provisions of laws, regulations, contracts and grant agreements that could impact the financial statements. Any evidence of fraud or noncompliance found throughout the audit should be evaluated to determine if a finding is necessary in the Yellow Book report. Examples of audit findings to be evaluated include:

- indications of fraud
- noncompliance with provisions of laws or regulations (such as the charter contract or NYS laws) – **see further detail below**
- noncompliance with provisions of contracts or grants that could have a material effect on the financial statements (such as Federal or foundation grants or contracts)
- abuse that is material, either quantitatively or qualitatively

Reporting Findings

If, based on the results of the audit and the above guidance, as well as relevant GAGAS standards, the auditor determines that findings should be reported to management and those charged with governance, the auditor should follow the guidance included in GAGAS in developing written communication of the findings. See the flowchart at Appendix F.

Findings should include the following elements:

1. Criteria
2. Condition
3. Cause
4. Effect or Potential Effect
5. Recommendation
6. Management Response

Corrective Action Plan

The auditee's response to the finding(s) should be included in the report, unless the auditee refuses to provide comments or is unable to provide them in a reasonable period of time. The auditee's response should include what actions will be taken to correct the finding, the date the actions were or will be implemented and who is responsible for implementation. If auditee comments are not provided, the auditor should indicate in the report that the auditee did not provide a response. In addition, the charter school is responsible for providing a copy of the Corrective Action Plan to NYSED along with the audited financial statements and required reports.

Sample Yellow Book reports are included in Appendix E for reference. These reports have been modified to conform to the presentation applicable to charter schools.

Requirements of laws, regulations, contracts and grants agreements to be tested as part of the audit

General requirements as detailed in the Charter School's Charter Agreement

Each charter school signs a charter agreement between the school and the Board of Regents of the State of New York to establish a charter school under the New York Charter Schools Act of 1998. The auditor should obtain this charter agreement and consider the charter school's compliance with the requirements as established in the agreement. Many of the specific requirements of all schools are discussed in more detail below. Some general requirements include the following:

The charter school must:

1. Operate under the mission statement as set forth in the application.
2. Abide by a Code of Ethics.
3. Establish a board of trustees, and
4. Operate pursuant to the by-laws of the charter school set forth in the application.

The auditor shall obtain the charter agreement and inquire of management if there are policies and procedures in place to ensure the charter school is abiding by the requirements established in the charter agreement. If the auditor determines that the charter school is not in compliance with these requirements, the auditor should consider including such a finding in the Yellow Book report and the communication to those charged with governance.

Age, Grade Range, Number of Students

In the charter school application, the charter school is required to establish grade levels and enrollment goals. As defined by the charter school's charter agreement and the sample charter available from New York State, the charter school must make all reasonable efforts to recruit students but is allowed to enroll a lesser or greater number of students in each grade or from one year to the next without being deemed in material breach of the charter as long as enrollment variation does not substantially alter the charter school's educational design as described in the application. However, the charter school must obtain written approval from NYSED prior to the following:

1. Enrolling any student, who, if enrolled, would cause the charter school's enrollment to exceed the total maximum enrollment of the charter school as set forth in the application for the charter.

2. Commencing or continuing instruction where the total number of students enrolled is less than eighty-five percent (85%) of the projected enrollment for a given year as set forth in the Application or if the total enrollment is less than fifty (50) students.

The charter school should demonstrate good-faith efforts to attract and retain a comparable or greater enrollment of students with disabilities, English language learners and students eligible for free or reduced-price lunch when compared to the enrollment figure for such students in the school district in which the charter school is located [§2854(2)(a)]. See guidance on enrollment and retention targets at http://www.p12.nysed.gov/psc/enrollment-retention-targets.html.

Lottery system

According to §2854 (2)(a) of the Education Law, a charter school may not discriminate against any student on the basis of ethnicity, national origin, gender, or disability or any other ground that would be unlawful if done by a non-charter public school. Admission of students shall not be limited on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry. The Act does permit the establishment of a single-sex charter school or a charter school designed to provide expanded learning opportunities for students at-risk of academic failure or students with disabilities and English language learners or students who are eligible applicants for the free and reduced price lunch program.

Applications for admissions to a charter school shall be submitted on a uniform application form created by NYSED and shall be made available by a charter school in languages predominately spoken in the communities in which such charter school is located. Enrollment preference shall be provided to pupils returning to the charter school in the second or any subsequent year of operation, pupils residing in the school district in which the charter school is located, and siblings of pupils already enrolled in the charter school [§2854(2)(b)]. The commissioner has established regulations to require that the random selection process is conducted in a transparent and equitable manner and to require that the time and place of the random selection process be publicized in a manner consistent with the public notice requirements of §104 of the NYS Public Officers Law.

The independent auditor should obtain all procedures for the charter school in regard to enrollment and retention in the charter school, including any enrollment preferences utilized. The auditor should also obtain all procedures documenting the system for the lottery, including the method for random selection, and inquire of management and those involved if the charter school is following the procedures as documented. If the auditor finds that the charter school has not developed adequate procedures or that the procedures in place are not being followed, the auditor should consider observing the next live lottery or review the applications received and applications selected in the lottery. See Appendix G for procedures to consider during a live lottery observation. If these procedures are not in place or being followed, the auditor should consider including such a finding in the Yellow Book report and in a communication to those charged with governance.

Hiring Procedures of the School

According to §2854 (3)(a-2) of the Education Law, the Board of Trustees of a charter school shall require, for purposes of a criminal history record check, the fingerprinting of all prospective employees as well as consent to a criminal history records search. Results from fingerprint checks must be obtained to ensure clearance for employment. In addition, the employee responsible for obtaining background checks on prospective employees should not perform his/her own background check. The auditor should ensure that this policy is in place at the charter school and is being followed for all potential employees of the charter school. The auditor should consider testing that this evidence is obtained in conjunction with other payroll testing done as part of the audit. If these procedures are not in place or not being followed, the auditor should include such a finding in the Yellow Book report and the communication to those charged with governance.

Insurance Coverage

According to §2851(2)(o) of the Education Law, the charter school shall obtain insurance which shall include adequate insurance for liability, property loss and personal injury of students. The auditor should obtain evidence that such insurance is in place.

Certificate of Occupancy and fire safety inspections

According to §2851(2)((j) of the Education Law, as part of the application, the charter school needs to provide information regarding the facilities to be used by the charter school, including the location of the charter school, if known, and means of transportation. The charter school must also obtain a certificate of occupancy for such facilities prior to the date on which instruction is to commence at the charter school. As part of the process for maintaining an up to date certificate of occupancy, the charter school should maintain an up to date fire safety inspection report. Auditors should verify that this certificate of occupancy and annual fire safety inspection report has been obtained and is up to date.

Section 7: OMB Circular A-133 Audits (Single Audits) If the charter school expends $500,000 (starting with the school year 2015-2016, threshold was raised to $750,000) or more in federal awards during the fiscal year, an independent audit as prescribed in the federal Office of Management and Budget ("OMB") Circular A-133 (starting with the 2015-2016 school year, OMB Circular's A-21, A-87, A-89, A-102, A-110, A-122 and A-133 and portions of A-50 pertaining to audit will be superceded and consolidated as OMB's Uniform Guidance) must also be completed and filed with the federal government and NYSED.

Federal awards typically expended by a charter school may include, but are not limited to, the following:

Charter School Program (CSP), including replication and expansion grants
Title I, Part A
Title II, Part A
Title III, Part A
Race to the Top
National School Breakfast, Lunch and Snack Program
Summer Food Service Program

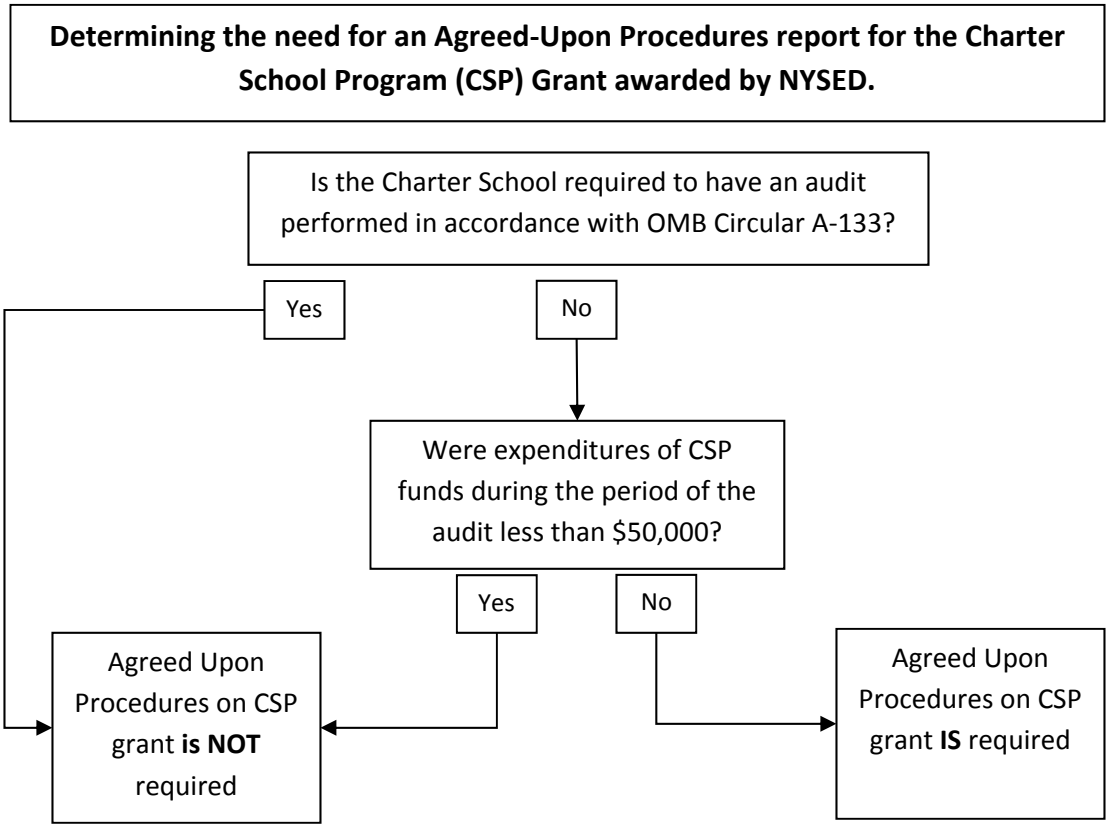
Funding received from the USAC Schools & Libraries Program (E-Rate) is not listed in the CFDA catalogue and is exempt from OMB A-133 Single Audit requirements; therefore, revenue recorded from discounts or reimbursements received under E-Rate should not count towards the $500,000 threshold in determining the need for a Single Audit. Funding received from IDEA (Special Education) grants awarded from a local district are considered a vendor relationship and therefore also do not count towards reaching the $500,000 threshold requiring a Single Audit. See memo regarding vendor status of IDEA funding on the NYSED website at http://www.p12.nysed.gov/specialed/finance/2011-12-ASEP-flowthrough.htm.

At the conclusion of the Single Audit, the auditor must issue a report on (1) internal control over compliance with compliance requirements that could have a direct and material effect on a major program, (2) an opinion on compliance with requirements that could have a direct and material effect on a major program, and (3) an opinion on the Schedule of Federal Expenditures ("SEFA") (the "A-133 Report"). Issuance of the opinion on compliance requires the auditor to determine whether the auditee complied with the direct and material compliance requirements for the major program(s) tested in the Single Audit. Gaining an understanding of internal control over compliance as it relates to each direct and material compliance requirement is necessary as part of the risk assessment process to determine where controls may not be adequate or further procedures are needed in order to determine compliance. If the auditor finds the entity is lacking controls over maintaining compliance with the direct and material requirements of the program, or controls in place are not operating effectively, this must be reported as a finding in the A-133 report. Findings can be categorized as deficiencies, significant deficiencies, or material weaknesses, similar to findings in internal control over financial reporting which would be identified in the Yellow Book report described in the previous section of this Guide. The auditor's opinion on the SEFA is generally prepared as supplementary information in relation to the financial statements taken as a whole.

Auditors should refer to OMB Circular A-133 and the most recent Compliance Supplement (available at www.whitehouse.gov/omb/circulars) for further guidance in performing and reporting on a Single Audit. The AICPA GAQC website (www.aicpa.org/gaqc) also provides guidance and practice aids for auditors to utilize in performing a Single Audit.

Section 8: Agreed-Upon Procedures Report on CSP Funding

NYSED was recently awarded a significant grant under the Federal Charter Schools Program to pass through to charter schools approved to receive CSP funding by NYSED. To ensure adequate monitoring of CSP funding when expenditures of all federal awards are less than the threshold for an OMB Circular A-133 Single Audit (currently $500,000), NYSED has set forth guidance on specific procedures which are required for charter schools receiving CSP funding through NYSED. If CSP funding is received directly from the Federal government or through a different source than NYSED, the AUP report on the CSP grant is not required. Please refer to the following flowchart to determine if the charter school is required to have their auditor perform the additional procedures and submit the specified report to NYSED.



If the Agreed-Upon Procedures report is required, the report is due by November 1 of each fiscal year, corresponding to the date the audited financial statements must be submitted to NYSED. The period of the Agreed-Upon Procedures report should correspond to the period of the audit. For example, in the initial year of audit, the audit period may cover more than 12 months. In this case, the Agreed-Upon Procedures report should cover the same period as the audit, even if it is more than 12 months. In subsequent years this will typically be the fiscal year.

Required Agreed-Upon Procedures Report for CSP Funding

If the charter school is subject to the above requirements for the Agreed-Upon Procedures on the CSP grant, the following procedures must be performed by the Charter School's Independent Auditor.

1. Obtain the detail of expenditures incurred for the period under review relating to the CSP grant from the Charter School's accounting software and reconcile to the grant revenue recorded by the Charter School. If the CSP grant revenue does not equal the grant expenditures, investigate the differences.

2. Obtain the NYSED approved CSP grant award information, including the budget and any amendments, to determine if the revenue and expenditures recorded for the period appear reasonable.

3. Select a sample of expenditures from the detail obtained in Procedure #1.

    a. Payroll - Select 10 items or 10% of the total number of payroll items charged to the grant, whichever is less

    b. Other expenses – Select 10 items or 10% of the total number of items charged to the grant, whichever is less

    c. Using the above selected items:

        i. Determine if the expenditure is in accordance with the purpose of the grant and that pre-opening expenditures are charged to pre-opening periods. (See non-regulatory guidance on the CSP grant at http://www.p12.nysed.gov/psc/grants.html)

        ii. Determine if the expenditure falls into an approved budget category

        iii. Determine if the expenditure was charged to the appropriate fiscal period

4. Obtain FS-25 form(s) submitted to NYSED during the period under review.

    a. Trace expenditures selected in Procedure #3 to requests for reimbursement. Determine that items requested for reimbursement had previously been expended or were expended within a month following the request for reimbursement. If items have not yet been requested for reimbursement, inquire of responsible Charter School officials as to the plan for requesting reimbursement, and determine if a receivable is recorded, if appropriate.

    b. If FS-25 forms include amounts on Line 4 of the FS-25 (Cash Expenditures Anticipated During Next Month), determine if the total of funds expended within 1 month following the date of the request is at least the amount shown on Line 4.

See example report in Appendix B.

Appendix A – Template for Independent Accountant's Report on the Initial Statement

CPA letterhead

INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED UPON PROCEDURES

To the Board of Trustees of ABC Charter School:

We have performed the procedures identified below, which were agreed to by the management of ABC Charter School and the New York State Education Department solely to assist the specified parties in evaluating the School's assertion to the New York State Education Department that it has financial controls in place for transactions relating to the following:

1. preparing and maintaining financial statements and records in accordance with accounting principles generally accepted in the United States of America ("GAAP");
2. payroll procedures;
3. accounting for contributions and grants;
4. procedures for the creation and review of interim and annual financial statements, which procedures shall specifically identify the individual(s) who will be responsible for preparing and reviewing such financial statements and ensuring that such statements contain valid and reliable data;
5. existence of appropriate internal financial controls and procedures;
6. safeguarding of assets including cash and equipment;
7. compliance with applicable laws and regulations;
8. ensuring that the purchasing process results in the acquisition of necessary goods and services at the best price;
9. following appropriate guidance relating to budget development and administration; and
10. following appropriate guidance relating to a code of ethics, and cash management and investments.

This agreed-upon procedures engagement was performed in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of the specific users of the report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures we performed and the related results are as follows:

Procedure #1: We will obtain a copy of the Financial Policies and Procedures Manual ("FPPM") of the School and read it to ascertain whether it includes accounting procedures for the preparation of the School's financial statements in conformity with accounting principles generally accepted in the United States of America.

Result: We observed that…

Procedure #2: We will read the FPPM to ascertain whether it includes payroll procedures for the School and determine whether the School has hired an outside vendor to process the payroll.

Result: We observed that…

Procedure #3: We will read the FPPM to ascertain whether it includes procedures for accounting for contributions and grants.

Result: We observed that…

Procedure #4: We will identify and interview the person(s) responsible for financial management of the School regarding the existence and understanding of procedures for the creation and review of interim and annual financial statements.

Result: We identified *(name, title)* as the person(s) responsible for financial management of the School and (s)he represented that…

Procedure #5: We will read the available trial balance and documentation supporting cash receipts, cash disbursements and payroll expenses on a sample basis to observe the status of implementation of the accounting procedures.

Result: We observed that…

Procedure #6: We will interview the person(s) responsible for financial management of the School regarding the existence and understanding of appropriate internal financial controls and procedures, including procedures related to ensuring that transactions are properly authorized, assets are safeguarded against unauthorized or improper use, and transactions are properly recorded and reported.

Result: We identified *(name, title)* as the person(s) responsible for financial management of the School and (s)he represented that …

Procedure #7: We will interview the person(s) responsible for financial management of the School regarding compliance with applicable laws and regulations and how they stay current with all laws and regulations. We will also obtain and review a copy of the School's code of ethics.

Result: We identified *(name, title)* as the person(s) responsible for financial management of the School and (s)he represented that …

Procedure #8: We will review the FPPM to ascertain whether it includes procedures for ensuring the purchasing process results in the acquisition of necessary goods and services at the best price.

Result: We observed that…

Procedure #9: We will interview the person(s) responsible for financial management of the School regarding the existence of procedures for budget development and administration to determine if the School is following appropriate guidance. We will obtain a copy of the most recent budget to determine if the budget was approved by the Board of Trustees of the School.

Result: We identified *(name, title)* as the person(s) responsible for financial management of the School and (s)he represented that … We observed that…

Procedure #10: We will read the FPPM to ascertain whether it includes procedures for ensuring the School has procedures for cash management and investments, if applicable.

Result: We observed that…

We were not engaged to, and did not, conduct an examination, the objective of which would be the expression of an opinion on compliance. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the use of ABC Charter School and the New York State Education Department, and it is not intended to be and should not be used by anyone other than the specified parties.

CPA Signature
Date

Appendix B – Template for Independent Accountant's Report on CSP Funding

CPA letterhead

INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED UPON PROCEDURES

To the Board of Trustees of ABC Charter School:

We have performed the procedures identified below, which were agreed to by the management of ABC Charter School and the New York State Education Department solely to assist the specified parties in evaluating the School's assertion to New York State Education Department that it has maintained compliance with the requirements of the CSP grant and Federal and NYSED guidelines in managing the CSP grant.

This agreed-upon procedures engagement was performed in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of the specific users of the report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures we performed and our results are as follows:

Procedure #1: We will obtain the detail of expenditures incurred for the period under review relating to the CSP grant from the Charter School's accounting software and reconcile to the grant revenue recorded by the Charter School. If the CSP grant revenue does not equal the grant expenditures, we will investigate the differences.

Result:

Procedure #2: We will obtain the NYSED approved CSP grant award information, including the budget and any amendments, to determine if the revenue and expenditures recorded for the period appear reasonable.

Result:

Procedure #3: We will select a sample of expenditures from the detail obtained in Procedure #1.

a. Payroll – We will select 10 items or 10% of the total number of payroll items charged to the grant, whichever is less.

b. Other expenses – We will select 10 items or 10% of the total number of payroll items charged to the grant, whichever is less

c. Using the above selected items, we will:

   i. Determine if the expenditure is in accordance with the purpose of the grant and that pre-opening expenditures are charged to pre-opening periods. (See non-regulatory guidance on the CSP grant at http://www.p12.nysed.gov/psc/grants.html)

   ii. Determine if the expenditure falls into an approved budget category

   iii. Determine if the expenditure was charged to the appropriate fiscal period

Result:

Procedure #4: We will obtain FS-25 form(s) submitted to NYSED during the period under review and perform the following.

a. Trace expenditures selected in Procedure #3 to requests for reimbursement. Determine that items requested for reimbursement had previously been expended or were expended within a month following the request for reimbursement. If items have not yet been requested for reimbursement, inquire of responsible charter school officials as to the plan for requesting reimbursement, and determine if a receivable is recorded, if appropriate.

b. If FS-25 forms included amounts on Line 4 (Cash Expenditures Anticipated During Next Month), we will select one FS-25 and determine if funds were expended within 1 month following the date of the request.

Result:

We were not engaged to, and did not, conduct an examination, the objective of which would be the expression of an opinion on ABC Charter School's compliance with the requirements of the CSP grant. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the use of ABC Charter School and the New York State Education Department, and it is not intended to be and should not be used by anyone other than the specified parties.

CPA Signature
Date

Appendix C – Auditor Checklist for Audits of NYSED Authorized Charter Schools

SED-Authorized Charter School Audit Compliance Practice Aid

Charter School: _____

Year Ended: _____

		Yes	No	N/A	Explanation
1.	Applicable for schools in their first year of operations:				
a.	Has the school provided the initial statement of controls to SED?				
b.	Was the initial statement of controls ratified by the Board prior to submission to SED?				
c.	Has the auditor prepared and submitted the Agreed-Upon Procedures (AUP) report on the initial statement of controls to the school?				
d.	If there were any findings, has the school remedied the findings within 45 days of the auditors' report?				
2.	Applicable for both new and continuing schools:				
a.	Have the financial statements been prepared on the accrual basis in accordance with GAAP?				
b.	Has the audit been conducted in accordance with GAAS, GAGAS, and, if applicable, OMB A-133?				
b (1).	Have the independence considerations been documented?				
b (2).	Has the CPA firm had an independent peer review within the last 3 years?				
b (3).	Are all engagement team members in compliance with the CPE requirements?				
c.	Do the financial statements include a statement of functional expenses in a form similar to Appendix D of the Guide?				
d.	Have expense allocations been included as part of the audit, and have the auditors concluded they are reasonable?				
e.	Do the financial statements disclose any facilities (including square footage), transportation services, or other services provided by the local district?				
f.	Is the required report on internal control over financial reporting and on compliance with provisions of laws, regulations, contracts and grant agreements been prepared?				
g.	If the school has expended over $500,000 in Federal Funds, has a Single Audit been completed?				
g (1).	Has the required report on compliance and internal control over compliance of major programs and the SEFA been prepared?				
3.	Has an Agreed Upon Procedures Report been prepared for the Charter School Program ("CSP") Grant awarded by NYSED if expenditures of CSP Funds during the period of the audit were above $50,000 and the charter school is not required to have an audit performed with OMB Circular A-133?				

SED-Authorized Charter School Audit Compliance Practice Aid

Charter School:

Year Ended:

		Yes	No	N/A	Explanation
4.	Areas of compliance with the Charter Agreement, applicable for both new and continuing schools:				
a.	Does the school operate under the mission as set forth in the application?				
b.	Does the school abide by a Code of Ethics?				
c.	Has the school established a board of trustees?				
d.	Does the school operate pursuant to the by-laws of the charter school as set forth in the application?				
e (1).	Has the school established grade level and enrollment goals and is the school making all reasonable efforts to recruit students to meet these goals?				
e (2).	If necessary has the charter school obtained written approval from NYSED if enrollment levels are outside of these parameters?				
f.	Has the school established adequate procedures for its lottery system for enrollment?				
g.	Has the school established adequate procedures for its personnel hiring system, including criminal history record check and fingerprinting in accordance with the New York State Charter School Act of 1998?				
h.	Has the school obtained adequate insurance for liability, property loss and personal injury of students?				
i.	Has the school obtained and maintained an up to date Certificate of Occupancy and Fire Safety Inspection?				
j.	Has the school established and funded an escrow account in accordance with Section 8.5 of the Charter Agreement?				

Appendix D – Sample Schedule of Functional Expenses

Charter School Name

Schedule of Functional Expenses

For the Year Ended June 30, 20XX

		Program Services			Supporting Services		
	No. of Positions	Regular Education	Special Education	Other Program	Fundraising & Special Events	Management and General	Total
Personnel Services Costs		$	$	$	$	$	$
Administrative Staff Personnel	_____						
Instructional Personnel	_____						
Non-Instructional Personnel	_____						
Total Salaries and Wages (1)	_____						
Payroll Taxes and Employee Benefits							
Professional Development							
Legal Fees							
Audit Fees							
Financial Management Services							
Professional Fees - Other							
Student and Staff Recruitment							
Curriculum / Classroom Expenses							
Supplies / Materials							
Food Services							
Student Transportation Services							
Travel / Conferences							
Postage, Printing, and Copying							
Insurance							
Information Technology							
Leased Equipment							
Non-capitalized Equipment / Furnishings							
Repairs and Maintenance							
Depreciation and Amortization							
Special Events							
Loss on Disposal							
Other (2)							
Total Expenses		$	$	$	$	$	$

Annotations:
(1) Can list as a total if detail is not available.
(2) Other may include: bad debt expense, internet service, other unlisted outside service fees and any expenses not captured in above cells.

Appendix E –From the AICPA Audit Guide, *Government Auditing Standards and Circular A-133 Audits*

Please refer to the AICPA Audit Guide for further guidance

Sample Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards

Example 1

Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With *Government Auditing Standards (No Material Weaknesses Identified, No Significant Deficiencies Identified, No Reportable Instances of Noncompliance or Other Matters Identified)*

INDEPENDENT AUDITOR'S REPORT

[*Appropriate Addressee*]

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of Example Entity, which comprise the consolidated statement of financial position as of June 30, 20X1, and the related consolidated statements of activities, and cash flows for the year then ended, and the related notes to the financial statements, and have issued our report thereon dated August 15, 20X1. [1]

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered Example Entity's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Example Entity's internal control. Accordingly, we do not express an opinion on the effectiveness of Example Entity's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

[1] If the auditor expressed a modified opinion on the financial statements (i.e., a qualified opinion, an adverse opinion, or a disclaimer of opinion), the auditor should include a statement describing the nature of the modification. The auditor may include certain additional communications when the auditor included such additional communications in the auditor's report on the financial statements that are not modifications to the auditor's opinion. For example, if the auditor included an emphasis-of-matter paragraph in the auditor's report on the financial statements because of an uncertainty about the entity's ability to continue, as a going concern for a reasonable period of time, the auditor may also include mention of the additional communication here.

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Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters[2] [3]

As part of obtaining reasonable assurance about whether Example Entity's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

[*Auditor's signature*]

[*Auditor's city and state*]

[*Date of the auditor's report*][4]

[2] *Other matters* are certain findings of fraud or abuse. As per industry practice, the reference to "other matters" in both the heading and the following paragraph typically appears in all reports, even if the report does not present or refer to findings of fraud or abuse or even if the only findings of fraud or abuse are presented in or referred to from the section on internal control over financial reporting.

[3] Paragraph 4.26 of *Government Auditing Standards* notes that when auditors detect instances of noncompliance with violations of provisions of contracts or grant agreements or abuse that have an effect on the financial statements or other financial data significant to the audit objectives that are less than material but warrant the attention of those charged with governance, they should communicate those findings in writing to audited entity officials.

[4] Because this report relates to the audit of the financial statements, and is based on the generally accepted auditing standards audit procedures performed, it is subject to the provisions of AU-C section 700. Therefore, it should be dated the same date as the auditor's report on the financial statements, which according to paragraph .41 of AU-C section 700 is "no earlier than the date on which the auditor has obtained sufficient appropriate audit evidence on which to base the auditor's opinion on the financial statements."

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Example 2

Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With Government Auditing Standards (No Material Weaknesses Identified; Significant Deficiencies Identified; and Reportable Instances of Noncompliance and Other Matters Identified)

INDEPENDENT AUDITOR'S REPORT

[*Appropriate Addressee*]

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of Example Entity, which comprise the consolidated statement of financial position as of June 30, 20X1, and the related consolidated statements of activities, and cash flows for the year then ended, and the related notes to the financial statements, and have issued our report thereon dated August 15, 20X1. [5]

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered Example Entity's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Example Entity's internal control. Accordingly, we do not express an opinion on the effectiveness of Example Entity's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified. We

[5] If the auditor expressed a modified opinion on the financial statements (i.e., a qualified opinion, an adverse opinion, or a disclaimer of opinion), the auditor should include a statement describing the nature of the modification. The auditor may include certain additional communications when the auditor included such additional communications in the auditor's report on the financial statements that are not modifications to the auditor's opinion. For example, if the auditor included an emphasis-of-matter paragraph in the auditor's report on the financial statements because of an uncertainty about the entity's ability to continue, as a going concern for a reasonable period of time, the auditor may also include mention of the additional communication here.

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did identify certain deficiencies in internal control, described in the accompanying [*include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs)*] that we consider to be significant deficiencies. [*List the reference numbers of the related findings, for example, 20X1-1, 20X1-3, and 20X1-4*].

> [***NOTE:*** This guide recommends identifying each finding with a reference number. This report can, as an alternative, describe findings rather than refer to a separate schedule. Further, in an audit in accordance with Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations* (Circular A-133), findings related to the financial statements which are required to be reported in accordance with *Government Auditing Standards* should be reported in the schedule of findings and questioned costs.]

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Example Entity's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* [6] and which are described in the accompanying [*include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs)*] as items [*list the reference numbers of the related findings, for example, 20X1-2 and 20X1-5*].

[***NOTE:*** *The referenced findings in this section include those that are instances of noncompliance and those that are fraud or abuse that are not significant deficiencies.*]

Example Entity's Response to Findings

Example Entity's response to the findings identified in our audit are described in the accompanying [*include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs) "or previously" if findings and responses are included in the body of the report*]. Example Entity's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.[7]

---

[6] An audit conducted in accordance with Circular A-133, the auditor should apply a financial statement materiality consideration in reporting in the *Government Auditing Standards* report fraud and illegal acts involving federal awards that are subject to Circular A-133 reporting. That is because those findings already are reported in the Circular A-133 report and reporting findings that are not material to the financial statements again in the *Government Auditing Standards* report would be unnecessarily duplicative.

[7] Although the auditor does not audit management's responses to identified findings, the auditor does have certain responsibilities related to reporting the views of responsible officials under *Government Auditing Standards*. As noted in paragraph 4.33 of *Government Auditing Standards*, auditors should obtain and report the views of responsible officials concerning the findings, conclusions, and recommendations, as well as planned corrective actions.

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Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

[*Auditor's signature*]

[*Auditor's city and state*]

[*Date of the auditor's report*][4]

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Example 3

Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With Government Auditing Standards (Material Weaknesses and Significant Deficiencies Identified; and Reportable Instances of Noncompliance and Other Matters Identified)

INDEPENDENT AUDITOR'S REPORT

[*Appropriate Addressee*]

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of Example Entity, which comprise the consolidated statement of financial position as of June 30, 20X1, and the related consolidated statements of activities, and cash flows for the year then ended, and the related notes to the financial statements, and have issued our report thereon dated August 15, 20X1. [8]

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered Example Entity's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Example Entity's internal control. Accordingly, we do not express an opinion on the effectiveness of Example Entity's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as described in the accompanying [*include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs)*], we identified certain deficiencies in internal control that we consider to be material weaknesses and significant deficiencies.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. We consider the deficiencies described in the accompanying [*include the title of the schedule in which the findings are reported (e.g., schedule of findings and*

[8] If the auditor expressed a modified opinion on the financial statements (i.e., a qualified opinion, an adverse opinion, or a disclaimer of opinion), the auditor should include a statement describing the nature of the modification. The auditor may include certain additional communications when the auditor included such additional communications in the auditor's report on the financial statements that are not modifications to the auditor's opinion. For example, if the auditor included an emphasis-of-matter paragraph in the auditor's report on the financial statements because of an uncertainty about the entity's ability to continue, as a going concern for a reasonable period of time, the auditor may also include mention of the additional communication here.

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responses or schedule of findings and questioned costs)] to be material weaknesses. [*List the reference numbers of the related findings, for example, 20X1-1, 20X1-3, and 20X1-4*].

A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the deficiencies described in the accompanying [*include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs)*] to be significant deficiencies. [*List the reference numbers of the related findings, for example, 20X1-2, and 20X1-5*].

> [***NOTE:*** This guide recommends identifying each finding with a reference number. This report can, as an alternative, describe findings rather than refer to a separate schedule. Further, in an audit in accordance with Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations* (Circular A-133), findings related to the financial statements which are required to be reported in accordance with *Government Auditing Standards* should be reported in the schedule of findings and questioned costs.]

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Example Entity's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* [9] and which are described in the accompanying [*include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs)*] as items [*list the reference numbers of the related findings, for example, 20X1-2 and 20X1-5*].

[***NOTE:*** *The referenced findings in this section include those that are instances of noncompliance and those that are fraud or abuse that are not significant deficiencies.*]

[9] An audit conducted in accordance with Circular A-133, the auditor should apply a financial statement materiality consideration in reporting in the *Government Auditing Standards* report fraud and illegal acts involving federal awards that are subject to Circular A-133 reporting. That is because those findings already are reported in the Circular A-133 report and reporting findings that are not material to the financial statements again in the *Government Auditing Standards* report would be unnecessarily duplicative.

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Example Entity's Response to Findings

Example Entity's response to the findings identified in our audit are described in the accompanying [*include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs) "or previously" if findings and responses are included in the body of the report*]. Example Entity's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.[10]

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

[*Auditor's signature*]

[*Auditor's city and state*]

[*Date of the auditor's report*][4]

[10] Although the auditor does not audit management's responses to identified findings, the auditor does have certain responsibilities related to reporting the views of responsible officials under Government Auditing Standards. As noted in paragraph 4.33 of Government Auditing Standards, auditors should obtain and report the views of responsible officials concerning the findings, conclusions, and recommendations, as well as planned corrective actions.

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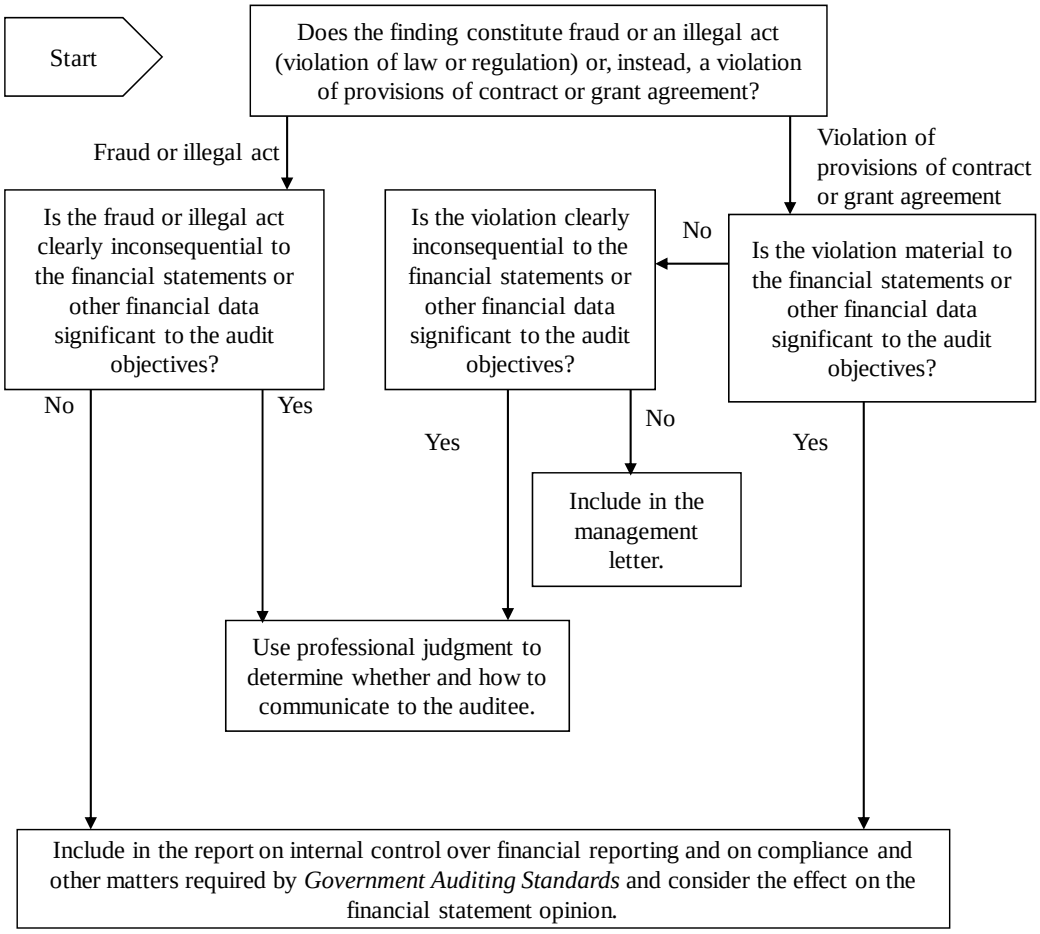
Appendix F – Finding Flowchart - From the AICPA Audit Guide, *Government Auditing Standards and Circular A-133 Audits*

Exhibit 4-1
Evaluation and Reporting of Findings of Fraud and Noncompliance Under *Government Auditing Standards*



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Appendix G – Procedures to Consider During Lottery Observations

Auditors should consider performing some of the following procedures when observing a Charter School's lottery. These are not required procedures. Not all procedures may be applicable to all lotteries.

Possible Procedures:

Obtain a copy of the Charter School's documented lottery procedures.

Discuss with responsible school personnel if the procedures as documented are in place and will be utilized in the lottery drawing.

Determine if lottery preferences are in alignment with NYS laws and regulations and the Charter School's Charter Agreement.

Determine if management has appropriately grouped applicants according to preferences, including order of preferences. Select a sample of applications to test.

Determine method of lottery (i.e. drawing balls or cards, random number generator, etc).

Attend and observe actual lottery drawing to determine procedures are followed and no personal preferences affect the random nature of the lottery.

Make sure all applicants are given a number (and a waiting list is generated if more students apply than seats are available).

Determine method of communication of lottery results to families.

Make sure confidential information remains confidential during the lottery process (for example, preferences for free/reduced price lunch).

Appendix H – Additional Resources

New York State Education Department Charter School Office http://www.p12.nysed.gov/psc/

Generally Accepted Governmental Auditing Standards (GAGAS) http://www.gao.gov/yellowbook

AICPA Governmental Audit Quality Center (GAQC) www.aicpa.org/gaqc

AICPA Governmental Audit Quality Center (GAQC) Independence Comparison http://www.aicpa.org/InterestAreas/ProfessionalEthics/Resources/Tools/DownloadableDocuments/2012MayAICPAGAOComparision.pdf

OMB Circular A-133 including the most recent Compliance Supplement (issued annually) www.whitehouse.gov/omb/circulars

CSP Budget categories and approved expenditures http://www.p12.nysed.gov/psc/grants.html

Initial Charter Agreement Template for Charter Schools Authorized by the Board of Regents http://www.p12.nysed.gov/psc/OversightPlan.html

NYS Education Law Article 56 (The New York State Charter Schools Act of 1998, as amended in 2007 and 2010) http://www.p12.nysed.gov/psc/article56.html or http://codes.lp.findlaw.com/nycode/EDN/II/56

Charter school basic tuition rates by district https://stateaid.NYSED.gov/charter

Charter school special education tuition rate – spreadsheet to calculate by district https://stateaid.NYSED.gov/speced

Student Full-time Equivalent (FTE) Calculator https://stateaid.NYSED.gov under State Aid / Attendance and Enrollment / FTE Calculator

New York City Department of Education enrollment and tuition payment website (accessible to charter school personnel) https://vendorportal.nycnet.edu

New York State Education Funding (Title grants, CSP, IDEA) reports by school https://www.oms.NYSED.gov/cafe/reports

New York State Education Department enrollment and retention targets http://www.p12.nysed.gov/psc/enrollment-retention-targets.html

Appendix I – Definition of Terms

AICPA - American Institute of Certified Public Accountants

ASC - Accounting Standards Codification

AUP - Agreed-Upon Procedures – Specific set of procedures performed by an independent accountant – typically referred to as the *AUP on the Initial Statement* or *AUP on CSP Grant*

BOT – Board of Trustees

CMO - Charter Management Organization - organized as a non-profit (similar to an EMO)

Compliance Supplement – Issued annually by the GAO, provides guidance in performing a Single Audit

CPA – Certified Public Accountant

CPE - Continuing Professional Education

CSO – Charter School Office

CSP – Charter Schools Program

DOE - Department of Education

EMO - Education Management Organization – organized as a for-profit (similar to a CMO)

FASB – Financial Accounting Standards Board

FTE – Full Time Equivalent

GAAP - Generally Accepted Accounting Principles

GAAS - Generally Accepted Auditing Standards

GAGAS - Generally Accepted Government Auditing Standards

GAO - United States Government Accountability Office

GAQC - Governmental Audit Quality Center – section of the AICPA which provides guidance to auditors in performing Governmental and Single Audits

IEP - Individualized Education Program – prepared for each special education student

Initial Statement – Initial Statement of Controls provided by the Charter School to NYSED concerning the status of management and financial controls

NYCDOE – New York City Department of Education

NYSED – New York State Education Department

OMB Circular A-133 – United States Office of Management and Budget Circular A-133

SEFA - Schedule of Federal Expenditures – included in financial statements audited in accordance with OMB Circular A-133

Single Audit – Audit conducted in accordance with OMB Circular A-133

SPED – Special Education

Appendix 2

2013 Composite Scores for Charter Schools

Composite Scores For Charter Schools

	Name	School District	Institution ID	SED #	2009	2010	2011	2012	2013
Chartering Entity	**Buffalo City School District**								
1	Enterprise Charter School	Buffalo City School District	800000056594	140600860856	2.00	2.30	2.30	2.40	2.50
2	Westminster Community Charter School	Buffalo City School District	800000057945	140600860874	3.00	3.00	2.80	2.60	1.80
Chartering Entity	**New York City Chancellor**								
1	Academic Leadership Charter School	NYC CSD 07 (Bronx)	800000064236	320700860957		3.00	3.00	3.00	3.00
2	Achievement First Crown Heights Charter School	NYC CSD 17 (Brooklyn)	800000058356	331700860879	2.50	2.80	1.50	0.60	2.20
3	Achievement First East New York Charter School	NYC CSD 19 (Brooklyn)	800000058357	331900860880	3.00	3.00	3.00	2.90	2.30
4	Achievement First Endeavor Charter School	NYC CSD 13 (Brooklyn)	800000059324	331300860902	-0.20	-0.20	-0.90	0.10	-0.60
5	Bedford Stuyvesant New Beginnings Charter School	NYC CSD 16 (Brooklyn)	800000067232	331600860971			-1.00	-0.80	-1.00
6	Beginning With Children Charter School	NYC CSD 14 (Brooklyn)	800000045185	331400860825	2.60	2.80	2.90	3.00	2.60
7	Bronx Academy of Promise Charter School	NYC CSD 09 (Bronx)	800000061090	320900860913	0.20	-0.70	2.40	2.60	3.00
8	Bronx Community Charter School	NYC CSD 10 (Bronx)	800000061078	321000860914	2.40	3.00	3.00	3.00	3.00
9	Bronx Global Learning Institute for Girls Charter School	NYC CSD 07 (Bronx)	800000061079	320700860915	2.20	2.20	2.80	3.00	3.00
10	Bronx Lighthouse Charter School	NYC CSD 12 (Bronx)	800000057638	321200860870	2.90	3.00	2.30	2.50	2.10
11	Brooklyn Ascend Charter School	NYC CSD 18 (Brooklyn)	800000061080	331800860916	1.10	0.60	-0.90	-1.00	-1.00
12	Brooklyn Charter School	NYC CSD 14 (Brooklyn)	800000044900	331400860809	3.00	2.90	3.00	3.00	3.00
13	Brooklyn Scholars Charter School	NYC CSD 19 (Brooklyn)	800000064237	331900860958		0.50	0.50	0.40	0.50
14	Brownsville Ascend Charter School	NYC CSD 18 (Brooklyn)	800000064233	331800860954		2.20	1.90	1.60	1.30
15	Bushwick Ascend Charter School	NYC CSD 32 (Brooklyn)	800000067493	333200860987			0.40	-0.70	0.30
16	Challenge Preparatory Charter School	NYC CSD 27 (Queens)	800000067496	342700860990			1.00	1.20	-0.70
17	Community Roots Charter School	NYC CSD 13 (Brooklyn)	800000059312	331300860893	3.00	3.00	3.00	2.90	2.60
18	Coney Island Preparatory Public Charter School	NYC CSD 21 (Brooklyn)	800000063971	332100860949		2.80	3.00	3.00	3.00
19	Cultural Arts Academy Charter School at Spring Creek	NYC CSD 18 (Brooklyn)	800000067494	331800860988			-1.00	1.00	-0.90
20	Democracy Preparatory Charter School	NYC CSD 05 (Manhattan)	800000059313	310500860894	2.50	1.90	1.90	1.80	1.90
21	Democracy Preparatory Harlem Charter School	NYC CSD 05 (Manhattan)	800000067495	310500860989			2.40	3.00	2.40
22	Dr. Richard Izquierdo Health and Science Charter School	NYC CSD 12 (Bronx)	800000067013	321200860965			3.00	3.00	2.70
23	Dream Charter School	NYC CSD 04 (Manhattan)	800000061082	310400860919	3.00	3.00	3.00	2.10	2.80
24	Equality Charter School	NYC CSD 11 (Bronx)	800000064235	321100860956		2.50	3.00	3.00	3.00
25	Equity Project Charter School	NYC CSD 06 (Manhattan)	800000061094	310600860929		2.30	1.60	2.00	2.70
26	Ethical Community Charter School	NYC CSD 14 (Brooklyn)	800000061095	331400860930		3.00	3.00	3.00	3.00
27	Explore Charter School	NYC CSD 17 (Brooklyn)	800000048424	331700860841	2.20	1.90	2.40	1.80	2.20
28	Explore Empower Charter School	NYC CSD 17 (Brooklyn)	800000063972	331700860950		1.70	2.30	2.50	2.90
29	Fahari Academy Charter School	NYC CSD 17 (Brooklyn)	800000063973	331700860951		2.80	3.00	2.10	1.50

NOTE: Prior to 2009, the data may not be complete and the composite score may not be accurate. If there is a blank field, it means no financial statements were received.

	Name	School District	Institution ID	SED #	2009	2010	2011	2012	2013
30	Future Leaders Institute Charter School	NYC CSD 03 (Manhattan)	800000058358	310300860881	2.00	1.50	2.90	3.00	3.00
31	Growing Up Green Charter School	NYC CSD 30 (Queens)	800000063974	343000860952		1.80	2.20	2.40	2.60
32	Harlem Children's Zone Promise Academy Charter School	NYC CSD 05 (Manhattan)	800000057519	310500860864	1.90	0.30	1.70	1.60	2.20
33	Harlem Children's Zone Promise Academy II Charter School	NYC CSD 05 (Manhattan)	800000058981	310500860886	2.90	2.50	3.00	3.00	3.00
34	Hebrew Language Academy Charter School	NYC CSD 22 (Brooklyn)	800000064234	332200860955		0.80	0.20	0.60	0.20
35	Hellenic Classical Charter School	NYC CSD 15 (Brooklyn)	800000058308	331500860878	1.40	1.20	2.00	1.90	1.20
36	Hyde Leadership Charter School	NYC CSD 08 (Bronx)	800000059325	320800860903	3.00	3.00	3.00	2.50	2.90
37	Hyde Leadership Charter School - Brooklyn	NYC CSD 19 (Brooklyn)	800000067233	331900860972			2.20	2.80	2.70
38	Imagine Me Leadership Charter School	NYC CSD 19 (Brooklyn)	800000067234	331900860973			0.80	-1.00	-1.00
39	International Leadership Charter High School	NYC CSD 10 (Bronx)	800000059326	321000860904	0.90	1.70	2.40	0.80	2.00
40	Inwood Academy for Leadership Charter School	NYC CSD 06 (Manhattan)	800000067014	310600860966			2.30	2.70	2.00
41	John V. Lindsay Wildcat Academy Charter School	NYC CSD 02 (Manhattan)	800000047608	310200860819	2.50	2.20	2.80	2.90	2.80
42	John W Lavelle Preparatory Charter School	NYC CSD 31 (Staten Island)	800000064491	353100860959		-0.50	2.20	-1.00	-0.90
43	KIPP Academy Charter School	NYC CSD 07 (Bronx)	800000034168	320700860820	2.50	2.20	3.00	3.00	2.80
44	KIPP AMP Charter School	NYC CSD 17 (Brooklyn)	800000058839	331700860882	3.00	1.70	2.60	2.90	3.00
45	KIPP Infinity Charter School	NYC CSD 05 (Manhattan)	800000058367	310500860883	3.00	3.00	3.00	2.80	2.30
46	Lefferts Gardens Charter School	NYC CSD 17 (Brooklyn)	800000067016	331700860967			2.90	1.90	2.00
47	Manhattan Charter School	NYC CSD 01 (Manhattan)	800000057944	310100860873	3.00	3.00	3.00	3.00	2.70
48	Metropolitan Lighthouse Charter School	NYC CSD 08 (Bronx)	800000067031	320700860962			2.40	3.00	3.00
49	Mott Haven Academy Charter School	NYC CSD 07 (Bronx)	800000061086	320700860925	2.60	2.10	1.50	-0.40	-0.80
50	New Heights Academy Charter School	NYC CSD 06 (Manhattan)	800000059088	310600860887	2.10	2.60	3.00	3.00	2.80
51	New York Center for Autism Charter School	NYC CSD 04 (Manhattan)	800000058980	310400861061	2.20	3.00	3.00	3.00	3.00
52	New York City Charter High School - Architecture, Engineering, and the Construction Industries	NYC CSD 07 (Bronx)	800000061087	320700860926	-0.90	0.50	1.70	2.40	2.70
53	New York French - American Charter School	NYC CSD 05 (Manhattan)	800000067011	310500860963			1.90	-0.10	-1.00
54	Opportunity Charter School	NYC CSD 03 (Manhattan)	800000057639	310300860871	1.50	0.20	1.90	2.40	2.50
55	PAVE Academy Charter School	NYC CSD 15 (Brooklyn)	800000061098	331500860927	2.40	2.60	2.30	2.50	2.20
56	Peninsula Preparatory Academy Charter School	NYC CSD 27 (Queens)	800000057613	342700860869	0.80	0.50	0.00	1.30	0.80
57	Renaissance Charter High School for Innovation	NYC CSD 04 (Manhattan)	800000067032	310400860968			3.00	3.00	3.00
58	Renaissance Charter School	NYC CSD 30 (Queens)	800000042221	343000860822	2.40	1.90	2.80	3.00	2.70
59	Riverton Street Charter School	NYC CSD 29 (Queens)	800000067235	342900860974			0.60	0.90	1.30
60	Rochdale Early Advantage Charter School	NYC CSD 28 (Queens)	800000067015	342800860969			3.00	3.00	3.00
61	Saint Hope Leadership Academy Charter School	NYC CSD 05 (Manhattan)	800000061088	310500860928	3.00	3.00	3.00	2.50	3.00
62	South Bronx Charter School for International Cultures and the Arts	NYC CSD 07 (Bronx)	800000058885	320700860889	-0.40	-0.90	0.90	2.30	2.00
63	South Bronx Classical Charter School	NYC CSD 12 (Bronx)	800000059317	321200860898	3.00	3.00	3.00	3.00	3.00
64	Staten Island Community Charter School	NYC CSD 31 (Staten Island)	800000067012	353100860964			1.90	2.40	2.80
65	Summit Academy Charter School	NYC CSD 15 (Brooklyn)	800000064232	331500860953	3.00	2.30	2.70	2.80	1.50
66	Teaching Firms of America Professional Preparatory Charter School	NYC CSD 16 (Brooklyn)	800000067236	331600860975				1.70	2.20

NOTE: Prior to 2009, the data may not be complete and the composite score may not be accurate. If there is a blank field, it means no financial statements were received.

	Name	School District	Institution ID	SED #	2009	2010	2011	2012	2013
67	VOICE Charter School of New York	NYC CSD 30 (Queens)	800000061089	343000860932	1.40	1.40	2.50	1.60	2.00
68	Williamsburg Charter High School	NYC CSD 14 (Brooklyn)	800000057520	331400860865	0.90	0.40	-1.00	-0.60	0.30
69	Williamsburg Collegiate Charter School	NYC CSD 14 (Brooklyn)	800000058838	331400860885	3.00	3.00	2.80	2.90	2.90

Chartering Entity New York State Regents

1	Aloma D Johnson Fruit Belt Community Charter School	Buffalo City School District	800000061076	140600860911	-1.00	-0.20	1.90	2.80	2.90
2	Amani Public Charter School	Mount Vernon City School District	800000070172	660900861000				2.20	3.00
3	Brighter Choice Charter School for Boys	Albany City School District	800000055520	010100860829	-1.00	-0.90	-0.20	-0.60	-0.60
4	Brighter Choice Charter School for Girls	Albany City School District	800000055503	010100860830	-0.90	-1.00	-0.10	-0.30	-0.60
5	Bronx Charter School for Children	NYC CSD 07 (Bronx)	800000056172	320700860852	2.80	3.00	3.00	3.00	3.00
6	Bronx Charter School for the Arts	NYC CSD 08 (Bronx)	800000055808	320800860846	2.60	2.10	1.80	1.80	1.70
7	Buffalo Academy of Science Charter School	Buffalo City School District	800000057454	140600860861	1.60	2.10	2.60	2.70	2.40
8	Charter School for Applied Technologies	Kenmore-Tonawanda Union Free School District	800000051942	142601860031	2.40	2.40	2.50	2.00	1.80
9	Charter School of Educational Excellence	Yonkers City School District	800000057455	662300860862	-0.50	0.00	-0.20	0.60	0.90
10	Community Charter School	Buffalo City School District	800000052434	140600860843	3.00	2.30	2.70	3.00	1.60
11	Democracy Preparatory Endurance Charter School	NYC CSD 05 (Manhattan)	800000070174	310500861001					2.70
12	Discovery Charter School	East Irondequoit Central School District	800000070175	260501861002				1.30	2.30
13	Elmwood Village Charter School	Buffalo City School District	800000059315	140600860896	3.00	3.00	3.00	3.00	3.00
14	Evergreen Charter School	Hempstead Union Free Shcool District	800000063984	280201860947		0.70	1.80	1.70	1.70
15	Genesee Community Charter School	Rochester City School District	800000050575	261600860826	2.70	2.80	2.70	2.60	2.80
16	Global Community Charter School	NYC CSD 06 (Manhattan)	800000071075	310600861012					0.70
17	Global Concepts Charter School	Lackawanna City School District	800000052086	141800860044	2.30	2.40	2.60	2.40	2.70
18	Harriet Tubman Charter School	NYC CSD 09 (Bronx)	800000046300	320900860823	0.60	1.10	1.80	0.90	0.60
19	Health Sciences Charter School	Buffalo City School District	800000065871	140600860961			-0.50	-0.70	-0.90
20	KIPP NYC Public Charter Schools	NYC CSD 06 (Manhattan)	800000071076	310600861013					2.50
21	La Cima Charter School	NYC CSD 16 (Brooklyn)	800000061085	331600860924	3.00	3.00	3.00	2.80	2.50
22	Launch Expeditionary Learning Charter School	NYC CSD 16 (Brooklyn)	800000070180	331600861003					2.90
23	Mott Hall Charter School	NYC CSD 09 (Bronx)	800000071085	320900861004					2.60
24	Neighborhood Charter School of Harlem	NYC CSD 05 (Manhattan)	800000071078	310500861015					2.50
25	New Dawn Charter High School	NYC CSD 15 (Brooklyn)	800000071079	331500861016					2.60
26	New Visions Charter High School for Advanced Math and Science II	NYC CSD 07 (Bronx)	800000071080	320800861017					2.20
27	New Visions Charter High School for the Humanities II	NYC CSD 07 (Bronx)	800000071081	320700861018					2.30
28	New York City Montessori Charter School	NYC CSD 07 (Bronx)	800000070182	320700861005				2.20	-0.60
29	Niagara Charter School	Niagara-Wheatfield Central School District	800000058977	400701860890	-0.10	0.60	1.90	2.40	2.70
30	Northside Charter High School	NYC CSD 14 (Brooklyn)	800000063771	331400860945		2.00	-0.90	0.30	3.00
31	Riverhead Charter School	Riverhead Central School District	800000036919	580602860032	1.60	2.30	2.50	2.90	3.00
32	Rochester Academy Charter School	Rochester City School District	800000061097	261600860910	2.00	2.10	2.60	2.90	3.00

NOTE: Prior to 2009, the data may not be complete and the composite score may not be accurate. If there is a blank field, it means no financial statements were received.

	Name	School District	Institution ID	SED #	2009	2010	2011	2012	2013
33	Rochester Career Mentoring Charter School	Rochester City School District	800000071082	261600861019				2.90	2.10
34	Southside Academy Charter School	Syracuse City School District	800000040667	421800860845	0.20	0.20	0.20	0.50	0.70
35	Syracuse Academy of Science Charter School	Syracuse City School District	800000056174	421800860854	2.80	3.00	3.00	2.50	2.70
36	Urban Choice Charter School	Rochester City School District	800000058267	261600860877	2.10	2.20	2.80	2.70	1.50
37	Urban Dove Charter School	NYC CSD 15 (Brooklyn)	800000070188	331300861006					-0.70
38	West Buffalo Charter School	Buffalo City School District	800000067492	140600860986				-0.60	0.60
39	Western New York Maritime Charter School	Buffalo City School District	800000057456	140600860863	1.30	1.90	2.20	2.50	1.80
40	Young Women's College Preparatory Charter School of Rochester	Rochester City School District	800000071083	261600861020				2.30	2.70

Chartering Entity State University of New York

1	Academy Charter School	Hempstead Union Free School District	800000063985	280201860934		2.10	1.70	0.40	1.20
2	Academy of the City Charter School	NYC CSD 30 (Queens)	800000070183	343000860998				1.00	1.70
3	Achievement Academy Charter School	Albany City School District	800000058243	010100860876	-0.80	-0.60	1.60	0.80	0.70
4	Achievement First Apollo Charter School	NYC CSD 19 (Brooklyn)	800000063975	331900860933			0.90	0.80	1.30
5	Achievement First Brownsville Charter School	NYC CSD 23 (Brooklyn)	800000061077	332300860912	2.10	2.00	2.40	1.80	1.70
6	Achievement First Bushwick Charter School	NYC CSD 32 (Brooklyn)	800000059570	333200860906	2.40	2.10	2.60	2.10	2.10
7	Albany Community Charter School	Albany City School District	800000059310	010100860899	2.40	2.60	3.00	3.00	3.00
8	Albany Leadership Charter High School For Girls	Albany City School District	800000068133	010100860960			1.50	1.10	2.20
9	Amber Charter School	NYC CSD 04 (Manhattan)	800000047051	310400860806	1.50	2.30	2.80	2.30	3.00
10	Ark Community Charter School	Troy City School District	800000039386	491700860034	2.60	3.00	3.00	2.60	2.20
11	Bedford Stuyvesant Collegiate Charter School	NYC CSD 16 (Brooklyn)	800000061081	331600860918	2.40	2.20	2.60	2.80	2.90
12	Beginning With Children Charter School II	NYC CSD 14 (Brooklyn)	800000071156	331400861021					2.10
13	Brighter Choice Charter Middle School For Boys	Albany City School District	800000067238	010100860976			3.00	1.90	-0.30
14	Brighter Choice Charter Middle School For Girls	Albany City School District	800000067239	010100860977			2.70	1.50	-0.70
15	Bronx Charter School for Better Learning	NYC CSD 11 (Bronx)	800000056593	321100860855	3.00	3.00	3.00	2.30	1.40
16	Bronx Charter School for Excellence	NYC CSD 11 (Bronx)	800000056707	321100860859	1.50	-0.10	0.90	0.10	0.60
17	Bronx Preparatory Charter School	NYC CSD 09 (Bronx)	800000055860	320900860807	3.00	2.90	2.50	2.90	2.60
18	Brooklyn Dreams Charter School	NYC CSD 22 (Brooklyn)	800000068331	332200860978			0.50	0.80	0.70
19	Brooklyn East Collegiate Charter School	NYC CSD 13 (Brooklyn)	800000063978	331300860937			2.00	2.50	2.20
20	Brooklyn Excelsior Charter School	NYC CSD 16 (Brooklyn)	800000056456	331600860847	0.30	0.30	0.50	0.90	1.30
21	Brooklyn Prospect Charter School	NYC CSD 15 (Brooklyn)	800000063976	331500860935		2.60	3.00	3.00	1.50
22	Broome Street Academy Charter High School	NYC CSD 02 (Manhattan)	800000069913	310200860992			3.00	2.50	2.70
23	Brownsville Collegiate Charter School	NYC CSD 23 (Brooklyn)	800000063979	332300860939		2.60	2.90	2.80	2.80
24	Buffalo United Charter School	Buffalo City School District	800000056182	140600860851	0.20	0.20	0.30	0.30	0.40
25	Central Queens Academy Charter School	NYC CSD 24 (Queens)	800000071161	342400861025					2.90
26	Child Development Center of the Hamptons Charter School	Wainscott Common School District	800000037440	580302860027	0.60	0.80	0.80	0.80	2.00
27	Children's Aid College Preparatory Charter School	NYC CSD 12 (Bronx)	800000071164	321200861026					2.60

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	Name	School District	Institution ID	SED #	2009	2010	2011	2012	2013
28	Community Partnership Charter School	NYC CSD 13 (Brooklyn)	800000045417	331300860810	3.00	3.00	3.00	3.00	3.00
29	East Harlem Scholars Academy Charter School	NYC CSD 04 (Manhattan)	800000070176	310400860995				2.10	1.60
30	Eugenio Maria De Hostos Charter School	Rochester City School District	800000050603	261600860811	2.20	2.00	2.80	2.20	2.10
31	Excellence Boys Charter School of Bedford Stuyvesant	NYC CSD 16 (Brooklyn)	800000056787	331600860860	2.30	2.10	2.50	2.30	1.90
32	Excellence Girls Charter School	NYC CSD 16 (Brooklyn)	800000064231	331600860938		2.40	3.00	3.00	3.00
33	Explore Exceed Charter School	NYC CSD 17 (Brooklyn)	800000071162	331700861027					2.20
34	Explore Excel Charter School	NYC CSD 18 (Brooklyn)	800000070559	331800860702				2.30	2.60
35	Family Life Academy Charter School	NYC CSD 09 (Bronx)	800000046302	320900860839	1.70	1.90	2.10	1.90	1.90
36	Girls Preparatory Charter School of New York	NYC CSD 01 (Manhattan)	800000057553	310100860866	1.80	1.70	1.50	0.50	2.20
37	Girls Preparatory Charter School of the Bronx	NYC CSD 08 (Bronx)	800000064291	320800860940		0.30	0.70	2.00	2.40
38	Grand Concourse Academy Charter School	NYC CSD 09 (Bronx)	800000057943	320900860872	2.00	2.00	2.00	2.50	2.90
39	Green Dot New York Charter School	NYC CSD 07 (Bronx)	800000061083	320700860920	2.10	3.00	3.00	3.00	3.00
40	Green Tech Charter High School	Albany City School District	800000059776	010100860907	2.10	0.90	1.90	0.90	0.30
41	Harbor Science and Arts Charter School	NYC CSD 04 (Manhattan)	800000047167	310400860812	1.70	1.70	2.10	1.70	0.70
42	Harlem Link Charter School	NYC CSD 03 (Manhattan)	800000058135	310300860875	2.40	2.90	3.00	2.60	2.30
43	Harlem Preparatory Charter School	NYC CSD 04 (Manhattan)	800000034143	310400860840	2.70	2.20	1.70	2.90	3.00
44	Harlem Village Academy Charter School	NYC CSD 05 (Manhattan)	800000056180	310500860848	2.10	1.80	2.30	2.10	1.60
45	Harlem Village Academy Leadership Charter School	NYC CSD 04 (Manhattan)	800000056181	310400860849	2.90	1.40	2.10	2.10	1.20
46	Heketi Community Charter School	NYC CSD 07 (Bronx)	800000070177	320700860703					2.50
47	Henry Johnson Charter School	Albany City School District	800000059286	010100860892	2.60	2.80	3.00	3.00	3.00
48	Icahn Charter School 1	NYC CSD 09 (Bronx)	800000046301	320900860835	2.20	2.50	2.90	2.90	2.50
49	Icahn Charter School 2	NYC CSD 08 (Bronx)	800000060418	321100860909	2.20	2.60	2.60	2.70	2.50
50	Icahn Charter School 3	NYC CSD 09 (Bronx)	800000061091	320900860917	2.30	2.80	2.90	3.00	2.90
51	Icahn Charter School 4	NYC CSD 11 (Bronx)	800000063983	321100860948		2.60	2.70	2.70	2.50
52	Icahn Charter School 5	NYC CSD 11 (Bronx)	800000067237	321100860982				2.40	2.30
53	Icahn Charter School 6	NYC CSD 09 (Bronx)	800000071154	320900861029				3.00	1.90
54	Innovate Manhattan Charter School	NYC CSD 01 (Manhattan)	800000070178	310100860996				1.30	0.20
55	Invictus Preparatory Charter School	NYC CSD 19 (Brooklyn)	800000070179	331900860997				2.10	2.10
56	King Center Charter School	Buffalo City School District	800000052431	140600860814	3.00	3.00	2.90	3.00	2.30
57	Kings Collegiate Charter School	NYC CSD 18 (Brooklyn)	800000059786	331800860908	3.00	3.00	3.00	2.90	3.00
58	KIPP Tech Valley Charter School	Albany City School District	800000057554	010100860867	0.60	0.90	2.20	3.00	1.00
59	Leadership Preparatory Bedford Stuyvesant Charter School	NYC CSD 13 (Brooklyn)	800000059311	331300860901	2.40	3.00	3.00	3.00	3.00
60	Leadership Preparatory Brownsville Charter School	NYC CSD 23 (Brooklyn)	800000063981	332300860942		2.20	2.40	2.50	2.50
61	Leadership Preparatory Ocean Hill Charter School	NYC CSD 23 (Brooklyn)	800000063980	332300860941			2.80	3.00	2.80
62	Manhattan Charter School II	NYC CSD 01 (Manhattan)	800000071163	310100861031					1.60
63	Merrick Academy - Queens Public Charter School	NYC CSD 29 (Queens)	800000042390	342900860821	1.20	1.00	2.00	2.70	2.70
64	New Hope Academy Charter School	NYC CSD 18 (Brooklyn)	800000067672	331800860983			0.70	0.10	0.60

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	Name	School District	Institution ID	SED #	2009	2010	2011	2012	2013
65	New Roots Charter School	Ithaca City School District	800000063986	610600860944		1.50	2.60	2.30	2.20
66	New Visions Charter High School for Advanced Math and Science	NYC CSD 10 (Bronx)	800000070185	321000860999				2.50	1.00
67	New Visions Charter High School for the Humanities	NYC CSD 10 (Bronx)	800000070186	321000860704				2.70	2.50
68	New World Preparatory Charter School	NYC CSD 31 (Staten Island)	800000067673	353100860984			2.10	2.30	2.50
69	Ocean Hill Collegiate Charter School	NYC CSD 23 (Brooklyn)	800000063977	332300860936			2.20	2.30	2.00
70	Oracle Charter School	Buffalo City School District	800000057555	140600860868	2.00	1.80	2.60	2.60	2.30
71	Our World Neighborhood Charter School	NYC CSD 30 (Queens)	800000042203	343000860836	2.70	2.50	2.80	2.80	2.60
72	ROADS Charter School I	NYC CSD 23 (Brooklyn)	800000070533	332300861007					2.10
73	ROADS Charter School II	NYC CSD 13 (Brooklyn)	800000070534	321200861010					2.20
74	Roosevelt Children's Academy Charter School	Roosevelt Union Free School District	800000049633	280208860024	3.00	3.00	3.00	3.00	3.00
75	Sisulu - Walker Charter School of Harlem	NYC CSD 03 (Manhattan)	800000047050	310300860804	2.00	1.20	1.30	-0.20	0.50
76	South Buffalo Charter School	Buffalo City School District	800000034163	140600860817	3.00	3.00	3.00	3.00	3.00
77	Success Academy Charter School - Bedford Stuyvesant 1	NYC CSD 14 (Brooklyn)	800000070173	331400861007				0.90	-0.10
78	Success Academy Charter School - Bedford Stuyvesant 2	NYC CSD 14 (Brooklyn)	800000071157	331400861022					0.30
79	Success Academy Charter School - Bronx 1	NYC CSD 07 (Bronx)	800000068332	320700860981			3.00	3.00	2.50
80	Success Academy Charter School - Bronx 2	NYC CSD 08 (Bronx)	800000068333	320900860980			3.00	3.00	2.60
81	Success Academy Charter School - Cobble Hill	NYC CSD 15 (Brooklyn)	800000071158	331500861023					-0.30
82	Success Academy Charter School - Upper West	NYC CSD 03 (Manhattan)	800000070184	310300861008				-0.40	-0.60
83	Success Academy Charter School - Williamsburg	NYC CSD 14 (Brooklyn)	800000071160	331400861024					0.10
84	Success Academy Charter Schools - NYC		800000081207	800000081207					2.50
85	Tapestry Charter School	Buffalo City School District	800000052433	140600860838	1.20	0.70	0.60	0.40	0.40
86	Tech International Charter School	NYC CSD 10 (Bronx)	800000071165	321000861032					1.90
87	True North Rochester Preparatory Charter School	Rochester City School District	800000059516	261600860906	2.30	2.00	2.10	2.40	2.60
88	True North Troy Preparatory Charter School	Troy City School District	800000061096	491700860931		2.70	2.10	2.20	2.30
89	UFT Charter School	NYC CSD 19 (Brooklyn)	800000059141	331900860891	1.20	-1.00	-0.50	-0.80	1.90
90	University Preparatory Charter School for Young Men	Rochester City School District	800000067651	261600860985		0.20	3.00	3.00	3.00

Total schools 201

NOTE: Prior to 2009, the data may not be complete and the composite score may not be accurate. If there is a blank field, it means no financial statements were received.

Appendix 3

Risk Assessment for CSP Desk Audits

To: Risk Assessment team
From: S. DuFour
Re: Risk assessment for selecting 2013-14 CSP desk audits
Date: 2/14/2014

Charter	Liaison	Authorizer	Academic Performance Concern	**Liaison/Authorizer Concern (0 = no CONCERN) to (3 = concern)** +	Financial Statement or Single Audit finding, count	**Financial Statement or Single Audit finding (0 = no risk) to (6 = high risk)** +	Management Letter Observation(s), count	**Management Letter Observation(s) (0 = no risk) to (6 = high risk) not by count of findings, if recurring increase weighting** +	**CSP AUP Issue(s) (count)** +	**Total**	**Highest Risk**
			Risk Factors- weighted								
Newburgh (per Blair)		R	NA	3		NA		NA	NA	**high**	Y
GLOBAL COMMUNITY CHARTER SCHOOL	JC	R	NA	2	2	2	5	6	2	**12**	Y
URBAN DOVE TEAM CHARTER SCHOOL	ES	R	NA	3			4	6	2	**11**	Y
ROCHESTER CAREER MENTORING CHARTER SCHOOL	CC	R	NA	2.5			11	6	1	**9.5**	Y
YOUNG WOMEN'S COLLEG	CC	R	NA	2	1 r	3	4	3	1	**9**	
NEW DAWN CHARTER HIGH SCHOOL	MM	R	NA	1			4	6	1	**8**	
MOTT HALL CHARTER SCHOOL	ES	R	NA	3					2	**5**	
DEMOCRACY PREP ENDURANCE CHARTER SCHOOL	ES	R	NA	0			2	2	2	**4**	
AMANI PUBLIC CHARTER SHOOL	VS	R	NA	1			1	1	1	**3**	
FAMILY LIFE ACADEMY CHARTER SCHOOL II		S	NA	1	2	3		2	2	**8**	
HEKETI COMMUNITY CHARTER SCHOOL		S	NA	0			1	2	1	**4**	
EXPLORE EXCEED CHARTER SCHOOL		S	NA	0				2	1	**3**	
BROOME ST ACADEMY CHARTER SCHOOL		S	NA	0			2	2	1	**3**	
ICAHN CHARTER SCHOOL #6		S	NA	0					1	**1**	

* r = recurring

* Y = ML required but not submitted, assigned a 2 for risk value (one for the observation(s) and one for the non submission)

* + = items added for Total

Note: no authorizer risk value assigned for SUNY schools

Appendix 4

Fiscal Oversight Guidebook

NEW YORK STATE EDUCATION DEPARTMENT

Fiscal Oversight Guidebook

A Guide for Charter School Leaders, Employees, and Boards of Trustees

Public Comment DRAFT

November 2013

The Regents of the University of the State of New York
Charter School Office
89 Washington Avenue
Albany, NY 12234
(518) 474-1762
www.p12.nysed.gov/psc/
charterschools@mail.nysed.gov

The New York State Department of Education

The mission of the New York State Education Department (NYSED) is to raise the knowledge, skill, and opportunity of all people in New York. The organization's vision is to provide leadership for a system that yields the best educated people in the world. As part of the University of the State of New York, NYSED consists of vastly interconnected and comprehensive educational services and is one of the largest educational systems in the United States.

NYSED comprises the following main branches, which operate under the guidance and management of the Board of Regents and the Commissioner of Education, respectively.

Office of P-12 Education

The Office of P-12 Education oversees all programs for students in pre-Kindergarten through 12th grade. This division has diverse and extensive responsibilities, including:

- Accountability
- State Assessments
- Curriculum, Assessment, and Educational Technology
- Information and Reporting Services
- School Innovation
- School Operations
- Special Education
- Special Initiatives, such as Race to the Top

Office of Higher Education

This division oversees colleges, universities, and proprietary schools. The Office is also responsible for the certification of teachers and other school professionals and oversees programs to improve teacher preparation and recruitment.

Office of Adult Career and Continuing Education Services

This division focuses on the education and employment needs of New York State's adults, and is responsible for Vocational Rehabilitation, Adult Education, GED testing, and the Bureau of Proprietary School Supervision.

Office of Cultural Education

The Office of Cultural Education includes the State Archives, the State Museum, and the Public Broadcasting Office. These institutions are responsible for increasing the knowledge and information resources of state and local government, businesses, and individuals. The Office

Public Comment DRAFT

supports research, operates programs, and develops collections that serve the long-term interests of the people of the State of New York.

Office of Performance Improvement and Management Services

This division includes the Offices of Human Resources, Information Technology, Facilities and Business Services, State Review Office and External Audits.

Chief Financial Office

CFO includes the offices for Fiscal Services, Budget Coordination, Education Finance, Internal Audit, and Internal Controls.

Office of the Professions

This office oversees the preparation, licensure, and practice of the professions. Currently, there are 48 professions defined in and regulated by Title VIII of the Education Law.

Office of Counsel

The Office of Counsel (OC) serves as legal counsel to the Board of Regents, the Commissioner of Education, and the State Education Department. The office's mission is to provide the Regents, the Commissioner and Department staff with legal counsel and services that enable them to establish education policy and comply with the law.

An organizational chart for NYSED can be found at http://www.oms.nysed.gov/orgchart/.

About the Charter School Office

As part of the administrative arm of the Board of Regents, the Charter School Office (CSO) works to create and sustain excellent educational options for New York State's families and K-12 students. The Office meets this objective through the authorization of high quality charter schools, fair and transparent oversight of all charter schools, and the dissemination of innovative school designs and practices.

Mission Statement

The mission of the New York State Education Department Charter School Office is to create and sustain excellent educational options for New York State families on behalf of the Board of Regents through high quality charter school authorizing, fair and transparent oversight of all charter schools, and the dissemination of innovative school designs and practices.

Comment DRAFT

About the Fiscal Oversight Guidebook

The Fiscal Oversight Guidebook provides a comprehensive fiscal resource for charter schools authorized by the Board of Regents and the New York State Education Department as well as for prospective charter school applicants. As reflected in the Table of Contents on the following pages, the Guidebook offers charter school leaders and applicants extensive, detailed information on the expectations related to financial accountability, per the New York State Charter Schools Act. The Guidebook also details policies and practices related to sound fiscal management and internal controls, management of federal and state funding streams, and the continual monitoring and oversight of a school's financial health and stability by school leaders and Trustees.

Aligned with the New York State Education Department's regulatory and renewal policies, the Guidebook also provides substantial information on the processes and criteria used by the Charter School Office (CSO) to understand and determine if the school is operating in a fiscally sound manner and progressing toward a charter renewal, from the point of application continuously through the term of the charter. As illustrated in various sections of the Guidebook, these processes, such as site visits, independent financial audits, dashboards, and an audit guidebook will assist schools in becoming and remaining financially viable and sustainable organizations.

The Board of Regents joins the CSO in our sincere hope that this Guidebook serves as a valuable resource throughout the various stages of your charter school's development and operation.

November 2013
Charter SchoolOffice
New York State Education Department

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Acknowledgement

Much of the information provided in this Fiscal Oversight Guidebook was derived from exemplar materials created by nationally recognized charter school authorizers and other supporting organizations that disseminate policies and procedures aimed at increasing the number of high quality charter schools. The Board of Regents and the New York State Education Department (NYSED) wish to specifically acknowledge and thank the State University of New York's Charter School Institute for allowing us to adopt and incorporate many components of their Financial Oversight Handbook.

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A Reader's Guide to the Fiscal Oversight Guidebook

To help you understand the purpose of each section of the Fiscal Oversight Guidebook, this Reader's Guide provides a brief description of the topics covered in each and serves as a quick reference to help you determine where best to find more detailed information.

Frequently Asked Questions
This section provides answers to the most commonly asked questions about the Charter School Office (CSO) financial oversight process. Please note that this information is for a school's convenience and is neither comprehensive nor a replacement for more detailed sections of the Guidebook.

Overview
This section provides schools with a sense of the various monitoring activities undertaken by NYSED and the CSO as part of its ongoing financial oversight and evaluation process. This section also discusses information gathered through means other than the primary monitoring activities that inform the CSO's assessment of each school's fiscal soundness.

Application Review
The financial oversight process begins with the review of an initial application for a charter school. This section is limited to some of key fiscal items required for approval. Separately, the CSO publishes a comprehensive School Application Kit to assist potential applicants with the requirements of submitting an application. This Application Kit is located at: http://www.p12.nysed.gov/psc/startcharter.html

CSP Grants and Other Funding Sources
All charter schools are eligible to receive certain stream of public funding, including the Charter School Planning Grant (CSP) and per pupil funding. As part of New York State's $113 million federal Charter School Program (CSP) grant, each new charter school is eligible to receive a CSP Planning and Implementation subgrant with a base amount of $500,000 over a three year period (planning year, implementation year 1, and implementation year 2). Per pupil funding is a calculation that is derived using the individual as well as the total NYS Approved Operating Expenses (AOE) and Total Aidable Pupil Units (TAPU). In addition, all charter schools are eligible to receive Title I and Title II funding through No Child Left Behind, and some may be eligible for Title III based on number of non-English speaking students in the school. Other funding streams are available on a competitive basis.

Initial Statement
Each school is required to maintain appropriate governance and managerial procedures and financial controls. A key step in this process is the requirement that the school provide an "initial statement" of the status of its management and financial controls during its first year of operation. The CSO requires that a school engage an independent accountant to perform the agreed-upon procedures that will assist school trustees and CSO in evaluating financial practices, and to bolster

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the comprehensiveness of the statement. The school must remedy any material deficiencies in collaboration with the CSO.

Annual Budget and Quarterly Reporting

Schools should develop balanced budgets that account for all program needs. All schools are required to submit a budget annually, with revisions submitted quarterly, as necessary. If a material change (please see http://www.p12.nysed.gov/psc/documents/RevisionQA.pdf for information on material changes) in the school's program occurs (e.g. enrollment increase/decrease, change in the grade levels to be served, change in facility,) the school must also submit a revised budget to the CSO demonstrating the financial impact of that material change. The CSO reviews each budget submission and assesses the overall reasonableness of underlying assumptions. The budget establishes a school's spending priorities and the spending authority needed to operate the school.

Audits

An annual audit of each school's financial statements must be conducted by an independent certified public accountant in accordance with *Government Auditing Standards*. This section of the Guidebook explains that the independent auditor's opinion should be unqualified, the school should be generating positive operating cash flow, and overall net assets should be positive or not materially deficient. Failure to submit an independent audit report in a timely manner negatively affects the school's compliance record. If the audit identifies any weaknesses or problems, the school is then required to prepare a corrective action plan addressing each suggestion for consideration by management contained in the compliance section of the audit report. These schools must also include a timetable that identifies the date by which it will complete each corrective step.

Fiscal Dashboard

The Fiscal Dashboard provides a simple yet dynamic and easy to understand tool to view financial data. It provides a visual overview of the fiscal health and trends of any NYSED authorized charter school that has completed one year of operation and has submitted financial statements, including balance sheets, income statements, and cash flow and functional expense statements.

Site Visits

The CSO is responsible for monitoring the extent to which each charter school fulfills its fiduciary role, and therefore, during a school site visit, may conduct a thorough review of the school's financial records, policies, and procedures in place depending on the Fiscal Dashboard Composite Score and/or to supplement ongoing desk audit procedures. The structure of these financial reviews, which rely heavily on inquiry and observation, align closely with fiscal renewal benchmarks.

Renewal Visit Protocol

In order for the CSO to make a positive recommendation for the renewal of a school's charter to the Board of Regents, it must find that the school has the ability to operate in an educationally and fiscally sound manner. In addition, the fiscal and facility plans for a proposed new school's charter term must be reasonable, feasible, and achievable. While the CSO has specific criteria by which to evaluate annually each school during the first charter term, renewal decisions weigh the totality of

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evidence gathered over the full charter term. Subsequent renewal decisions, however, are based almost solely on the school's progress toward meeting its specified charter goals during the charter period.

Internal Control Practices

Charter schools are expected to have certain defined and effective internal controls in place in order to affirm for school leaders, trustees, and authorizers that academic and operational goals are being achieved, that all laws and business practices are being followed, and that accurate and reliable financial data is being maintained. Charter school operators are urged to compare the practices contained in this document to practices currently in place at your school or school network as a way to determine if your internal controls can or should be improved.

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Frequently Asked Questions about Fiscal Oversight

1. **What laws, rules, and regulations apply to charter schools?**

   Public charter schools in New York State are subject to all of the laws, rules and regulations affecting health and safety, civil rights, and student assessment applicable to other public schools except as specifically provided in the Charter Schools Act. Charter schools are also subject to the Open Meetings Law and the Freedom of Information Law as well as certain requirements of the compulsory education law. Charter schools otherwise have a blanket waiver from all state and local rules, regulations, and laws applicable to public or private schools, boards of education, and school districts, except as specifically provided in the school's charter or the Charter Schools Act.
   Reference: §2854.1 (a) and (b); Ed. Law § 2854(1)(e)

2. **Must charter schools comply with federal laws and regulations?**

   Public charter schools are subject to many of the same federal, constitutional, statutory, and regulatory requirements applicable to other public schools, including laws governing special education and the provision of instruction to students who are English Language Learners. However, how precisely these laws apply depends on the status of the charter school under the specific provisions of federal law and the Charter Schools Act. Reference: §2854.1 (a) and (d)

3. **Can a charter be revoked or terminated?**

   Based on the CSO's newly established Performance Framework for school achievement, the Board of Regents may revoke a school's charter if student achievement falls below the level that would allow the State Commissioner of Education to revoke the registration of another public school, and there is no improvement in achievement over the next three school years. This Performance Framework is now included in new charter contracts as schools are approved or renewed and can be found at: http://www.p12.nysed.gov/psc/OversightPlan.html. In addition, a charter can be revoked for serious violations of law, for violation of the charter, including fiscal mismanagement, or for violations of the civil service law regarding discrimination against employees.
   Reference: §2855.1 (a) through (d)

4. **Can a charter school take out a mortgage?**

   A charter school may pledge, assign, or encumber its assets to be used as collateral for loans or extensions of credit. However, a charter school may not pledge or assign school aid operating funds that it receives from local school districts in connection with the purchase or construction, acquisition, reconstruction, rehabilitation, or improvement of a school facility. Accordingly, a

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charter school may obtain a mortgage so long as the lender does not require that the mortgage be secured by the school's school aid payments.
Reference: §2853.1 (b)

5. What accounting principles must a charter school follow?

A charter school must follow generally accepted accounting principles for not-for-profit organizations. Charter schools should refer to FAS 117 which establishes standards for general-purpose external financial statements provided by a not-for-profit organization. A useful link on FAS 117 is located at: FAS 117.

6. For the purposes of federal awards, what cost principles should a charter school follow?

As a local education agency for federal awards, charter schools should follow Office of Management and Budget (OMB) Circular A-87 through fiscal year July 1, 2014 – June 30, 2015. This Circular establishes principles and standards for determining costs for federal awards carried out through grants, cost reimbursement contracts, and other agreements with state and local governments and federally-recognized Indian tribal governments (governmental units).

On December 26, 2013, OMB published its comprehensive overhaul of federal grant administrative, cost accounting, and audit policies which supersedes and combines the requirements of eight existing OMB Circulars (A-21, A-50, A-87, A-89, A-102, A-110, A-122 and A-133). The Final Guidance will be effective on **December 26, 2014,** one year after the publication date. Audit Requirements will apply to audits of fiscal years beginning on or after December 26, 2014. For many institutions, this will result in the audit requirements becoming effective for the fiscal year July 1, 2015 – June 30, 2016

7. Must charter school obtain an independent audit?

Yes. The Charter Schools Act of 1998 requires that a charter school shall be subject to the financial audits, the audit procedures, and the audit requirements set forth in the charter. Such procedures and standards shall be applied consistent with generally accepted accounting and auditing standards and *Government Auditing Standards*. This requirement is also included in each school's charter. An Audit Guide for Charter Schools is located at: *Audit Guide*

8. Where do I find out more about charter school financing?

NYSED has a list of questions and answers regarding the financing of charter schools pursuant to Section 2856 of the Education Law and part 119 of the Regulations of the Commissioner of Education on its website at the following address: https://stateaid.nysed.gov/charter.

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Purposes, Procedures, and Activities for Fiscal Oversight

The application process to operate a charter school culminates with the actual creation of the school's charter -- a formal contract between the school's Board of Trustees and its authorizer. As detailed in Charter Schools Law Article 56 Section 2853(a), the Board of Regents, upon approval of a charter, incorporates the school as an education corporation for an initial term not to exceed five years. All education corporations must apply to renew their charters. Following the Charter School Law amendments made in June 2010, Article 56 Section 2853 (b-1) further states that an education corporation can now operate more than 1 school and/or can house any grade at more than one site, provided that a charter has been issued for each school or site.

The executed charter lays out responsibilities and requirements for the full charter term with respect to the school's educational program, fiscal and operational matters, compliance and legal issues, and matters relating to governance. Therefore, each school's Board of Trustees and leadership team must be thoroughly familiar with all aspects of this document.

It cannot be emphasized enough that while the primary purpose of a charter school is the education of children, compliance with the charter and applicable law as well as fiscal stability, are necessary facets of each school's viability. As such, the CSO comprehensive program of oversight and evaluation of Regents-authorized charter schools, consistent with the New York Charter Schools Act of 1998 ("Charter Schools Act"), encompasses the effectiveness of the educational program in improving student learning and achievement as well as the school's record of regulatory and charter accountability, including financial stability.

The CSO focuses fiscal oversight on several interrelated concepts that relate to fiscal soundness. These include:

- effective financial oversight by the school's Board of Trustees
- realistic budgeting and ongoing budget monitoring
- maintenance of appropriate internal controls and procedures
- timely and accurate financial reporting
- maintenance of adequate financial resources to ensure stable operations

CSO oversight is ongoing and consists of financial document reviews, site visits, and follow-up with schools as needed. Gross failure to maintain financial viability and utilize sound financial management practices will ultimately result in a school being required to develop and implement a corrective plan, being on probation, or in the case of material and substantial fiscal mismanagement, being subject to charter revocation.

Ultimately, the Board of Regents and the CSO hold the charter school's Board of Trustees directly responsible for the school's programs and finances. The CSO has neither the resources nor the inclination to supplant the board's responsibilities and is interested instead in ensuring that charter

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schools have both the autonomy to which they are entitled and the public accountability for which they are responsible.[1]

In designing its system of financial oversight of charter schools, the CSO was guided by the following basic tenets:

- Public funds must be spent appropriately and with ample transparency
- Achieving compliance with school finance requirements should not be onerous, but a natural outgrowth of a financially viable and effectively functioning school
- Each school's independence and autonomy are respected

Feedback to a charter school's Board of Trustees is provided both formally through letters and/or reports typically following annual or periodic school site visits (including renewal site visits) and informally either verbally or in writing throughout the charter period. Although information provided through formal and informal feedback is not generally intended to be prescriptive, the CSO expects a school's Board of Trustees to thoroughly review identified issues, and, to the extent appropriate, use such feedback to guide the school's leadership team to further develop the school's program or other aspects of the school, including financial management policies and practices.

A school's ability to operate in a fiscally sound manner is an ongoing challenge. Each component of fiscal soundness must be maintained and updated as conditions warrant. The following crosswalk displays the primary monitoring activities used by the CSO and how they relate to charter renewal benchmarks. This crosswalk reflects the major, but not all, monitoring activities conducted by the CSO.

Crosswalk between Renewal Fiscal Benchmarks and Primary Monitoring Activities

	Renewal Fiscal Benchmarks			
Primary Monitoring Activities	Budgeting and long-range planning	Internal Controls	Financial Reporting	Financial Condition
Application Review	X	X	X	X
Initial Statement		X	X	
Annual Budget and Cash Flow	X	X	X	X

[1] NACSA, Principles & Standards for Quality Charter School Authorizing

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Quarterly Report of Income and Expense	X	X	X	X
Audits		X	X	X
Site Visits	X	X	X	X
Renewal	X	X	X	X

X = Benchmark addressed by monitoring activity

It should be noted, CSO fiscal oversight is not limited to the primary monitoring activities outlined in the above chart and throughout this Guidebook. For example, charter schools are eligible for State, Federal and private grants. The CSO, therefore, uses information and reports pertaining to participation in these programs as part of its ongoing analysis of the effectiveness of a school's fiscal management procedures. Information is also gleaned from school inspection visits conducted by NYSED's academic program staff and consultants (when necessary).

In conducting ongoing fiscal oversight and in making initial renewal recommendations, CSO considers the totality of evidence in determining whether a school is operated in a fiscally sound manner. Similarly, the significance, or materiality, of financial-related weaknesses or deficiencies is appropriately considered when assessing potential instances of fiscal mismanagement.

More complete information regarding the CSO monitoring plan and the criteria used to evaluate a school's fiscal health can be found at:
http://www.p12.nysed.gov/psc/documents/NYSEDMonitoringPlanSeptember2011.pdf

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Review of the Initial Proposal to Establish a Charter School

Purpose

To recommend that the Board of Regents approve a charter school proposal, the NYSED CSO must make a legal finding that the charter school applicant can demonstrate the ability to operate the school in a fiscally sound manner. The purpose of the fiscal review of the initial proposal is to make this determination within the context of the overall review of a proposal.

Completing a charter school proposal is an extensive process that takes considerable time and effort on the part of the applicant(s). The law requires a great deal of information to demonstrate that a proposed charter school will operate in an educationally, fiscally, and organizationally sound manner. Moreover, the proposal review process is a competitive one; the CSO recommends only those proposals that have the greatest likelihood of resulting in the establishment of a high performing charter school for approval by the Board of Regents. The CSO publishes a comprehensive Application kit (http://www.p12.nysed.gov/psc/startcharter.html) to assist potential applicants with the requirements of developing and submitting a proposal. Prospective applicants should refer to the Application Kit for the most current requirements. This Guidebook is not intended to include all fiscal requirements of a new school proposal, but only to touch on those most germane to the fiscal operations of the school.

Procedure

Proposals to establish new charter schools receive an initial review by staff of the CSO to determine whether each proposal meets minimum eligibility requirements for further consideration. Those proposals that do not meet the minimum requirements receive no further review. In general, proposals that pass the initial eligibility review undergo an in-depth review by staff and an external panel of experts, including charter school operators, charter authorizers from other states, experts in curriculum, assessment, accountability and not-for-profit management, education researchers, and other individuals with relevant expertise.

CSO staff review each proposal from an academic, fiscal, and legal perspective to determine if the school described in the proposal is likely to improve student learning and achievement, meet the requirements of the Charter Schools Act, and operate in an educationally, fiscally and organizationally sound manner. The CSO internal review team pays close and special attention to the proposal's coherence, the academic, operational, and financial feasibility of the proposed charter school, and the experience, skills, and capacity of the founding team and the proposed school's partners, if any.

The initial proposal, consistent with the overall evaluation of the proposal as a whole, involves a review of required documents and interviews of the applicant and prospective charter school board members. The main areas examined by the fiscal evaluation are as follows:

1. ***The proposed school program***

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The rationale, mission statement, and key design elements provide an overview of the proposed school's design; the description of the academic program includes critical areas such as curriculum, instruction, and assessment. Overall, the initial proposal must present a coherent description of the applicant's plans to implement the school, including a thorough description of community support and efforts the applicant has made to solicit community feedback about the proposal. The proposed enrollment and grades to be served must be consistent with applicable law and be reasonable. The planned organizational structure, leadership and proposed board members, and staffing roster must all provide evidence that the school will be educationally, operationally, and fiscally viable. In addition, the proposal must demonstrate that the proposed academic program and organizational structure are conducive to recruiting and retaining target student populations as set forth in the Charter Schools Act.

2. *Required disclosures*

The applicant must provide evidence of adequate community support for, and interest in, the charter school sufficient to demonstrate that the school is likely to reach its anticipated enrollment. In addition, the applicant must provide an assessment of the projected programmatic and fiscal impact of the school on other public and nonpublic schools in the area. Internal review of the proposal includes an assessment of the adequacy of these disclosures. The CSO also reviews the proposal for evidence of the types and amounts of insurance coverage to be obtained by the school, which shall include adequate coverage for liability, property loss, and personal injury to students. A description of the health and food services to be provided to students attending the school will be reviewed to determine if the fiscal impact has been appropriately contemplated. The manner in which the applicant will comply with requirements and procedures for programmatic and independent fiscal audits and procedures to be followed in the case of the closure or dissolution of the charter must also be described. Failure to fully comply with disclosure and other requirements can lead to the conclusion that the proposal does not merit further review.

3. *Fiscal Soundness*

The applicant must provide a proposed budget and fiscal plan for the school, including supporting evidence that the fiscal plan is sound and sufficient start-up funds will be available to the charter school. The applicant must also describe in detail the school's financial planning process and the fiscal impact of the school on other public and non-public schools in the area. A comprehensive narrative describing the fiscal plan is just as important as completing required spreadsheets supporting the budget. A narrative response that meets the standard will:

- Describe the school's process for <u>having</u> independent fiscal audits conducted at least once annually, with such audits being comparable in scope to those required of other public schools. Demonstrate understanding of the school's financial management obligations
- Present evidence that the school is prepared to adhere to generally accepted accounting practices

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- Present evidence that the school will have or has capacity to develop adequate policies and processes for tracking enrollment and attendance eligibility, eligibility for free- and reduced- priced breakfasts and lunches; special education services and other services for special populations of students

The CSO requires applicants to provide the following budgets and cash flow projections as follows:

- Projected budget/operating plan for pre-opening period
    - Projected monthly cash flow for pre-opening period
- Projected budget/operating plan for year one
    - Projected monthly cash flow for year one of operation
- Projected budget and yearly cash flow for initial charter period (five years)

Templates must be used for the above budgets and cash flow projections. An active version of the template (including accompanying worksheets) may be downloaded from the CSO website at http://www.p12.nysed.gov/psc/startcharter.html. Templates may not be amended.

The start-up and five year budget is reviewed for consistency with past budget experience and trends demonstrated by schools previously approved by the CSO. Costs and related assumptions are reviewed for completeness and consistency, and specifically to determine if the proposal includes cost categories that can reasonably be expected in the start-up phase of the school. Any and all contributions or private grant funds contained in the school budget must be supported by letters of commitment from the funding sources detailing the amount and uses for the funding should the school be approved and the funds provided.

The annual budgets and the five year budget are analyzed in detail for reasonableness and completeness using the following steps:

- Financial Metrics are within the appropriate range for NY charter sector (see Financial Dashboard section, and Benchmark 4 of CSO Performance Framework http://www.p12.nysed.gov/psc/OversightPlan.html)

- Recalculation of capitation revenue based on the number of proposed students and the adjusted expense per pupil (approved operating expense / total aidable pupil units) to be received from the charter schools of residence enrolled students

- Review of Federal and State grants estimates

- Review of the viability of other proposed revenue sources

- Recalculation of costs based on the assumptions made throughout the proposal

- Review of baseline salary amounts and salary projections based on the geographical location of the proposed school, the needs of the targeted student population, and actual salary data for geographically proximate charter and

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other public schools. Personnel and salary assumptions are also compared to projections contained in the staffing plan.

- Verification that staffing needs described throughout the narrative of the proposed program are reflected in the budgets.

- Determination whether reasonable inflation factors area reflected in the budgets.

- Assessment regarding the completeness and reasonableness of projected costs related to the proposed facilities plan.

The CSO will request clarification and additional financial information as needed on an application-by-application basis.

Approval or Non-approval

Based on the totality of the findings by all reviewers (internal and external, where appropriate), CSO will recommend for approval to the Board of Regents those proposals which are both legally sufficient and which provide the greatest likelihood of academic success and fiscal and organizational soundness. Where a proposal does not meet these requirements, the CSO will inform the applicant(s) of its recommendation as well as options available (withdrawal of the proposal from consideration, or likely rejection of the proposal by the Board of Regents based on the negative recommendation of the CSO).

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Charter School Planning and Implementation Grant

As part of New York State's $113 million federal Charter School Program (CSP) grant, each new charter school is eligible to receive a CSP Planning and Implementation subgrant with a base amount of $500,000 over a three year period (planning year, implementation year 1, and implementation year 2). (*Please note that CSP grants are not awarded to charter schools affiliated with CMOs that have received federal CSP funds through the Charter Schools Program (CSP) Grants for Replication and Expansion of High-Quality Charter Schools (CFDA 84.282M), since accessing both funding streams is not permitted by the U.S. Department of Education.)* CSP grants may be applied for separately or as part of the charter school application kit, as the eligibility requirements of the grant application are integrated into the overall application process for a public school charter.

Consistent with the priorities articulated in the charter application kit, some applications will qualify for enhanced CSP funding of up to $750,000 in total. This increased subgrant award will be available for new charter schools that are specifically designed to address the needs of high-risk student demographic groups, such as:

- students with disabilities
- students who are English language learners
- students who are over-aged, under-credited, or at risk of not graduating from high school
- students who live in under-served rural communities

Increased subgrant awards are also available to schools located in communities seeking racial diversity; schools proposing to serve students who currently attend persistently low performing schools, schools that will implement technology-rich or blended instructional programs, or schools that are replications of existing high-quality charter school models.

Please note that the selection of applicants to receive the increased amount of CSP funding will be based on information provided in the schools' charter applications and not on responses or bonus points in the grant applications.

Grant Fund Use

Grant funds may be used for:

1. Planning and program design of the charter school educational program (prior to the arrival of students), which may include:

- Refinement of the desired educational results and of the methods for measuring progress toward achieving those results
- Professional development of teachers and other staff who will work in the charter school

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2. Initial implementation of the charter school (after doors open to students) which may include:

- Informing the community about the school
- Acquiring necessary equipment and educational materials and supplies
- Acquiring or developing curriculum materials
- Other initial operating costs that cannot be met from State or local sources

Full guidance for allowable and unallowable uses of grant funds can be are described in *Section D. Use of Grant Funds* (starting on page 15) of USED's CSP 2011 Non-regulatory Guidance, which can be found at http://www.p12.nysed.gov/psc/grants.html.

All CSP award recipients must submit semi-annual and annual performance reports describing the progress that has been made toward meeting the project goals and, if the grant is to continue, a description of the upcoming year's activities associated with the grant must be included. Continuation awards in Years 2 and 3 of the grant period are contingent upon successful completion of project goals and objectives. CSP award recipients will be provided with copies of the report formats and the submission information.

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Other Funding Opportunities Available

Regular Education Per-Pupil Funding

As public schools, charter schools are funded by public tax dollars that pass through the student's school district of residence. A portion of the per-pupil amount that a school district spends follows a student to the charter school. The following link provides information on current and historical charter school tuition rates: https://stateaid.nysed.gov/charter/

The Charter School Per Pupil Funding formula is a calculation that is derived using the individual as well as the total NYS Approved Operating Expenses (AOE) and Total Aidable Pupil Units (TAPU).

AOE is comprised of Total General Fund Expenses (TGFE) for NYS (or district) adjusted subtracting out the Total Deductible Revenues and Expenses.

Examples of Deductible Revenues include, but are not limited to:

- Health Services for Other Districts
- Textbook Aid
- Computer Hardware and Software

Examples of Deductible Expenses include, but are not limited to:

- Transportation Expenses
- Debt Service (principal and interest) for School Construction
- Refunds on Real Property Taxes
- Tuition

To demonstrate this formula for FY 2010-11 (the last year a formula was used to come up with charter school per pupil funding), the Albany School District will be used as an example.

The formula is comprised of FIVE major steps/components:

STEP/COMPONENT 1

Component 1 takes the AOE divided by the TAPU for each district for ***two*** years prior, in this case 2008-09. Albany in 2008-09 had an AOE of $157,603,071 and a TAPU of $12,521.
$157,603,071 / $12,521 = 12,587

To locate this information go to: https://stateaid.nysed.gov/sams/sams_info.htm and click on 'SAMS Public Reports'. Select the '2009-10' Claim Year then click the 'Submit' button. Select 'Albany City SD – 010100'. AOE can be located by selecting '2009-2010 - Approved Operating Expense Report (AOE)', line 53. TAPU can be located by selecting '2009-2010 - Attendance Output Report (ATT)', line 134.

STEP/COMPONENT 2

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Component 2 utilizes the Total NYS (sum of all districts) AOE from ***three*** years prior, in this case 2007-08. 2007-08 NYS AOE = $39,185,601,451

STEP/COMPONENT 3

Component 3 utilizes the Total NYS (sum of all districts) AOE from ***one*** year prior (previous FY), in this case 2009-10. 2009-10 NYS AOE = $43,841,327,625

STEP/COMPONENT 4

Component 4 takes the previous year's Total NYS AOE (step/component 3) divided by the three years prior Total NYS AOE (step/component 2) to derive a percentage that will be used to determine the new per pupil rate.

$43,841,327,625 / $39,185,601,451 = 111.8%

STEP/COMPONENT 5

Component 5 takes the percentage derived in step/component 4 and multiplies by step/component 1 to determine the district per pupil rate, in this case 2010-11. Using Albany, 111.8% x 12,587 = $14,072

The table below shows how the per pupil amounts were calculated for Albany, NYC, Rochester and Buffalo:

		1	2	3	4
		2008-2009	**2007-2008**	**2009-2010**	**2010-2011 CSP**
		AOE/TAPU	**AOE**	**AOE**	**(2008-2009 AOE/TAPU)**
					X
	STATE TOTALS		39,185,601,451	43,841,327,625	**111.8%**
District					
010100	ALBANY	12,587	146,169,676	169,718,143	**14,072**
140600	BUFFALO	10,738	488,169,739	599,450,566	**12,005**
261600	ROCHESTER	11,115	459,367,685	484,762,931	**12,426**
300000	NEW YORK CITY	12,100	14,732,381,291	16,457,826,608	**13,527**

Please note that a school year and state aid year are different, for example the 2012-2013 school year would relate to state aid year 2013-2014.

Special Education Per Pupil Funding Breakdown

The Charter School Special Education Per-Pupil Funding formula is a calculation that is taken from the NYSED Calculation of High Cost Public Excess Cost Aid Report. The following link provides information on this calculation along with calculation worksheets that can be used to calculate

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State Aid attributable to a student with a disability attending a Charter School: https://stateaid.nysed.gov/charter/.

A helpful website for Regular and Special Education Funding can be found at: **https://stateaid.nysed.gov/charter/pdf_docs/charterqa_05.pdf**

No Child Left Behind (NCLB)

The No Child Left Behind Act of 2001 (NCLB) was a reauthorization of the Elementary and Secondary Education Act (ESEA), the main federal law affecting education from kindergarten through high school. NCLB is based on four principles: accountability for results, more choices for parents, greater freedom for states and communities for more local control and flexibility, and an emphasis on using proven education methods based on scientific research.

All charter schools are eligible to receive Title I and Title II funding through No Child Left Behind, and some may be eligible for Title III based on number of non-English speaking students in the school. The bulk of the Title I, II, and III funding is available to schools through formula allocations and is requested through a Consolidated Application submitted annually in August.

Title I, Part A (Improving Basic Programs Operated by Local Education Agencies) provides financial assistance to LEA's and schools with high numbers or high percentages of disadvantaged students to help ensure that all children meet challenging academic standards.

Title II, Part A provides funds to all LEA's for the purposes of meeting NCLB highly qualified teaching requirements, by:

- Providing high quality professional development to ensure that teachers become, and remain, highly effective in helping all students to learn and achieve high performance standards
- Meeting "highly qualified teacher" requirements for core course teaching through effective teacher recruitment, retention, and professional development practices
- Ensuring strong instructional leadership through effective principal recruitment, retention, and professional development practices

Title III provides funding for language instruction for Limited English Proficient (LEP) and immigrant students. However, because of their small size, most charter schools are ineligible to receive Title III funding as separate LEAs. This funding is based on the number of LEP and immigrant students enrolled, and to be eligible, LEAs must receive an allocation of $10,000 or more. LEAs with allocations of less than $10,000 may only apply as part of a consortium.

More information on No Child Left Behind can be found at http://www.p12.nysed.gov/nclb/.

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New York State Stimulus Fund Grants

Periodically, SUNY's Charter Schools Institute releases an RFP for New York State Stimulus Find grants. These grants are generally provided to schools for expenses associated with 1) the acquisition, renovation or construction and financing of charter school facilities not located in free public space, or 2) technology. Proposals from schools that have a demonstrated record of positive student outcomes or that demonstrate compelling need for the project receive priority.

Other State and Federal Grants

Both NYSED and the Charter Schools Institute post grant opportunities, including both Federal and State grants, on their websites. The links to these postings are:

http://www.p12.nysed.gov/funding/home.html

http://www.newyorkcharters.org/schoolsGrantOpps.htm

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Initial Statement Process and Review

Purpose

Charter schools approved by the Board of Regents are required to maintain at all times appropriate governance and managerial procedures and financial controls. During the first year following charter approval, each school must go through the Initial Statement Process and Review demonstrating to the CSO that the school has established adequate financial policies, procedures, and controls.

The required Initial Statement Process and Review provides reasonable assurance that the school can operate in a fiscally sound manner, beginning upon charter approval, and that sufficient procedures are in place to allow the school to begin implementing its education program effectively and guard against misuse of public funds. This requirement is designed to be a safety net for both new school operators and the CSO as a steward of public funds.

Procedure

Initial Statement Letter

Section 5.1 of each school's charter agreement requires the School Corporation to maintain appropriate governance and managerial procedures and financial controls. To demonstrate that these have been sufficiently established, new schools are required to provide an "*Initial Statement"* letter. Prior to providing this Statement, the school must first develop and actualize appropriate financial management controls and Board approved financial policies and procedures (FPP). The components that must be addressed in the Initial Statement letter provide a good checklist of the controls that a newly approved school needs to consider and address.

The Initial Statement letter must be reviewed and ratified by the school's Board of Trustees. The School Corporation shall provide a copy of its Initial Statement letter to the CSO no later than one hundred-twenty (120) days from the effective date of the school's charter. For example, if the effective date of the charter agreement is January 1st, then the Initial Statement letter is due to the CSO by May 1st of that same year.

The Initial Statement letter should address whether the School Corporation has established, documented, and implemented adequate internal financial controls and procedure controls relating to:

a. Preparation and maintenance of financial statements and records in accordance with generally accepted accounting procedures (GAAP)

b. Payroll procedures

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c. Accounting for contributions and grants

d. Procedures for the creation and review of interim and annual financial statements (should specify, the individual(s) that will be responsible for preparing and reviewing such financial statements and ensuring that they contain valid and reliable data)

e. Existence of Appropriate internal financial controls and procedures

f. Safeguarding of assets including cash and equipment

g. Compliance with applicable laws and regulation

h. Ensuring that the purchasing process results in the acquisition of necessary goods and services at the best price

Following appropriate guidance relating to a code of ethics, budget development and administration and cash management and investments.

In demonstrating status of afore mentioned controls the school should include:

1) A description of the control

2) If the control is currently operational

3) Who at the Charter School is responsible for the control

Audit Engagement Letter for Initial Statement Agreed-Upon Procedures

The School Corporation must also retain an independent certified public accountant (CPA) or independent certified public accounting or audit firm licensed in New York State to perform an agreed-upon procedures (AUP) engagement (the "Independent Auditors' Report") in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The purpose of the engagement is to assist the school's Board of Trustees and the CSO in evaluating the Initial Statement letter and underlying governance and financial management controls and Board approved financial policies and procedures that have been established. The engagement letter is to be submitted to the CSO no later than one hundred-twenty (120) days from the effective date of the school's charter. For example, if the effective date of the charter agreement is January 1st then the Initial Statement is due to the CSO by May 1st of that same year.

Commencement of Audit Engagement

The engagement for an Independent Auditors' Report must commence within sixty (60) days of the date on which a newly approved school has received and disbursed more than $50,000 in monies

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received from payments from school districts, under section 2856 of the Education Law, or from grants or other revenue sources. The procedures to be performed by an independent certified public accountant or independent certified public accounting or audit firm should include the following:

- Procedure #1: obtain a copy of the School's accounting procedures manual of the School and review it to ascertain whether it includes accounting procedures for the preparation of the School's financial statement in conformity with generally accepted accounting principles (GAAP).

- Procedure #2: review the accounting procedures manual to ascertain whether it includes payroll procedures for the School and whether the School will hire an outside vendor to process the payroll.

- Procedure #3: review the accounting procedures manual to ascertain whether it includes procedures for accounting for contributions and grants.

- Procedure #4: identify and interview the person(s) responsible for School financial management regarding the existence of procedures for the creation and review of interim and annual financial statements

- Procedure #5: review the available trial balance and documentation supporting cash receipts, cash disbursement, and payroll expenses on a simple basis to observe the status of implementing established accounting policies and procedures

- Procedure #6: interview the person(s) responsible for School financial management regarding the existence of appropriate internal financial controls and procedures, including procedures related to ensuring that transactions are properly authorized, assets are safeguarded against unauthorized or improper use, and transactions are properly recorded and reported

- Procedure #7: interview the person(s) responsible for financial management of the School regarding the compliance with applicable laws and regulations and how they stay current with all laws and regulations. Obtain and review a copy of the School's Code of Ethics

- Procedure #8: review of the FPP to ascertain whether it includes procedures for ensuring the purchasing process results in the acquisition of goods and services at the best price

- Procedure #9: interview the person(s) responsible for financial management of the School regarding the existence of procedures for budget development and administration to determine if the School is following appropriate guidance. Obtain a copy of the most recent budget to determine if the budget was approved by the Board of Trustees of the School

- Procedure #10: read the FPP to ascertain whether it includes procedures for ensuring the School has procedures for cash management and investments, if applicable

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The Accountant's Report

The resulting Independent Accountants' Report should be provided to the School's Board no later than forty-five days (45) after the commencement of the engagement between the School and the independent accountant or accounting or audit firm. At the same time, an electronic copy of the Accountants' Report should be submitted to the CSO.

In the event that the Independent Accountants' Report identifies weaknesses or deficiencies in financial management capacity or controls, the School Corporation must remedy such weaknesses or deficiencies no later than forty-five (45) days after the date of receipt of the Independent Accountants' Report by the School's Board. The School must also provide to the CSO within the same 45-day timeframe a statement attesting that all weaknesses and deficiencies identified in the Independent Auditors' Report have been corrected. Such statement shall identify the steps undertaken to correct the identified deficiencies and include: 1.) Date completed; 2.) Person responsible for the corrective action, and 3.) Actions taken.

The CSO, at its discretion, may require additional evidence to verify the correction of the deficiencies. All documents required to be submitted pursuant to this paragraph shall be submitted electronically in accordance with guidance provided by the CSO.

Additional information regarding the Initial Statement process can be located at:
http://www.p12.nysed.gov/psc/documents/InitialStatement.ppt

A template for the Independent Accountants' Report on the Initial Statement can be found as Appendix A in the Charter School Audit Guide found at: http://www.p12.nysed.gov/psc/audits.html

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Annual Budget and Financial Reporting

Purpose

A school's annual budget should be balanced and account for all program needs described in the approved charter application and charter contract. The approved annual budget will serve as a tool for ensuring the financial soundness of the organization, Board oversight, planning, real time management of revenues, expenses, and cash, and analysis of spending patterns.

The major assumptions of what each school's budget are built upon include the following: projected enrollment, staffing, the level of wages and benefits, facility costs, and non-personnel costs needed to execute the educational program and meet identified student needs. The rest of the budget accounts for daily operating essentials (heat and light) and other program priorities. A well run school has clearly defined budget development procedures, preferably in writing, that ensure input is received from all key stakeholders and results in a full consideration and timely approval by the board of trustees. A sample budget timeline is provided below.

It is critical that a school operates pursuant to a long-range financial plan since the financial decisions made today also impact the future of the school. The CSO does not require schools to submit multi-year budgets annually; however it is in a school's best interests to maintain and update a rolling fiscal plan that extends at least through the term of the charter.

Well-run schools usually produce monthly interim financial reports. Minimally, schools report on a quarterly basis. Typical interim financial reports generated by charter schools are a statement of activities (income and expenses or income statement or profit and loss (P&L) statement), a budget status report (budget vs. actual), and statement of financial position (balance sheet). Reports should be prepared in accordance with generally accepted accounting principles (GAAP) for not-for-profit corporations. Accrual accounting is required by GAAP, so schools should resist any temptation to prepare reports on a cash basis, except for cash flow reports, which ultimately may mislead school leaders, trustees and the CSO if those reports are requested.

Procedure and Review

Each charter school newly approved and starting its first operational year ("YR 1") must submit the school's annual budget for YR 1 along with quarterly interim reports, which include an unaudited statement of activities and statement of financial position, to the CSO according to the due dates outlined below.

Report *	Reporting Period	Due Date
Yearly Budget	July 1 – June 30	June 30
Quarter One Interim Report	July 1 – September 30	November 15

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Quarter Two Interim Report	October 1 – December 31	February 15
Quarter Three Interim Report	January 1 – March 31	May 15
Quarter Four Interim Report	April 1 – June 30	August 1

*Reports should be submitted electronically to the CSO at charterschools@mail.nysed.gov).

Additional YR 1 financial requirements can be found at: http://www.p12.nysed.gov/psc/OversightPlan.html by clicking on 2012-2013 Opening Procedure Checklist.

Schools after operational YR 1 are not required to submit annual budgets and quarterly reports unless requested. The CSO, at its discretion, may request the submission of these reports at any point for any given charter year.

Whenever a material change in a school's program occurs (e.g. enrollment increases or decreases, change in the grade levels to be served, change in facility, etc.) the school must also submit a revised budget to the CSO demonstrating the impact of such material change no matter the charter year or term. The CSO reviews each budget submission and assesses the overall reasonableness of revisions and/or assumptions. The budget(s) submitted to the CSO establishes the school's spending priorities and annual spending authority for school operations. The CSO guidance on material changes may be found here: http://www.p12.nysed.gov/psc/CharterRevisionRequests.html.

Each school has the autonomy and responsibility to decide its own spending priorities. As a result, the CSO review of the annual budget and quarterly reports when submitted is limited to following: timeliness of submission, accuracy and reasonableness. A school's failure to develop and approve an annual budget and produce quarterly reports in a timely manner raises red flags and is an indicator of potential or significant management deficiencies.

The CSO reviews annual budgets and interim quarterly financial reports when they are required or requested to assess whether the school is being operated in a fiscally sound manner and is meeting enrollment targets. Mathematical accuracy of budgets (and quarterly reports) is a minimal requirement and expectation for all schools. A determination of reasonableness is more complex and is best determined at the school level. However, the CSO analysis is designed to identify possible errors of significance or unreasonable assumptions that may put the school's financial health in peril. The CSO analysis takes into account each school's program, history, and financial trends. Specific focus is placed on, but is not limited to, the following analysis and indicators:

- Enrollment is reviewed for consistency with the approved charter and reported requirement efforts

- Actual per pupil revenues as a percentage of total budgeted per pupil revenues, which is an indicator of the accuracy and reliability of enrollment projections, and enrollment fluctuations

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- Other types and amounts of revenues are reviewed in comparison to approved budgets and for historical consistency, other information known about a school's revenues (such as fundraising) and other schools serving similar student populations or in geographic proximity

- An analysis of expenses is conducted that focuses on salaries and employee benefits, occupancy, insurance, professional services, curricular materials and capital expenses. Schools are primarily compared to their individually approved budgets (e.g., actual vs. planned results), but at times comparisons are made to actual and/or budgeted expenses for other schools

- Net change in net assets, cash, accounts receivable and accounts payable levels

- Actual expenses compared to the adopted budget on a percentage basis

- Significant variances between line item actual revenues or costs with approved budget line items. This analysis occurs when a budget status report is provided

Sample School Budget Development Timeline

	Dec	Jan	Feb	Mar	Apr	May	Jun
Board establishes budget priorities and guidelines							
School Board and leadership monitors current year budget to inform new budget	Ongoing						
School leadership and/or financial staff develop preliminary revenue and expenditure forecasts							
School leadership and/or financial staff update forecasts			Ongoing				
School leadership and/or financial staff and/or Board finance committee obtain input from key stakeholders							
Initial budget draft is developed by school leadership and financial staff for discussion with board							
Initial budget is revised and updated based on discussions							
Updated budget is adjusted for "final" per pupil information / levels							

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Draft "final" Budget is prepared by school leadership and/or financial staff for submission to Board							
Board adopts final budget							

The budget adopted in June would be implemented in the following school year.

Cash Flow Projection

Schools need to develop monthly cash flow projections to be sure that cash outflows will not exceed inflows during a school or fiscal year (unless consciously planned for unusual program or other needs, such as a facility acquisition). Failure to estimate cash inflows and outflows in the early stages and years of a school's operation is equivalent of living paycheck to paycheck; it is not a responsible way to run a new or early-stage school. In the case of more seasoned schools with strong cash reserves, cash flow projections also assist a school's leadership and board in anticipating times during the year when cash will be needed versus when some cash can be invested to maximize interest income. Cash flow projections take on increasing importance during times of budget cuts or in instances when increases in per pupil revenues are not keeping up with core expense increases, especially for schools at full enrollment.

Cash flow projections allow a school's Board and leadership to be aware of trends in monthly net inflows and outflows, to identify periods of time during a school year when cash outflow may or will exceed inflow, and to plan to cover or alleviate cash inflow shortages with previously accumulated available cash, by revising spending plans, or accessing (if feasible) an operating line of credit.

In addition to anticipating the timing of cash inflow and outflow, it is equally critical to understand the impact of accounts receivable and accounts payable at the beginning and end of each year. Schools that consistently fail to accurately anticipate the timing and magnitude of inflow and outflow, and receivables and payables, risk insolvency.

Estimating the impact of cash inflow and outflow, and accounts payable and accounts receivable, is more important for schools that have limited financial cushions. It is all too common for schools to assume that inflows and outflows even out over time, and therefore forego creating detailed cash flow projections. This is risky business and could result in severe, unanticipated severe cash shortages, which could destabilize school operations and/or jeopardize accomplishment of school mission.

While charter schools in New York are not funded at the same level of other public schools, they should benefit from advantageous timing of the payments they receive from district schools. Per-pupil revenues are received every two months beginning in July. This front-loading of revenues is fortuitous, since there can be a significant delays in the provision of other forms of revenue to charter schools, particularly federal and/or state government grants. Schools need adequate working capital in the form of available cash to operate seamlessly when a grant check is "in the

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mail." Use of cash flow projections improves a school's ability to ensure it has adequate working capital on hand at all times.

Sample Cash Flow Table

	School 1	School 2	School 3
Current Cash (on hand)	**$ 10,000.00**	**$ 175,000.00**	**$ 800,000.00**
Upcoming income (next 2 months)			
Per Pupil	$ 450,000.00	$ 450,000.00	$ 450,000.00
Total Income	**$ 450,000.00**	**$ 450,000.00**	**$ 450,000.00**
Upcoming expenses (next 2 months)			
Monthly Expenses (2 months)	$ 60,000.00	$ 60,000.00	$ 60,000.00
Payroll (4 cycles)	$ 250,000.00	$ 250,000.00	$ 250,000.00
Total Expenses	**$ 310,000.00**	**$ 310,000.00**	**$ 310,000.00**
Remaining cash balance	**$ 150,000.00**	**$ 315,000.00**	**$ 940,000.00**

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Audits

Purpose and Procedure

It is crucial that charter schools spend both public funds and private donations appropriately and with ample transparency. To ensure that this is done, charter schools are required to obtain an annual financial statement audit by an independent auditor and, if applicable, a Federal Single Audit in accordance with Government Auditing Standards and OMB A-133 (Note: Starting with the 2015-2016 school year, OMB's Uniform Guidance will supercede OMB A-133), per the New York Charter Schools Act of 1998. In addition, each school is subject to discretionary audits by the New York State Office of the State Comptroller. The CSO uses the results of school's annual audits as part of its ongoing fiscal oversight. The review procedures for each audit type are described below.

Annual Financial Statements

Charter schools are required to have an annual financial statement audit conducted by an independent auditor. The CSO has released a separate Charter School Audit Guide to provide additional guidelines to assist charter schools in New York State and their auditors through the annual audit process. The guidelines are also intended to provide some uniformity in the reporting by charter schools and to assist the Board of Regents in meeting its responsibilities for ensuring accountability over public funds and for reporting annually to the Governor and Legislature on the status of charter schools. Readers of this Guidebook should refer to the Audit Guide before proceeding through this section.

In reviewing each school's annual financial statement independent audit report, the CSO looks to ensure that the financial statement presentation is consistent with generally accepted accounting principles for not-for-profit corporations. The report is also reviewed for consistency with required standards (generally accepted auditing standards and Government Auditing Standards) and to ensure that appropriate standards were used to conduct the audit. The CSO review also focuses on the following matters:

- Independent audit report is received by the due date of November 1. Audit report submission timeliness, or lack thereof, can be an important indicator of the school's financial management and reporting capacity and internal controls. Repeated failure to meet the reporting deadline can result in probation, or in extreme cases, revocation of the charter

- The type of independent auditor opinion (unqualified, qualified or adverse). Any opinion other than *unqualified* is a red flag that will be investigated and followed up on immediately

- The existence of a management letter, the number and types of findings or deficiencies that were disclosed therein, and whether any findings and deficiencies are recurring. Recurring

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findings and deficiencies are closely scrutinized and the CSO follow up on the status of remedial or corrective action often occurs

- Material non-compliance. In such cases where this is found, the CSO will closely monitor schools to ensure prompt corrective action and follow up are occurring. Recurring significant deficiencies, material weaknesses, or material non-compliance may result in the determination that the school is not operating in a fiscally sound manner

- The financial condition of a school at year end and financial trends over time (i.e., three to five years)

- Appropriate disclosure of related party transactions and the adequacy of the transactions disclosed

- Financial statement footnotes, which are reviewed for general information, capitalization policies, subsequent events, and lease and debt information

Audit-related documents should be submitted electronically by November 1st and are uploaded as a .pdf file through the CSO Review Room portal found at: http://p1232.nysed.gov/psc/2011-2012AnnualReportPage.html. If the school has received a management letter, a copy of the management letter, the school's response to the management letter, and the school's corrective action plan, if required should be submitted concurrently with the audited financial statements.

If the school received more than $500,000 in federal funding (starting with the school year 2015-2016, threshold was raised to $750,000),a Federal Single Audit report must be submitted electronically within 30 days of receipt but no later than nine months after the fiscal year end (or March 31 of the following year).

Federal Single Audits

The objectives of the Annual audit requirements include reporting on federal programs when a charter school's annual expenditures of federal funds exceed a threshold of $500,000. Schools exceeding this spending threshold must comply with the provisions of the Single Audit OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. The charter school is responsible for:

- Identifying, in its chart of accounts, the source(s) of all federal funds awards and reporting annual receipts and expenditures for each federal award

- Complying with applicable laws, regulations, and the provisions of contracts or grant agreements for each federal programs

- Preparing appropriate financial statements, including a prescribed schedule of expenditures of federal awards

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- Ensuring that Federal Single Audit content and submission requirements are met

Following up, and taking corrective action, on audit findings in the current year and recurring findings from prior years. Currently, a small percentage of charter schools exceed the threshold requiring performance of a Single Audit. However, all schools should be aware that they are required to follow federal accounting and cost principle requirements whether they meet the audit threshold or not. As each charter school is a local educational agency for federal grant purposes, every charter school receiving federal funds must follow OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments. Charter schools must also adhere to applicable US Department of Education General Administrative Regulations (EDGAR) and Circular A-102, Grants and Cooperative Agreements with State and Local Governments.

Starting with the 2015-2016 school year, OMB Circular A-87 and Circular A-102 will be superceded by OMB's Uniform Guidance.

Schools whose annual expenditures of federal funds necessitate preparation of a Federal Single Audit must meet filing deadlines and other requirements, to include filing Single Audit reports no later than nine months after the end of the fiscal year and, when applicable, specifying corrective action plans to address audit findings.

The CSO review of Single Audit reports is limited to the following areas:

- Timeliness
- Appropriateness of format
- Inclusion of known federal awards in the schedule of federal awards
- Assessment of audit findings or questioned costs
- Adequacy of corrective action plans, if applicable

Audits by the New York State Office of the State Comptroller

The New York State Legislature enacted a series of bills designed to improve public school accountability and provide additional funding for public school audits. The legislation charged the Office of the State Comptroller (OSC) with auditing more than 800 school districts, boards of cooperative educational services ("BOCES"), and charter schools within a five year period. The audits are designed to help deter and expose fraud, theft, and professional misconduct and to identify financial management and controls best practices by reviewing the internal controls, financial practices and operations of school districts, BOCES, and charter schools. These audits help strengthen transparency and accountability for use of public resources. OSC audits focus on the adequacy of internal controls in policy and in practice, and specifically whether safeguards exist over cash receipts and disbursements, purchasing, claims approval, payroll, capital assets and consumable inventories.

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The law initially required the State Comptroller to audit each school district, BOCES, and charter school at least once by March 31, 2010. Currently, it is within OSC's purview to decide which schools or school districts to audit each year based on a risk-assessment process that may include investigations of alleged improprieties, previous audit findings, or other financial indicators. OSC is required to provide reasonable prior notice to schools and school districts before conducting audits.

The CSO uses the results of audits conducted by OSC to inform its overall fiscal oversight of charter schools and is prepared to assist charter schools, to the extent possible, in implementing OSC audit recommendations. OSC recommendations generally focus on strengthening internal controls over capital assets, financial-related duties, purchasing and procurement, and information technology systems. Schools should also be proactive in regularly updating internal controls and financial management policies and procedures regardless of whether audited by OSC.

In addition, statutory provisions require that all OSC audit reports must be made available to the public by OSC, by audited school districts, BOCES, and charter schools. Entities that are audited by OSC must post and retain audit reports on their websites for at least five years. State law also requires the Comptroller to refer any identified or potential criminal misconduct to the appropriate authorities.

The OSC has acknowledged that charter schools are exempt from most State and local laws, rules and regulations, except those governing health, safety, civil rights and student assessment. Therefore, when conducting audits of charter schools, OSC focuses predominately on reviewing and evaluating financial statements and related documents, assessing current financial practices, and determining whether adequate protections exist against fraud, theft or professional misconduct. The OSC uses computer-assisted auditing software to analyze schools' financial databases. The auditing software reviews every entry in school databases to identify any high-risk transactions that warrant further analysis and review.

NYSED State Aid Intercept

Charter schools receive funding directly from the district of residence for each of its students. If a school enrolls students from other districts, it receives bimonthly payments from the student's district of residence. This amount and the process for collecting those amounts vary by district (https://stateaid.nysed.gov/charter).

If a charter school does not receive payment from a child's district of residence after following that district's protocols for collecting payment, the school may file a State Aid Intercept form. Information related to the State Aid Intercept process which includes the 'Charter School Request for State Aid Intercept' and 'State Aid Intercept Spreadsheet for Schools' can be located by clicking the links below.

http://www.p12.nysed.gov/psc/form.html
http://www.p12.nysed.gov/psc/documents/2012CSRequestfoStateAidIntercept.doc
http://www.p12.nysed.gov/psc/documents/2012StateAidSpreadsheetforSchools.xls

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Fiscal Dashboard Report

Purpose

The purpose of the Fiscal Dashboard Report is to provide a simple, yet dynamic and easy to understand, tool to view financial data. It is used to compile a visual overview of the fiscal health and trends of every Board of Regents authorized charter school that has completed one year of operation and, as a result, has submitted annual audited financial statements (e.g. statements of financial position, activities, cash flow and functional expense).

Schools may have developed their own at-a-glance fiscal analysis documents over the years. Even if so, this tool can serve as an added resource insofar as it provides access to a rich amount of comparative data. For schools that do not have fiscal analytical tools in place, the Fiscal Dashboard Report can be used as an instrument to view concise financial information on a yearly basis. By using the Dashboard Report, school leadership teams should have a better sense of the financial health of a school on an ongoing basis as a result of examination of Dashboard Report indicators. The Report can also identify and address financial discrepancies or warning signs as they may appear.

Additionally, the Fiscal Dashboard Report provides the following benefits for schools:

- **It serves as a resource tool for schools and school boards.**
  The Fiscal Dashboard includes commonly used financial ratios and per pupil analyses which schools and their Trustees can use to gauge fiscal trends, stability and viability. Financial ratios are a valuable and easy way to interpret statements of financial position and activities contained in audited financial statements.

- **It provides transparent financial information that the CSO will review at the time of charter renewal.**
  NYSED is responsible for evaluating whether or not a school has maintained adequate financial resources to ensure stable operations and has monitored and successfully managed cash flow. The dashboard demonstrates to schools some of the information NYSED looks at in determining if fiscal renewal benchmarks have been met.

- **It is a means of comparison to similar schools.**
  The Fiscal Dashboard Report provides a charter school with an instrument by which to compare financial performance with that of a peer school (e.g., schools with similar enrollment and grades served, etc.). Caution should nevertheless be exercised in making school-by-school comparisons since schools serving different missions or student populations are likely to have substantially different educational cost bases or financial models. Comparisons with schools with similar enrollment, grade level, student populations, and instructional program characteristics are most valid.

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The Dashboard Report and its components were modeled after and are aligned with the Framework Structure developed by the National Association of Charter School Authorizers ("NACSA") in their Financial Framework Guidance. NACSA (http://www.qualitycharters.org) is the nation's leading authority on charter school authorizing. NACSA is committed to advancing excellence and accountability in the charter school sector and to increasing the number of high-quality charter schools across the nation.

The Dashboard Report is also in full alignment with the NYS Board of Regents Charter School Renewal Policy and Performance Framework (http://www.regents.nysed.gov/meetings/2012Meetings/November2012/1112p12a1.pdf). The CSO Performance Framework allows the CSO to evaluate schools not only during a school's charter term, but also assist in decision-making at the time of charter renewal.

General Design

The Fiscal Dashboard Report is a multi-page document that consists of *four* sections (*five* tabs). Each section provides a unique look into different data sets and information as it relates to the school as reported in their annual audited financial statements. Sections include:

Dashboard

Information represented in this section contains general information about the school for the fiscal year selected including:

- Contact Information
- Region
- Years of Operation
- Grades Served
- Enrollment
- Maximum Enrollment

Also featured in this section is key Statement of Activities (Revenue, Expenses, Surplus/ (Deficit)), Statement of Financial Position (Assets, Liabilities, Net Assets), and Cash Flow data from the annual audited financial statements. Additionally, a summary of Key Performance Metrics derived from the financial statement data is represented. These metrics, both near and long (sustainable) term, will be used, described in the following sections, to evaluate the school's fiscal stability and solvency.

Evaluation Master

This section displays information for the targeted, as well as a peer or comparison, school and fiscal year selected. Information demonstrated in this section includes financial indicators, both near and long term, and a financial composite score. For each indicator, the current metric of the target and peer school is exhibited along with the school's performance rating. Performance ratings include:

- Meets Standard (Low Risk)
- Adequate (Moderate Risk)
- Requires Review (High Risk)

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The CSO notes a school's ability to address unexpected financial challenges — ranging from delays in district payments to flat or even reduced per pupil funding, while still planning accordingly for the school's future, is becoming increasingly important. The CSO recognizes there may be circumstances that cause a school to be placed in 'Meets Standard (Low Risk)', 'Adequate (Moderate Risk)' or 'Requires Review (High Risk)' categories for one or more of the measures contained in the Evaluation Master. These labels serve as alerts to both the CSO and a school that further investigation and analysis may be needed.

Indicator Evaluation Groups

- **Near-Term Evaluation**
  This section looks at short-term metrics and ratios to evaluate the school for one to three years along with an average for those years. Ratios include:

  - *Current (also known as Working Capital (W/C)) Ratio*
    Current Ratio (CR) is a measure of operational efficiency and short-term financial health. CR is calculated as current assets divided by current liabilities.

  - *Unrestricted Days Cash*
    The unrestricted day's cash on hand ratio indicates how many days a school can pay its expenses without another inflow of cash. Calculated as Unrestricted Cash divided by (Total Expenses/365).

  - *Enrollment Stability*
    Enrollment stability tells authorizers whether or not the school is meeting its enrollment projections, thereby generating sufficient revenue to fund ongoing operations. Actual Enrollment divided by Enrollment Projection in Charter School Budget.

- **Financial Composite Score**
  This section accounts for an institution's total financial condition. The CSO evaluates the financial health of schools using a blended score that measures an institutions' performances on key financial indicators. The blended score allows sources of financial strength to offset areas of financial weakness. To calculate: Step 1: Calculate Three Financial Ratios from Financial Statements (Primary Reserve Ratio, Equity Ratio, and Net Income Ratio). Step 2: Convert Ratio Results to Strength Factor Scores. Step 3: Multiply the Strength Factor Scores by a Weighting Factor. Step 4: Add the Weighted Strength Factor Scores to Obtain the Composite Score.

- **Long-Term Evaluation**
  This section looks at long-term or sustainable metrics and ratios to evaluate the school for one to three years along with an average for those years. Ratios include:

  - *Total Margin*

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Total margin measures the deficit or surplus a school yields out of its total revenues; in other words, whether or not the school is living within its available resources. Calculated as Net Income divided by Total Revenue.

- *Debt to Asset Ratio*
  Measures the extent to which the school relies on borrowed funds to finance its operations. Calculated as: Total Liabilities/ Total Assets.

- *Cash Flow*
  Cash flow is an assessment of change in cash from operations, financing, and investing over a given period.

- *Debt Service Coverage Ratio*
  Debt service coverage ratio indicates a school's ability to cover its debt obligations in the current year. Calculated as: (Net Income + Depreciation + Interest Expense)/ (Principal and Interest Payments).

Graphs of School Fiscal Performance

This section uses information and ratio analysis from the Dashboard tabs to show a graphical representation of the financial data presented in the previous sections.

- *Revenues, Expenses & Change in Net Assets*
  This chart illustrates total revenue and expenses each year and the relationship those subsets have on the increase/decrease of net assets on a year to year basis. Ideally subset 2, revenue, will be taller than subset 3, expenses, and as a result subset 1, net assets - ending, will increase each year building a more fiscally viable school.

- *Enrollment vs. Operating Expenses*
  This chart illustrates to what extent the school's operating expenses have followed its student enrollment pattern. A baseline assumption that this data tests is that operating expenses increase with each additional student served. This chart also compares and contrasts growth trends of both, giving insight into what a reasonable expectation might be in terms of economies of scale.

- *Current Ratio / Debt to Asset Ratio*
  This chart illustrates Current and Debt to Asset Ratios. Current Ratio indicates if a school has enough short-term assets to cover its immediate liabilities/short term debt and is a measure of operational efficiency and short-term financial health. Debt to Asset Ratio indicates what proportion of debt a school has relative to its assets. The measure gives an idea to the leverage of the school along with the potential risks the school faces in terms of its debt-load.

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- *Days of Cash*
  This chart illustrates how many days of cash the school has in reserves. This metric is to measure solvency – the school's ability to pay debts and claims as they come due. This gives some idea of how long a school could continue its ongoing operating costs without tapping into some other, non-cash form of financing in the event that revenues were to cease flowing to the school.

Additional Reporting Requirements

Board of Regents-authorized charter schools must ensure a timely response to all NYSED and CSO requests for information and reports. The charter school's failure to do so will be grounds for action under §2855 of the Education Law. Further, all Board of Regents-authorized charter schools are required to maintain the following records, throughout a school's charter term, for inspection by the Regents and/or their agents, including but not limited to the CSO staff:

1. Records concerning the enrollment and admissions process including all applications received and documents concerning the lottery process, if conducted
2. Student academic and health records
3. Attendance records for students including withdrawals of students from the school
4. Individualized Education Programs (IEPs) for students with disabilities enrolled in the school
5. Staff rosters, including records of hiring and termination of employees of the school
6. Evidence of credentials for all teachers including certifications
7. Evidence of credentials of Title I paraprofessionals, if applicable
8. Evidence that required background checks have been conducted
9. Certificates of occupancy
10. Other facility-related certifications, reports or permits
11. Lease agreements
12. Deeds
13. Loan documents
14. Records pertaining to the receipt and expenditure of all grants

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15. Contracts in excess of $1,000

16. School policies in areas such as financial management, personnel, student discipline (including suspension and expulsion), health and safety, student records access, and transportation

17. Complaints and/or grievances received by the school, including but not limited to, complaints received by the board of trustees pursuant to §2855(4) of Education Law, together with all documentation of all actions taken in response

18. Inventory of all assets of the school

19. Minutes of each meeting of the Board of Trustees and documentation of public notifications of such meetings

In addition, all charter schools must provide a written request to the CSO at least ninety (90) days prior to the anticipated implementation of any change to the approved charter (including charter agreement), but not limited to:

- a change in the school's curriculum or instructional approach
- a change in the school's by-laws
- a change in the school's code of ethics

In addition, charter schools must provide written notice to the CSO within five (5) business days of the occurrence of any of the following:

- additions to or removals of members of the Board of Trustees
- any change of the director/principal of the school
- execution of contracts or incurring of debt in excess of $25,000
- receipt of a summons and/or complaint in which either the school or any member of the board of trustees (acting in his or her capacity as a member of the board of trustees) is named a party to the action

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Recommended Internal Control Practices for Charter Schools

Introduction

The purpose of this section is to provide charter schools with an understanding of key internal controls for which they will be accountable and a description of recommended practices for achieving those controls. This document is not intended to substitute for sound management's judgment nor should it be considered all-inclusive. The practices identified in this document are indicators of an effective system of internal controls. Charter school operators are urged to compare the practices contained in this document to practices currently in place at your school or school network as a way to determine if your internal controls can or should be improved. When considering the implementation of any internal control, charter school operators should take into consideration that the potential cost of establishing any specific internal control should not exceed its expected financial or operational benefits.

All charter schools should have clearly defined internal controls in place. The objective of internal controls is to provide management with reasonable, but not absolute, assurance that academic and non-academic goals are being achieved; operations are efficient and effective; assets are safeguarded; laws, regulations, and good business practices are being adhered to; and accurate, timely, and accurate and reliable financial data are maintained at all times. Internal controls touch all activities of a school, extending beyond accounting and financial functions. It is important to note that even the best internal controls may break down due to cost constraints or management override, collusion, or bad judgment.

An understanding of the components of internal control is best described in the context of standards that apply to independent financial audits. For example, the Association of Independent Certified Public Accountants (AICPA) divides internal control into five interrelated components[2]: the control environment; risk assessment; control activities; information and communication; and monitoring.

A school provides foundational discipline and structure for all components of internal controls and sets the tone for human behavior. The school's assessment of risks (i.e., any threat to achieving the school's business objectives) helps school operators form a basis for determining how risks should be managed. Control activities consist of policies and procedures that help ensure that management directives are carried out. Communication of information is critical to school employees effectively carrying out their responsibilities. Monitoring is an internal process that assesses the effectiveness of a school's internal controls over time.

[2] AICPA Statement on Auditing Standards 2.57

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This section of the Guidebook focuses in particular on the third component of internal control: control activities. Control activities can be in the form of preventative measures or policies designed to deter inappropriate activities from happening. Detective controls are designed to detect and correct undesirable events that have already occurred. Corrective controls either remedy the circumstances that allowed unauthorized activities to occur or re-establish control safeguards and practices to ensure subsequent breakdowns do not take place. Control activities can typically be categorized as: performance reviews (e.g. comparison of actual financial performance to an approved budget); information processing controls; physical controls; and segregation of duties.

Before moving to the list of control practices, it is important to highlight a challenge that many charter schools face in segregating financial related duties. Adequate segregation of duties consists of no single individual having control over two or more phases of a financial transaction or financial business operations (such as disbursement authorization, financial recordkeeping, and custody of funds). While segregation of duties is a basic, key internal control, adequate segregation can be difficult to establish in many charter schools because of their relatively small size. Adequate segregation of duties increases the likelihood that innocent errors will be found and corrected. More importantly, appropriate segregation is a preventive mechanism against deliberate fraud unless collusion between two or more persons occurs. A school's governing Board should ensure, to the extent possible, that financial related responsibilities are separated among staff, and when duties cannot be adequately segregated, that additional controls are put in place and regularly monitored.

Compensating controls are less desirable than adequately separating financial related duties because compensating controls generally are put into place after a financial related problem has occurred. However, in the case of charter schools that do not have the financial and/or staff resources to establish adequate separation of duties, such schools should strongly consider implementing compensating controls at the board or school leadership/management level such as: establishing procedures for periodic review of accounting records to ensure they are up- to-date, complete, and accurate; reviewing bank statements and reconciliations on a monthly basis to ensure that cash receipts are properly accounted for and cash disbursements are in accordance with board approved expenditure authorizations. Other compensating controls may include: periodically pulling and reviewing supporting documents for selected transactions; taking periodic counts of equipment or other tangible assets and comparing physical counts to accounting records for purposes of inventory control. Another compensating control is periodic review by the board and school leadership of budget v. actual financial performance and regular financial trend analysis. In many instances, such review and analysis will identify problem areas that warrant follow-up.

The following pages contain a detailed list of key internal control practices that charter schools should practice.

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I. Governance

1. A charter school's code of ethics addresses conflicts of interest that may arise on the part of the school corporation and its board members or employees and is intended to ensure compliance with General Municipal Law § 806. Conflicted transactions, other than exceptions expressly noted in General Municipal Law § 802 should be avoided. When there is any doubt about whether a transaction or activity might be potentially conflicted, such transaction or activity should be fully and completely disclosed by the individual or individuals engaged in the transaction or activity.

2. Corrective actions are taken for all findings reported in the annual independent audit report (material weaknesses and/or significant deficiencies in internal controls over financial reporting) and/or the management letter (usually deficiencies in internal control that are not material weaknesses and/or significant deficiencies) issued by an independent auditor, a Federal Single Audit, or by third-party consultant reports and ensures corrective actions are taken as directed.

3. The board has established written policies and procedures for all facets of charter school operations. A summary of *required* charter school policies is attached. Internal controls and prescribed financial and operating policies and procedures are monitored and periodically assessed to determine if they are working effectively.

4. The board engages in active oversight of the school's financial situation by routinely receiving and discussing financial reports including but not limited to: budget implementation status reports, interim income statements and balance sheets, and analyses of actual cash flow to cash flow projections.

5. Board members are cognizant of their duties of care, loyalty and obedience. The duty of care requires a board member to be familiar with the organization's finances and activities and to participate regularly in financial reporting and oversight. Duty of loyalty requires that any conflict of interest, real or possible, must always be disclosed in advance of joining a board and whenever a potential conflict may arise. A board member has a duty of obedience to ensure that the school or organization complies with applicable laws and regulations and board-prescribed financial policies, procedures and practices.

6. All contracts that the board approves should be in the best interest of the school. Contracts must include clear performance terms and procedures by which the Charter School will evaluate the vendor. The contract should delineate information about all fees, payments and other amounts to be paid and clearly explains the method for calculation

The board should ensure that any investments made with school funds are considered safe investments, such as CDs or municipal bonds.

7. The board of a charter school or school network ensures that the school has a long-term financial plan (budget) for both capital projects and operating expenses. Long-term is

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typically defined as five years, but at minimum should be equivalent to the term of the school's charter.

8. The board ensures that it has the cumulative financial knowledge and expertise to oversee the financial operation of a school and is cognizant of any aspects of financial operations vulnerable to potential fraud.

9. To the extent necessary, board members, school leadership, and business staff should ensure they understand their financial related duties and responsibilities and have the capacity to use and analyze financial reports.

10. The charter school's financial information systems are economical, efficient, and reliable, and financial reports are current and accurate.

11. The charter school has a disaster recovery plan. All computer files are secured with passwords or other controls, backed-up on a regular basis, and stored at an offsite location.

12. Members of the board can articulate the charter school's budgetary objectives, including funding priorities, board-prescribed reserves, the approval process for incurrence of short and long-term debt, and policies for replacement of fixed assets.

13. The charter school periodically rotates financial duties or provides for sufficient staff coverage of financial duties in the event of vacation, illness, or other circumstances.

14. Appropriate financially focused committees of the board are established in accordance with Education Law requirements (i.e., that committees consist of at least three members). Appropriate committees include an audit committee whose members are capable of carrying out fiscal oversight responsibilities, and, to the extent necessary, a finance committee, a fundraising/development committee, a facilities committee, etc. In creating a committee structure, the board ensures that committee responsibilities are clearly defined, committee responsibilities do not unduly overlap duties, and committee that are unnecessary or may inhibit effective school governance are not established.

Strategic Planning

15. The charter school establishes a dashboard of key academic, non-academic, and financial performance indicators that it monitors regularly.

16. When or if it becomes necessary to refocus or shift a charter school's mission, the school's board and leadership develop a written strategic plan that includes goals and objectives, performance measures, and strategies to accomplish refocused or revised goals and objectives. The strategic plan is a key consideration in developing financial plans and budgets to accomplish revised or refocused mission.

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17. The charter school compares annual goals and objectives to actual performance, and makes corrections as necessary.

Budget Development and Budget Administration

18. The charter school has written policies and procedures addressing such items as budget development and approval timelines, budget administration, financial management accounting, and financial reporting.

19. The charter school has written policies and procedures in place guiding budget transfers and material increases/decreases in the approved budget. A formal budget amendment is used to document and report to the CSO any material increase or decrease to the approved budget.

20. The charter school has procedures and controls in place to ensure that the budget remains in balance throughout the fiscal year.

21. The charter school has policies and procedures in place to establish and maintain appropriate cash balances throughout the year. Encumbrance accounting, creation of reserves, or other control methods may be employed to ensure cash balances are sufficient at all times. Reported cash balances are regularly reconciled to bank statements, income statements (and budget v. actual reports for revenues and expenditures) are frequently monitored, and year-end cash forecasts are regularly updated to ensure the school is not trending toward overspending its budget or potential cash shortages. In the event a potential shortfall in projected revenues becomes known or likely, or if expenditures are likely to be significantly higher than originally anticipated, the charter school takes timely action to address these issues.

22. A budget status report is provided to the board on a regular basis (no less than quarterly) and to the individuals responsible for controlling spending.

II. Accounting and Reporting

Assessing Financial Condition

23. The charter school ends the school year with an operating surplus or a planned (i.e., not unexpected) deficit.

24. The charter school maintains a reasonable level of unrestricted net assets. The amount should be sufficient to permit the charter school to address shortfalls in revenue or unanticipated expenses.

25. The charter school's year-end unrestricted net assets are at least two percent (or other board designated target) of the approved budget for the upcoming fiscal year. The school's

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board and leadership are aware of the concept of “expendable net assets” (unrestricted net assets less net fixed assets plus debt obtained for long-term purposes) when assessing its financial position.

26. The charter school analyzes the effects of long-term debt on its current and future budgets and financial viability.

Financial Accounting and Reporting

27. The charter school’s accounting system facilitates the preparation of periodic financial reports including year-end financial statements in accordance with generally accepted accounting principles.

28. The charter school's accounting system is integrated with key business functions including accounts payable, budgeting, general ledger, inventory/depreciation, requisitions and purchase orders, accounts receivable, and payroll.

29. All accounting transactions are supported by adequate documentation. Journal entries are supported by an explanation of the reason for the entry, the amount of each entry, and evidence of supervisory approval.

30. All accounting records (journals and ledgers) are kept up-to-date and balanced monthly.

31. Revenues, expenditures, payroll, general journal, and general ledger detail reports are printed at year-end and a copy is retained into perpetuity.

32. The charter school has adequate separation of duties for cash receipts, deposits, cash disbursements, disbursement approval, recording transactions, and bank account reconciliations. Adequate separation of duties requires separating four basic functions – authorization, custody, record keeping, and verification/reporting.

33. The charter school prepares cash flow projections to monitor cash availability and to help determine borrowing needs and the timing and term(s) of investments.

34. Each year after filing its Form 990 with the IRS, the charter school prepares a copy for public disclosure omitting the names and addresses of all contributors. The charter school makes available for "public inspection" a copy of IRS Form 990 and provides copies on request to all inquirers. Generally the IRS Form 990 copy is made available on the same day if the request is made in person or within thirty days in response to written requests made via regular mail, e-mail, facsimile or private delivery. (Charter schools that make their IRS Form 990 available on the Internet (in approved formats) are not required to distribute photocopies.

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Auditing

35. The school's annual independently audited financial statements and the federal Single Audit, if applicable, are completed and submitted by prescribed due dates.

36. Corrective action plans are prepared and implemented for all findings, deficiencies, and material conditions cited in audit reports and/or accompanying management letters.

State and Federal Grants

37. All State and federal grant reports are filed on time and are complete.

38. The charter school has a system (computer or manually managed) to track required data for students with disabilities – i.e., enrollment, programming, costs, etc.

39. The charter school maintains documentation to support data reported for public excess cost aid for its students.

40. The charter school's board and leadership ensures the school applies for all state and federal grant funds that: a) it is entitled to receive, and b) it makes sense to pursue after assessing the administrative and other burdens associated with grant management. In addition, the charter school has procedures in place so that there is adequate communication and sharing of information within the school concerning active grants, particularly grants with restrictions.

41. The charter school applies a reasonable indirect cost allocation to all applicable grants or uses all grant funds for direct operating costs only.

42. All charges to grants are supported by adequate documentation.

43. Charter school financial, accounting, and business staff are familiar with federal and State compliance requirements such as the Circular A-133 Compliance Supplement, OMB Circular A-87, and any specific grant documents.

III. Revenue and Cash Management

Cash Receipts and Revenue

44. The board has authorized all charter school bank accounts.

45. Procedures are in place to periodically verify that only board-authorized accounts have been established.

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46. Employees who handle cash operate under employee dishonesty bonds. Employees should be cross-trained and annual vacation leave should be required.

47. The charter school uses pre-numbered receipt forms or some other method (cash register, logs of tickets sold, pre-numbered tickets) to establish accountability for all funds collected, including such items as school lunch sales, soft drink sales, library fines, lost book fees, ticket sales for sporting events, concerts, plays, or other miscellaneous fees and charges.

48. Someone independent of cash collections and financial record keeping responsibilities opens mail, restrictively endorses all checks, establishes a record of all funds received, and prepares deposit slips.

49. Financial record keeping, bookkeeping, and accounting responsibilities verify that funds prepared for deposits are, in fact, deposited into the appropriate bank account. Generally, the person who prepares the initial cash receipt list is the person who crosschecks the cash receipt list to actual deposits slips.

50. Any individuals collecting cash reconcile the cash received with the register tape or log of tickets sold. Reconciliations are reviewed and approved by a supervisor.

51. Someone independent of the business, accounting, or financial office periodically verifies the reasonableness and completeness of all deposits.

52. The charter school has a procedure whereby its bank(s) will wire funds only after the bank(s) receives confirmation of a wire transfer request from a second person authorized by the charter school to approve the transfer.

53. All wire transfer notices are retained to support each transaction.

54. All cash and checks are kept in a secure location and deposited in a bank on a timely basis.

55. Cash balances on bank statements are reconciled to accounting records of cash balances on a monthly basis.

56. The individual responsible for bank account reconciliations obtains bank statements directly from the bank (via mail, pick-up, or other means).

57. The individual responsible for bank account reconciliations does not have any cash receipts and disbursements related responsibilities.

58. The individual responsible for bank account reconciliations obtains the “book balance” directly from the general ledger, not through an intermediary person or from some other document.

59. The individual responsible for bank account reconciliations compares bank statement deposit dates and amounts with cash receipts book entries.

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60. The individual responsible for bank account reconciliations compares, on a test basis, the date, payee, and amount on cancelled checks with cash disbursements book/warrant entries.

61. The individual responsible for bank account reconciliations evaluates, on a sample or risk basis, endorsements on checks for reasonableness.

62. Once bank account reconciliations are completed, someone independent of the reconciliation process reviews all reconciliations for completeness and to ensure they do not include outdated or inaccurate items.

63. The school has procedures in place to ensure receipt of all revenues or in-kind services to which the school is entitled.

64. The charter school bills school districts in accordance with Commissioner's Regulations Section 119 and pursues intercept procedures in a timely manner, if necessary.

65. The individual responsible for accounts receivable billings is prohibited from performing cash receipt and disbursements duties.

66. A supervisor periodically reviews account receivables billings and reconciles total billings for the period to general ledger amount(s).

Cash Management and Investments

67. The charter school has a procedure in place to determine if excess cash is available for investment and, if so, that such amounts are transferred to interest bearing accounts on a timely basis to maximize revenues.

68. A summary record of key information is maintained for all investments to properly monitor and account for investments.

69. The charter school invests in only those types of investments permitted by the school's investment policy and applicable law, regulations, and guidelines.

70. The FDIC insurance limits on deposit accounts and takes reasonable steps to mitigate such risks at all times, but particularly if and when it is determined that risk is elevated.

71. Drawdown of grant funds is done in accordance with state and Federal requirements.

72. If authorized by the board, petty cash fund disbursements are limited to maximum amount(s), require supervisory approval, and are supported by adequate documentation,, including original receipts or invoices marked "cancelled" when paid.

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IV. Purchasing and Expenditures

Purchasing

73. The board has established a purchasing policy and identified the individual(s) responsible for incurring purchases and approving purchase orders.

74. The charter school has a working purchase order system that ensures that funds are available before orders are placed. Purchase orders will not be issued if there are insufficient funds.

75. The school uses a purchasing calendar to facilitate cyclical bidding/purchasing.

76. The charter school purchases goods and services through the NYS Office of General Services, county governments, correctional institutions, or from State contracts/organizations that serve the disabled, where possible, and when deemed appropriate, to achieve savings and avoid the cost of bidding.

77. The charter school has established and maintains a list of vendors with whom it customarily conducts business.

78. Procedures are established for the initiation, approval, and use of purchase requisitions and purchase orders.

79. All purchase orders are pre-numbered, all numbers are accounted for, and all forms are strictly controlled.

80. All requisitions/purchase orders are reviewed for appropriateness and the necessity of the items ordered.

81. The charter school limits use of confirming purchase orders (i.e. issuance of purchase order after an item is purchased) to emergency purchases.

82. All blanket purchase orders have a fixed monetary limit.

83. Upon receipt of goods, the charter school verifies the condition, quantity, and quality of the goods prior to making payment.

Accounts Payable

84. An accounts payable subsidiary ledger is maintained and its balances are regularly reconciled with vendor statements and general ledger control accounts.

85. Invoices are compared to purchase orders and receiving reports to verify prices, terms, etc. prior to payment.

86. The charter school takes advantage of discounts offered by vendors, when feasible.

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87. All payments for consultant services are supported by signed and dated copies of contracts that provide the details, dates, and costs of the services to be provided.

88. All invoices are perforated or stamped at the time a payment check is signed to prevent paying the same invoice twice.

89. The charter school has procedures to follow up at regular intervals on outstanding purchase orders over 30 days old.

Cash Disbursements

90. The charter school has authorized at least two individuals to sign checks.

91. The charter school requires two signatures on checks over a threshold amount.

92. All checks are directly mailed to recipients upon being signed. All checks are mailed in envelopes with a protective security tint inside the envelope and are placed in a U.S. Postal letter drop box or handed to a U.S. Postal mail carrier.

93. If a check signing devise or signature plate is used, adequate controls have been established over custody and use.

94. All blank checks and other financial stationery are safeguarded against theft, loss, or misuse.

95. Checks are not written to "cash."

96. Adequate controls are maintained over hand-drawn checks and the use of hand-drawn checks is limited to emergency situations only.

97. The charter school protects its negotiable checks by through use of security check stock that is unique, not easy to alter or reproduce, and includes multiple layers of document security features now available in the marketplace.

Payroll and Personnel

98. Charter school policies and practices prevent payments to employees in advance of services actually being rendered.

99. Prior supervisory approval is required for overtime payments.

100. The charter school's approved budget contains separate line items for overtime and substitutes, respectively; the school has a process in place to periodically analyze use of overtime and substitutes and to evaluate the potential need for additional staffing.

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101. The charter school maintains adequate documentation supporting payroll (i.e., time sheets, leave accruals, etc.) to ensure that payments are made only for services actually rendered and that proper Federal grant documentation is maintained, if applicable.

102. The charter school has written agreements delineating compensation and benefits for employees who are not covered by union contracts.

103. Each employee must submit a time sheet or record of accrued leave usage for review and approval by a supervisor or school management.

104. Authorizations are maintained at the school site to support all payroll deductions.

105. Each payroll register is reviewed, approved, and certified by an employee designated by the board or school leadership to ensure the payments are accurate and justified.

106. The charter school routinely performs payroll audits that include review of payouts, floor checks, and reviews of payroll or personnel files to compare contracts/salary notices/board appointments/employee records to actual payrolls, and to ensure that amounts withheld from employees' paychecks are paid or routed to appropriate designations (i.e., the state and federal government, health care providers, retirement plan accounts, etc).

107. The charter school has written procedures in place prescribing employee recruiting and hiring processes (i.e., advertising/posting of position announcements, interview protocol, performance of reference/credential checks, steps and timeframe for extending job offers, acceptance of employment offers, establishing starting dates, etc.). In particular, references and credentials are verified to ensure prospective employees possess necessary qualifications and have accurately represented their prior work experience.

108. The charter school requires and maintains written authorizations for changes in individual employee compensation and benefits.

109. The charter school has a reliable system in place to track employee leave accruals.

110. The charter school requires periodic (preferably, annual formal) evaluations be performed for all of its employees.

111. The charter school has a current, up-to-date employee handbook.

112. The charter school has on file at the school site a job description for each full- and part-time position, filled or vacant. Job descriptions delineate the qualifications required or sought for each position and the job duties and responsibilities for each position.

113. Unclaimed paychecks and employee W-2s returned to the school due to non-delivery are investigated to the extent possible to determine the reason(s) for these occurrences.

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114. Duties are adequately separated so that the individual or individuals processing payroll transactions are different from the individual or individuals with responsibility for general ledger functions, payroll distribution, and reconciliation of the payroll bank account(s).

115. All payroll changes are authorized and documented in writing.

116. Procedures are in place to comply with IRS and NYS Department of Taxation and Finance regulations.

117. The charter school has procedures in place to ensure that all individuals working for the charter school are properly classified as employees or as independent contractors, and that W-2s and 1099s are appropriately prepared, provided to all employees and contractors, and filed with appropriate state and federal government agencies.

118. The charter school has procedures in place to ensure that current and prospective employees are fingerprinted.

Travel and Conferences

119. Travel to, and attendance at, conferences by school personnel is approved in advance by the board or by the executive officer to whom approval responsibility has been delegated.

120. The charter school has considered adopting the federal or State travel, lodging, and meal reimbursement rates for expenses incurred for charter school business. All claims for reimbursement of travel expenses for official charter school business must be in writing, itemized, supported with original receipts, and approved for payment.

121. The charter school has policy limiting the reimbursement of travel and meal expenses to expenses that are actual, necessary, and reasonable.

122. The charter school has a policy or procedure requiring board members and employees to provide an oral or written account of the benefits derived from attendance at conferences.

123. If the charter school provides travel advances, it has policies in place delineating the purposes and/or circumstances under which advances are appropriate. Such policies include an identification of employees by position type who may receive advances;; descriptions of allowable uses and limitations on expenditure of advances; a summary of information and documentation required to account for advances; instructions on reconciliation of actual expenses (upon return from a trip) versus funds advanced; and the process by which employees must refund excess advanced funds to the school in a timely manner.

124. The charter school has policies in place prescribing allowable circumstances for providing food and beverages at meetings, training, and conferences held at or sponsored by the charter school.

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125. The charter school has established a reasonable mileage reimbursement rate for employees who use their own vehicles for official school travel.

V. Facilities, Equipment and Inventory Control

Facilities Maintenance

126. The charter school has in-house staff or contacted service providers to conduct necessary daily and preventive maintenance to school facilities, grounds, furniture, fixtures, and equipment.

127. The school has a long-range plan for ensuring that its facilities remain in adequate repair and for replacing furniture, fixtures, equipment, technology, and other capital assets with limited or finite life spans.

128. The school monitors energy use and has examined options to reduce energy use and expenses.

Facilities Construction

129. The charter school is aware of the capacity needed to effectively plan, manage, and complete scheduled school construction projects; the school has the in-house or contracted capacity necessary to manage and execute school construction projects; and the school has a plan and the capacity to ensure it obtains necessary third-party approvals and building permits for school construction projects.

130. The charter school has cost control safeguards in place protecting the school against construction cost overruns, to include a clear process and requirements for approval of change orders, and a mechanism for monitoring actual project costs against budgeted project costs.

131. Appropriate professionals, such as architects, bond counsel, financial advisors, and/or project managers, manage and execute facilities construction projects.

Inventory Controls

132. Fixed (i.e., capitalized) assets are recorded at cost or fair market value by the charter school at time of acquisition.

133. The charter school has a capitalized assets depreciation policy that conforms to GAAP.

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134. The charter school maintains complete, up-to-date inventory records to include the current value of all fixed / capitalized assets.

135. An annual physical inspection is performed to verify that all school assets are present and accounted for in assigned areas, in usable condition, and accurately recorded on the school's financial statements.

136. The charter school has designated an individual or individuals with explicit responsibility for maintaining a system of fixed assets inventory control.

137. All fixed (physical) assets are marked or tagged with ownership identification decals or labels.

138. The charter school's inventory control system ensures that complete and accurate records for all fixed (physical) assets are maintained at all times. The school's inventory control system includes an itemized description of each asset listing make, model, serial number, and asset class (machinery, equipment, etc.); purchase date and purchase value (or estimated value if the asset was a gift); accumulated depreciation and the amount of current year depreciation; and the funding or financing source(s) used to acquire the asset (i.e., general funds, federal funds, contributions or donations, bank loan, bond issuance, etc.).

139. The school's inventory control system and inventory records are updated periodically to ensure that all changes in the school's total fixed assets, to include new acquisition, disposition, relocation of physical assets, etc., are accurately recorded.

140. All school property, furniture, equipment, technology and other physical assets, to include consumable inventory, are secured in safe locations.

141. The charter school has a prudent and reasonable policy restricting use of charter school-owned assets, such as computers, phones, and vehicles, for official charter school business only.

VI. Student Services

Student Transportation

142. The charter school encourages the parents of students to file transportation request forms within required deadlines (by dates prescribed by individual school districts in New York City, and by April 1st for the rest of state).

143. The charter school has policies and procedures defining student eligibility for school-provided or other transportation services and expenses eligible for transportation aid.

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144. The charter school procures transportation services from non-district providers through competitive bidding or by issuing RFPs (Request for Proposals).

145. The charter school monitors the qualifications and performance of bus drivers (hired or contracted by the school, or by the school's transportation provider), regularly inspects school-owned or contractor-provided buses, and maintains updated personnel files on bus drivers and updated records on the condition of the school's owned or contracted bus fleet.

Food Service

146. The charter school follows established US Department of Agriculture (USDA) guidelines for notifying parents, obtaining parent releases, processing applications, and making eligibility determinations for free and reduced price meals and/or milk programs.

147. The charter school maintains all documentation required by the USDA for free and reduced price meal and/or milk program applicants and recipients and accurately reports the total number of eligible applicants to the USDA and/or school district, including public release, parent letter, and a free and reduced price meal application.

148. If the charter school provides breakfast and/or lunch to its students but is not part of the district's food services program, the charter school files timely claims and therefore receives all reimbursements to which it is entitled from the district and/or USDA.

149. If the charter school employs a food services management company to operate its breakfast and/or lunch programs, the contract with the company was bid out and awarded to the lowest responding bidder.

150. The school has established procedures for: collecting money from students who pay for meals or milk; protecting the identifies of children receiving free and reduced price meals; and accurately reporting the number of students who pay for meals or receive meals on a free or reduced price basis.

151. The charter school charges sales tax for the sale of food and drink to adults.

152. Cash receipts for breakfast and lunch programs and from vending machine sales are adequately controlled.

153. Food purchases adhere to established procurement practices and the food inventory is safeguarded.

154. Data on food sales data and trends are monitored and systematically compared to the cost of goods sold to identify any irregularities.

155. The charter school has procedures in place to conduct a physical count of the inventory of food and supplies no less than once quarterly and at year-end.

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VII. Student Related Data

Attendance

156. The charter school has a comprehensive attendance policy and well-established procedures for taking attendance. The procedures set forth specific steps and individual responsibilities for taking and recording attendance.

157. The charter school maintains a record of each student's presence, absence, tardiness, and early departure in an attendance register, in which the reason(s) for all student absences, tardiness, or early departures are also recorded.

158. The charter school has implemented adequate controls over the input and access to attendance data.

159. Student attendance and Individual student records are periodically reconciled to attendance registers to ensure that individual student records are accurate and up-to-date.

Reliability of Student Enrollment and Performance Data

160. The charter school has assigned specific responsibility for maintaining the accuracy of current enrollment and dropout data and for accumulating and reporting individual student and cohort academic performance data on state assessments.

161. Written policies and procedures have been developed and implemented to ensure accurate collection and reporting of enrollment, dropout, and individual student and cohort academic performance data.

162. The charter school provides adequate guidance, instruction, and training to all persons responsible for gathering, analyzing, and reporting student academic performance data.

163. Charter school leadership and/or staff review the accuracy of all student enrollment, dropout, academic performance data, and other data and information contained in the NYSED School Report Card and other reports issued by government agencies or by the school itself.

164. The charter school has controls to ensure that confidential individual student data (i.e. BEDS, enrollment, attendance, internal and external assessment results, etc.) are secured at all times, data input is reliable, and data output is accurate.

165. The charter school maintains copies of all reports submitted to NYSED and for all source documentation for each of the data elements reported in STEP or other publicly disseminated data reports such as student lists, test results, etc.

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166. The charter school maintains records documenting the dates on which each student first entered the school, graduated from the school, or otherwise left the school prior to graduation and the reason(s) for leaving. If the charter school is a high school, the school has documented the dates on which each student entered, the ninth grade (cohort), took each required Regents examination or approved alternative test, and the scores on each exam or test segment achieved by the student.

167. If a high school, the charter school maintains source documentation for all cohort data that must be reported to the State Education Department (i.e. including but not limited to current ninth grade enrollment data, daily school registers, records of transfers in and out of the charter school, special education reporting and compliance files and records, etc.)

168. The charter school has policies and procedures in place to ensure that all students who should take state required assessments are tested.

169. The charter school has a system in place to determine the status of chronically absent students and those with unexcused absences, and to track the whereabouts of individual students, including those who have left the charter school.

170. The charter school classifies students who have been absent for 20 consecutive school days as dropouts.

Lottery Procedures

169. Charter School law requires charter applicants to clearly outline their lottery procedures, and their written policy must be aligned with their practice.

170. Lottery procedures must include a reliable method for ensuring randomness, integrity, and compliance with the statute. Lottery mechanisms must also meet standards of fairness, equality and access for all eligible students.

171. Lotteries may be overseen by independent auditors or another neutral party.

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Required Charter School Policies

Policy Name	Required By	Guidance for Charter Schools
Access to School Records	Freedom of Information Law; Public Officers Law (POL)Article 6, § 84 et seq.; Charter Paragraph 7.3	
Open Meetings Law	POL Article 7, § 100 *et seq.*; Ed. Law § 2854(1)(e) Charter Paragraph 7.3	
Student Admissions and Enrollment	Education Law §2854 (2) Charter Paragraph 2.3	A charter school's student admissions and enrollment policies should include required anti-discrimination criteria and allowable admissions priorities.
Student Attendance	8 NYCRR 104.1(i)	A charter school's student attendance policies should require annual review of attendance data.
Student Disciplinary Code	Education Law §2851 (2) (h) Charter Paragraph 2.8	A charter school's disciplinary code (code of conduct) should set forth the rules and procedures by which students may be disciplined, including but not limited to expulsion or suspension from the school, consistent with the requirements of due process and with federal laws and regulations governing the placement of students with disabilities.
Hiring and Personnel Policies	Education Law §2851 (2) (g) Charter Paragraph 4.2	Qualifications sought by the school for hiring school leaders and administrators, teachers, and other school employees, along with position descriptions for all positions.
Health Services (Medication Administration)	Education Law § 2851(2)(r)	Specifically indicate procedures for administering medication to students who require medication at school daily.
Code of Ethics	Education Law §2851 (2) (v) Charter Paragraph 2.9	Charter school's code of ethics should set forth clear guidance to trustees, officers, and employees the standards of expected conduct

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Policy Name	Required By	Guidance for Charter Schools
		and the process for disclosing potential conflicts of interest.
Complaints	Education Law §2855 (4) Charter Paragraph 2.11	
Special Education	Individuals with Disabilities Education Act (20 U.S.C. § 1401 *et seq*.), the Americans with Disabilities Act (42 U.S.C. § 12101 *et seq*.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794	
Background Checks	2854(3)(a-2) of the Education Law and the applicable requirements of the Safe Schools Against Violence in Education legislation (Chapter 180 of the Laws of 2000) and part 87 of title 8 the Official Compilation of Codes, Rules and Regulations of the State New York	
Management and Financial Controls	Charter Paragraph 5.1	The School Corporation shall at all times maintain appropriate governance capacity, managerial procedures, and financial controls.
Equal Employment Opportunity	20 USC §1703; 42 USC §2000-e; 34CFR §106.9	These statutes prohibit charter schools from engaging in practices denying equal employment opportunities.
Family Educational Rights and Privacy Act (FERPA)	20 U.S.C. §1232(g); 34 C.F.R. Part 99	Law and implementing regulation applies to all charter schools receiving U.S. Department of Education grant or entitlement funds and requires schools to protect the privacy of student information and academic records.
Sexual Harassment	20 USC §1681; 42 USC §2000-e; 34CFR §106.9	
Title I Parental Involvement	20 U.S.C. §6318 (a)(2); §1118 ESEA; Non-Regulatory Guidance	Federal law requires all charter schools with Title I programs to develop a parental involvement

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Policy Name	Required By	Guidance for Charter Schools
	www.ed.gov/programs/titleiparta/parentinvguid.doc	plan. Such plan must be developed with, and agreed to, by parents of Title I students attending the school.
Internet Safety	47 USC §254; 20 USC §6801 http://www.fcc.gov/cgb/consumerfacts/cipa.html	The Children's Internet Protection Act imposes certain types of requirements on any charter school that receives funding support for Internet access from the "E-rate" program.
Wellness	Public Law 108-265 §204	Required for Charter schools participating in federal child nutrition programs must comply with "wellness" statutes.

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Reporting Deadlines Calendar

For Schools Beginning their Second (or Later) Year of Operation

Yearly Reporting Summary

July	August	September
	1st Annual Report 1st Billing Report 1st Progress Report 30th Renewal Application	
October	**November**	**December**
1st Billing Report 1st Change in Program (Enrollment)	1st Audit Report - Fiscal 15th Quarterly Report - Fiscal	1st Billing Report 1st Material charter changes due 30th Application Form
January	**February**	**March**
	1st Billing Report 15th Quarterly Report - Fiscal	
April	**May**	**June**
1st Transportation Request (Parents) 1st Billing Report	1st Application and Admissions Summary 15th Quarterly Report - Fiscal 15th Facility Agreement 15th Budget	1st Billing Report 30th Budget

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List of Resources:

- *Reference Guide for Audits of Charter Schools Authorized by the State University of New York:* http://www.newyorkcharters.org/schoolsFiscalOperation.htm

- *The Fiscal Guidelines for Federal and State Aided Grants* www.oms.nysed.gov/cafe and click on Fiscal Guidelines.

- USDA Eligibility Guidance for School Meals Manual: http://www.fns.usda.gov/sites/default/files/EliMan.pdf

- Office of Management and Budget Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments: http://www.whitehouse.gov/omb/circulars_a087_2004

- Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations: http://www.whitehouse.gov/omb/circulars/a133_compliance_supplement_2010

- *Compliance Supplement, Part 6*, issued by Office of Management and Budget (periodically revised and reissued): www.whitehouse.gov/omb/

- NYSED Forms; Includes Intercept forms, financial statements, forms and info for federal and state grants, budget forms http://www.p12.nysed.gov/psc/form.html

- Site Visit Protocols (Updated April 2011): Information about how the CSO will conduct and report on site visits during the 2010-2011 school year at charter schools directly authorized by the Board of Regents.
  http://www.p12.nysed.gov/psc/OversightPlan.html
  http://www.p12.nysed.gov/psc/documents/fullsitevisitprotocolmarch2011.pdf
  http://www.p12.nysed.gov/psc/documents/fullsitevisitreporttemplatemarch2011.pdf
  http://www.p12.nysed.gov/psc/documents/checkinvisitmarch2011.pdf

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Summary Statement

As stated in the beginning of this Guidebook, this document was created to serve as a resource for charter school leaders, employees, and Trustees. While we trust that the Guidebook will be useful for charter schools, we urge you to also make use of the larger framework of documents and tools that are available to guide and assist you, many of which can be found by following the links we've included throughout this document. These resources are all intended to support the improved effectiveness of all Regents-authorized charter schools.

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Appendix 5

CSP Grant Management Guidance and Procedures: Draft Version

CSP Grant Management

Guidance & Procedures: DRAFT VERSION

New York State Education Department

DRAFT

Spring 2014

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General Information & Overview

Funding Cycles for Federal and State Grants

All federal and state grant programs adhere to annual funding cycles, although there are significant differences between the state and federal funding calendars. The federal fiscal year runs from October 1 through September 30, although most federal programs are "forward funded" by the federal government and thereby made available to the states on July 1, prior to the start of the federal fiscal year. In addition, most federal grants are governed by carryover provisions, which extend the life of an appropriation for an additional year. Thus, most programs funded through the U.S. Department of Education have an appropriation life of 27 months.

In order to manage local grants projects effectively and identify expenditure and carryover funds on a local and statewide basis, most federal grants to local agencies are awarded on an annual cycle. In fact, most grants are funded on a school year basis of September 1 through August 31, although certain programs may operate on a July 1 through June 30 basis. The State Education Department (SED) also has the option to fund projects for a shorter length.

The state fiscal year runs from April 1 through March 31. Unlike federal programs, state programs do not have carryover provisions unless specifically authorized by the State Legislature. While state funds may be disbursed up until August 31 following the end of the fiscal year, the limited appropriation life does impose severe restrictions on the time permitted for operation and closeout of individual projects. Thus, in order to manage state funds effectively, local grants are confined to a July 1 through June 30 cycle with the exception of special legislative projects which can run through July 31 when necessary. Again, as with federal programs, certain projects may be funded for a shorter duration within that cycle.

Application and Budgeting Processes for Grants and Special Legislative Projects

Periodically, grant applications or Requests for Proposals (RFPs) are developed by the responsible SED program office. These documents are available on the internet and, upon request, in paper form from the program office.

- Agencies eligible to apply for funding should read the application materials thoroughly and follow all instructions contained in the application.
- A proposed budget will usually be requested as part of the application process. The application will specify what budget form, the FS-10 or FS-20, should be submitted. The proposed budget is submitted to the SED program office along with other required information.
- The SED program office reviews all of the grant application materials and determines the grantees. For competitive (or discretionary) grant programs, SED sends information regarding the grant program to the Office of the State Comptroller for review and approval by Grants Finance. Upon approval by Grants Finance, the program office notifies applicants of approval by Grants Finance or disapproval by Grants Finance.
- Awards made through the allocational process are executed through grants. Awards made through the competitive process are executed through either grants or grant

contracts. The same fiscal and programmatic requirements must be met under both grants and grant contracts, but individual grant contracts must also be reviewed and approved by the Office of the State Comptroller.

- Following program office review and approval by Grants Finance of the FS-10 or FS-20 budget for a grant, the budget is sent to Grants Finance. For grants, a copy of the approved FS-10 or FS-20 budget, accompanied by a grant status report, is mailed to the local agency by Grants Finance. For grant contracts, the approved budget is sent to the local agency as part of the contract, which must be reviewed and agreed to by the local agency, then returned to SED.
- The local agency notes any changes to the budget and establishes project accounting records.
- At the same time, but under separate cover, a formal grant award notice is sent to the local agency by Grants Finance. For grant contracts, the grant award notice is included in the contract.
- Depending upon the grant program, an automatic first payment may be made. The availability and amount of first payments vary due to statutory, regulatory or policy requirements; refer to the grant award notice for each grant regarding the availability and amount of the first payment. For grant contracts, refer to the contract for the grant award notice and a payment schedule.
- The SED program office may notify local agencies of any special conditions of the grant or any requirements to provide additional information, such as performance reports.
- Subsequent budgetary changes requiring prior SED approval by Grants Finance are requested by the local agency through Form FS-10-A Proposed Amendment for a Federal or State Project. Submit FS-10-As to the SED program office.
- To request funds from a particular grant, local agencies must submit a Form FS-25 Request for Funds. The amount of funds requested at any one time may only include actual expenditures to date plus, in some cases, anticipated expenditures for the next month. Submit FS-25 Requests for Funds only when reimbursement for expenditures is required or, if permitted, expenditure of the funds will occur within the next month. There is no requirement to submit the form once a month or to submit a form requesting a zero payment.
- Once project activities are completed and all expenditures have been made, the local agency submits an original and one copy of the FS-10-F or FS-10-F Short Form Final Expenditure Report for a Federal or State Project to Grants Finance unless other routing instructions have been provided by the program office. Unless explicitly directed in the application, RFP, or in writing by SED program or Grants Finance staff, use the FS-10-F Short Form provided the report is submitted on time. Final expenditure reports that are submitted after the due date must be submitted on the FS-10-F. When the FS-10-F Short Form is used, agencies must maintain records of grant expenditures in a manner consistent with the FS-10-F and make the records available in a timely fashion to authorized individuals, which include state, federal and local auditors and staff from SED, the Office of the State Comptroller and federal agencies.
- Grants Finance reviews the final expenditure report, determines the final approved total of project expenditures, and reimburses any funds owed to the local agency. The grant is closed.

SED reserves the right to require the timely submission of a complete FS-10-F and any supporting documentation for monitoring or auditing purposes.

Special legislative projects are state-funded grants that are awarded to individual local agencies in accordance with the annual state local assistance budget adopted by the New York State Legislature, and are processed and administered by:

Special Legislative Projects Coordinating Unit
New York State Education Department
Room 132, Education Building
Albany, NY 12234
(518) 473-5733

There are major differences between the approval by Grants Finance and administration of grants and special legislative projects:

- The Legislature itself, rather than SED, designates the recipient local agency and the purpose and amount of each special legislative project awarded.
- The Special Legislative Projects Coordinating Unit notifies each designated local agency about its project award, transmits application forms for completion, and receives completed applications, amendments, requests for additional funds and final expenditure reports submitted by such agencies.
- In addition to the approval by Grants Finance of SED, such projects must also be approved by the Office of the State Comptroller.
- After all approval by Grants Finances have been obtained, a formal approval by Grants Finance letter will be transmitted.
- Final payments requested in accordance with the payment schedule indicated in the project application packet must always be accompanied by a final program narrative report. One signed original final expenditure report plus three copies must be submitted.
- The actual grants for such projects are awarded by the Legislature throughout the school year. However, regardless of the award date, the funding dates for projects will ordinarily encompass the entire school year in which the award occurs. Any exception to the annual school year funding cycle is subject to the approval by Grants Finance of the Office of the State Comptroller.
- The funding date for an approved amendment is retroactive to the approved beginning date of the special legislative project.
- If the Legislature re-appropriates an individual grant for extension through the succeeding fiscal year, a local agency may then apply for a project extension through June 30 of the succeeding year.

Payment of Grant Funds

Initial Payments

New York State Education Department policy is to provide subgrantees of Federal grants with an automatic first payment of 20 percent of their current budget, although this can vary by grant program. For CSP grants, this initial 20 percent payment is issued following the execution of the contract, not at the beginning of the grant. Typically, due to timing issues related to steps towards processing the payment through multiple State entities, the initial 20 percent payment is a reimbursement rather than an advance.

Subgrantees are allowed to be reimbursed for any allowable expenditure made during their contract award period. Subgrantees are informed that they are not to rely on, and do not have

access to CSP funds, until they receive an executed grant contract, which means the review and approval process has been completed.

After the initial 20 percent payment, subgrantees may access up to 90 percent of a grant's budget for the period in question. The remaining 10 percent is withheld until a final expenditure report (FS-10F) is received. For more information regarding this topic, refer to guidance surrounding **FS-25 Request for Funds.**

Fiscal Forms– Use and Instructions

Forms **FS-10 and FS-20 - Proposed Budget for a Federal or State Project** are used to:

- Assist the local applicant agency in planning for necessary project expenditures.
- Provide SED with a specific itemization of proposed project expenditures.
- Provide SED and the Office of the State Comptroller with the necessary documentation upon which payments can be based.
- Ensure that expenditures made by the local agency have the prior approval by Grants Finance of SED.

Instructions:

- Each grant application or RFP will specify whether the FS-10 or FS-20 form should be used.
- The specific deadline date for submittal of application materials and a proposed budget is established by each SED office responsible for program administration.
- Upon approval by Grants Finance by SED, projects are assigned an approved "funding date". This is the earliest possible date for encumbrances in the operation of the project and may be found on page 8 of the FS-10 or page 2 of the FS-20. Expenditures based on obligations made prior to the approved funding date of the project will not be reimbursed.
- A copy of the approved FS-10 or FS-20 accompanied by a grant status report will be returned to the agency. In addition, a formal grant award notice is sent to the agency by Grants Finance. Depending upon the grant program, an automatic first payment may be made.

Form **FS-25 - Request for Funds** is used to:

- Report expenditures on federal or state funded projects.
- Request funds for federal or state funded projects.

Instructions:

- Local agencies may request funds to support grant activities by reporting actual expenditures to date plus, in some cases, anticipated expenditures for the next month. Regardless of the amount of anticipated expenditures, requests for funds may total no more than 90 percent of a grant's budget.
- Certain grant programs allow payment only on a reimbursement basis and do not permit payments for anticipated expenditures. Regardless of the grant program, for-profit organizations are paid only on a reimbursement basis. In addition, any local agency identified as having a cash management system that is not in compliance with federal regulations may be limited to payments on a strictly reimbursement basis.
- For those grant programs that permit payment on anticipated expenditures, payments are allowed only when a local agency can demonstrate willingness and ability to maintain appropriate procedures that minimize the time between receipt and disbursement of the funds.
- Before submitting a Form FS-25 Request for Additional Funds to Grants Finance, a local agency must have a clear understanding of the policies and procedures regarding payments for federal and state grants. The Chief Administrator's signature on the form will be considered confirmation of the agency's knowledge of and agreement to meet the requirements.
- Submit FS-25 Requests for Funds only when reimbursement for expenditures is required or, if permitted, expenditure of the funds will occur within the next month. There is no requirement to submit the form once a month or to submit a form requesting a zero payment.

Form **FS-10-A - Proposed Amendment for a Federal or State Project** is used to:

- Request prior approval by Grants Finance from SED for budget changes to federal or state funded grants.
- Enable both the local agency and SED to maintain an accurate and up-to-date record of approved changes in a budget.

Instructions:

- The following changes to a budget must receive prior approval by Grants Finance from SED:
    - An increase in any budget category (salaries, purchased services, travel, etc.) by more than 10 percent or $1,000, whichever is greater.
    - Addition of equipment items having a unit value of $5,000 or more.
    - Material changes to personnel positions.
    - Addition of minor remodeling.
    - An increase in the total budget amount.
    - The FS-10-A may be submitted at any time between the date the grant receives the written approval by Grants Finance of SED and the approved termination date of the grant as long as prior approval by Grants Finance requirements are

met. However, SED program managers may set an earlier final date for submittal of budget amendment forms. Please check with the appropriate program office regarding possible deadlines.

- The date of receipt of an amendment is the earliest possible funding date for encumbrances based on that amendment. Amendments may not be submitted after the grant's end date.
- Amendments should be submitted directly to the SED office responsible for program administration. Approved amendments are then forwarded to Grants Finance. The necessary changes will be made to Grants Finance records and a copy of the approved amendment will be returned to the local agency.
- Use Form FS-10-A for all amendments regardless of whether original budget was submitted on Form FS-10 or FS-20.

The **FS-10-F and FS-10-F Short Form - Final Expenditure Report for a Federal or State Project** are used to:

- Report to SED reimbursable expenditures made by the agency in an approved project. The expenditures are compared with approved budget category totals for the purpose of determining final approved expenditures.
- Serve as the basis for reimbursement of funds to the local agency.

Instructions:

- Unless directed in the grant application or RFP or in writing by SED program or Grants Finance staff, the FS-10-F Short Form should be used, provided the report is submitted within stated timelines. Final expenditure reports that are submitted after the due date must be submitted on the FS-10-F.
- When the FS-10-F Short Form is used, local agencies must record project expenditure details in a manner consistent with the internal pages of the FS-10-F. It is recommended that the pages of the FS-10-F (or a comparable format) be used to compile and summarize project expenditures. These details must be readily available upon request from authorized individuals, which include state, federal and local auditors and staff from SED, the Office of the State Comptroller and federal agencies.
- A variety of circumstances could result in SED requiring submission of the FS-10-F. Some of these circumstances include the selection of an agency or a program for detailed review as part of SED's comprehensive audit or monitoring processes, unique requirements of a particular program or the designation of an agency as "high-risk" due to non-compliance with the conditions of one or more grants/grant contracts.
- The final expenditure reports should be prepared after all encumbrances have been liquidated.
- The due date for the final expenditure report is listed on the grant award notice.
- Reports for federal projects are generally due within 90 days following the end of the grant. Reports for state projects are generally due within 30 days following the end of the grant.
- Certain program managers may require earlier submission of final expenditure reports due to unique requirements of the fund source. If this is the case, you will receive notification from the program manager. This program-specific requirement supersedes the standard timelines mentioned above.

- Expenditures for only one project may be reported in each final expenditure report. Copies of supporting documentation such as claim forms, travel vouchers and invoices should not be sent to SED. Such documentation must be retained in the local agency project file. If it is necessary for an auditor to review this material, it will be requested.
- To ensure accuracy, the final expenditure report should be completed by staff of the local agency's business office.
- All costs are to be reported in whole dollar amounts.
- A review of each final expenditure report is conducted by Grants Finance to determine the reimbursable expenditures of the project.
- Upon completion of the review, a copy of the final expenditure report will be mailed to the local agency and any funds owed to the local agency will be reimbursed. If the review results in an overpayment to the local agency, the amount overpaid will be transferred to another of the agency's eligible projects, if possible, and a Form FS-80 Notice of Overpayment will be sent to the local agency. The notice will identify the grant that was overpaid; the amount overpaid; and the grant charged for overpayment, or will instruct the local agency to submit a refund check. These procedures have been designed to inform local agencies as fully as possible of SED's review findings and to give local agencies adequate time to review the findings.

The Department reserves the right to request at any time the timely submission of a complete FS-10-F and supporting documentation for monitoring or auditing purposes.

Other Forms – Charter School Specific

In addition to the payment and reporting documentation as required by the NYSED Grants Finance Office, the Charter School Office requires additional documentation and assurances from CSP recipients. The following forms or reports are required either at the application for initial funding or during continuation award periods

- **Grant Cover Page (Form A)** – This form is required both at the initial application and the continuation award periods. This is an attestation by the applicant that requests submitted are in compliance with Federal and state laws.
- **Budget Workplan and Annual Project Update (Form B)** – The budget workplan is required to be submitted as a corresponding document to the FS-10 budget form. The workplan provides more detailed information than what is required in the FS-10. At the end of the grant period, the gray shaded columns are completed by the grant recipient to update the CSO of any modifications or changes to their budget during the grant period.
- **Annual Project Progress Report (Form E)** – This report is submitted at the beginning of a continuation period and provides information about activities undertaken during the prior budget period with grant funds. For example, if the initial planning period was in 2012-13, the APPR for 2012-13 would be submitted at the beginning of the 2013-14 continuation period.
- **Equipment Monitoring Form (Form F) –** this form is submitted at the end of each grant period. It is used to catalog any equipment purchases made with CSP funds.

Reopening Grant Projects

Once the final expenditure report for a project has been reviewed and the grant closed, the local agency has 90 days to request that the grant be reopened for further review. Requests should be submitted in writing to Grants Finance; under normal circumstances requests are limited to one per grant. With appropriate justification, requests beyond one per grant may be allowed, but they must be received within the original 90-day timeframe.

If there is no request for additional review with the 90-day period, the results are considered final. However, SED reserves the right to reopen a grant after it has been closed to either recover any unallowed costs or reimburse any additional costs that have been disclosed through separate audits or reviews.

General Guidelines

Local Responsibility

Projects must operate under the jurisdiction of the local board of education or other appropriate governing body and are subject to at least the same degree of accountability as all other expenditures of the local agency. The local board of education or other appropriate governing body is responsible for the proper disbursement of, and accounting for, project funds. Written agency policy concerning wages, mileage and travel allowances, overtime compensation, or fringe benefits, as well as State rules pertaining to competitive bidding, safety regulations, and inventory control must be followed. Supporting or source documents are required for all grant related transactions entered into the local agency's recordkeeping system. Source documents that authorize the disbursement of grant funds consist of purchase orders, contracts, time & effort records, delivery receipts, vendor invoices, travel documentation and payment documents, including check stubs.

Allowable Costs

To be considered allowable for reimbursement, costs must meet the following general criteria:

- Be necessary and reasonable for proper and efficient operation of the program.
- Be permissible under applicable state and/or federal laws and regulations.
- Conform to any limitations or exclusions set forth in these guidelines, laws or regulations, or other governing limitations as to types or amounts of cost items.
- Be the net amount after applying all applicable credits, such as purchase discounts, project-generated income, and adjustments of overpayments.
- Must not be included as a cost in any other project or grant.
- Always refer to CSP Nonregulatory Guidance if necessary
    - http://www.p12.nysed.gov/psc/documents/2011cspnonregulatoryguidance.pdf

Database Management

Managing & Updating the CSP Database

Getting Started on PTS

Obtaining Access to PTS

- Check for Core Suite software on the list of programs on your computer
- If it's there, go to step 4
- If it's not there, submit a request to your office's ITS liaison for Core Suite
- Request read-only rights to PTS by contacting Tim Tierney in ITS
- You will be provided an access code and password

Logging on PTS

- User code: Type in PTS, hit tab key
- Password: Type in password, hit + key on numerical keypad
- Access Code: Provided to you by ITS, hit tab key
- Access Password: Provided to you by ITS, hit + key on numerical keypad
- On PTS homepage, hit page down key
- The cursor will be at home position. Type in ?on café, hit + key on numerical keypad
- You are on PTS
- Click on the green arrow key on the toolbar to go to the home position.
- Call up a screen. For instance, go to home and type in CFLEA 010100010000 10. Hit the + key. This produces Albany City SD's 2009-10 allocations.

Things to Do and Not to Do:

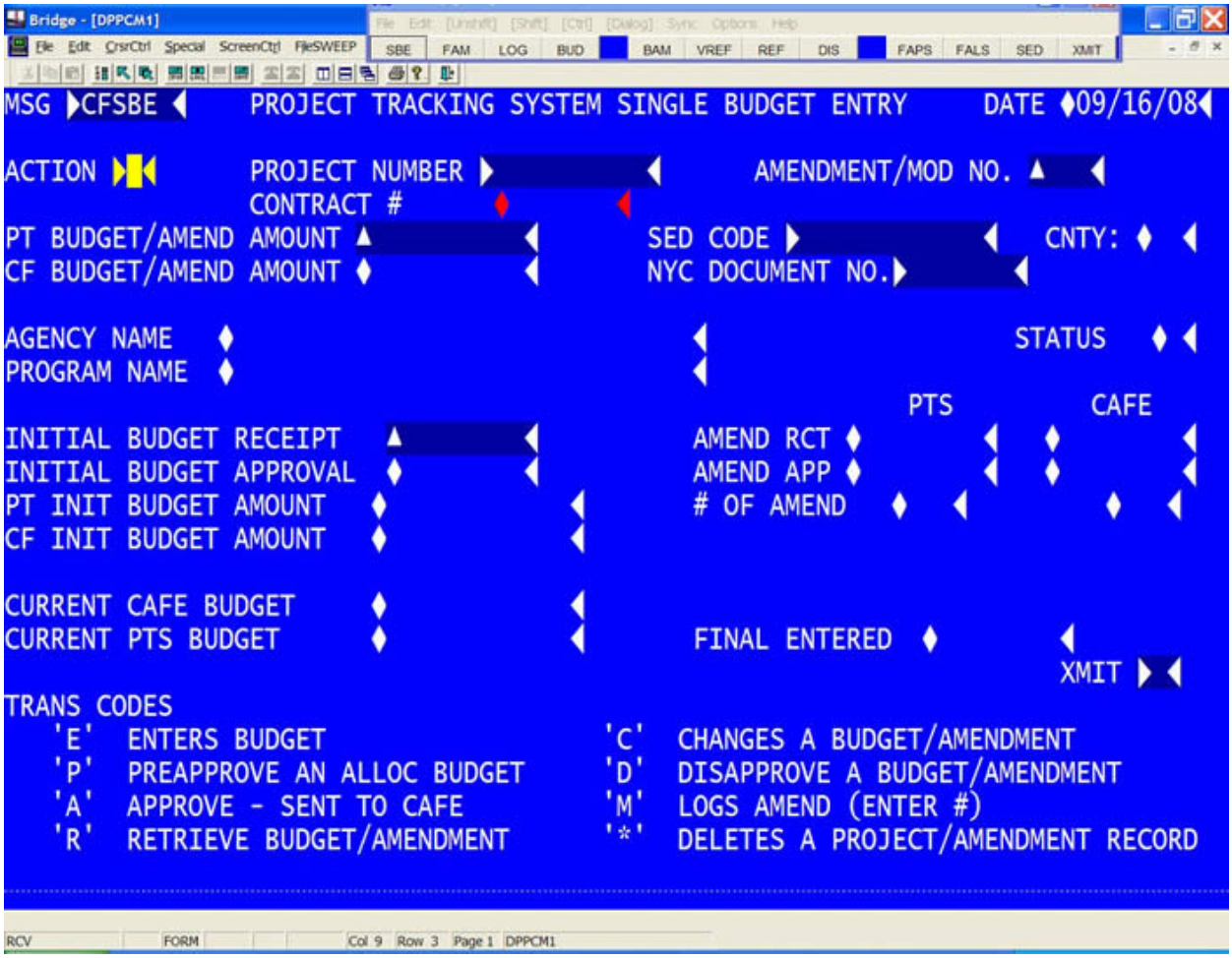
- This is a mainframe application, so it's very picky. Be patient and follow the rules!
- Never hit enter. Use the + key instead.
- Use the tab key to move from line to line.
- Always go to the home position to call up a screen.
- Make sure the cursor is on the last number you've typed when you hit the + key to transmit.
- Use page up and page down keys for screens that are multi-page, such as CFAPS and CFLEA.
- You don't need to have a blank screen in front of you in order to call up a new screen. Go to the home position and type over the what's already there.

CFSBE - Single Budget Entry

Budgets and budget amendments must be entered and approved on PTS by program offices before they can be sent to Grants Finance for processing on CAFE. This PTS screen is used to record the receipt of, make revisions to, delete, and approve budgets and any budget amendments. Information can be entered for only one project at a time.

To display the Single Budget Entry screen:

- Go to home position (upper left corner of screen).
- Type CFSBE and transmit or enter.



Budgets

To enter receipt of budget:

- In the ACTION field, enter "E".
- In the PROJECT NUMBER field, enter 10 digit project number.
- In the BUDGET/AMEND AMOUNT field, enter the amount of the budget (no commas or decimals).
- In the SED CODE field, enter the agency's 12 digit SED code.
- In the NYC DOCUMENT NO field, enter the NYC document number listed on the budget (for NYC Department of Education budgets only, otherwise leave blank).
- In the INITIAL BUDGET RECEIPT field, either enter a date in XX/XX/XX format or leave blank (today's date will be automatically entered).
- Transmit or enter.
- "Transaction Accepted - Please Continue" or an error message will display in lower left corner of screen.

---------- **To change project number, SED code or budget amount:**

This transaction was created in order to correct data entry errors or to reflect new information (e.g. project originally entered as VEA Title II 0152-92-0001 was determined to be a Title III project 0153-92-0001). With the "C" transaction, receipt and approval by Grants Finance dates will be transferred to the revised record. If the project number is to be revised, only the project number can be changed in a single transaction. If the project number stays the same, both the SED code and/or the budget amount can be revised at the same time.

WORK ON THIS SECTION

- In the ACTION field, enter "R".
- In the PROJECT NUMBER field, enter 10 digit project number.
- Transmit or enter.
- Data for project will be displayed.

- In the ACTION field, enter "C".
- In the SED CODE field, enter the agency's 12 digit SED code.
- In the NYC DOCUMENT NO field, enter the NYC document number listed on the budget (for NYC Department of Education budgets only, otherwise leave blank).
- In the INITIAL BUDGET RECEIPT field, either enter a date in XX/XX/XX format or leave blank (today's date will be automatically entered).
- Transmit.
- "Transaction Accepted - Please Continue" or an error message will display in lower left corner of screen.

ACTION "C" SED CODE New agency code BUDGET AMOUNT Revised budget amount (clear original amount) PROJECT NUMBER New project number XMIT "Transmit" or "enter" key

[revised information for project will be displayed on screen]

To approve a budget:

A budget must be entered on PTS before it can be approved on PTS.

- In the ACTION field, enter "R".
- In the PROJECT NUMBER field, enter 10 digit project number.
- Transmit or enter.
- Data for project will be displayed.
- In the ACTION field, enter "A".
- If the approved budget amount is different than the initial entry, delete the BUDGET AMOUNT and re-enter.
- Transmit or enter.
- "Transaction Accepted - Please Continue" or an error message will display in lower left corner of screen.

To disapprove a budget:

This transaction is for occasions when a budget will not be approved. Typically, these are crcumstances where budgets were submitted during the competitive grants process but were not funded. However, budgets for allocational funds such as Title I can be disapproved on PTS as well. The project can later be approved (see approval by Grants Finance transaction above).

- In the ACTION field, enter "R".

- In the PROJECT NUMBER field, enter 10 digit project number.
- Transmit or enter.
- Data for project will be displayed.
- In the ACTION field, enter "D".
- Transmit or enter.
- "Transaction Accepted - Please Continue" or an error message will display in lower left corner of screen.

To delete a budget:

This transaction is for circumstances where a budget has been entered on PTS in error and needs to be removed. If a budget is deleted, all data will be removed. Budgets cannot be deleted from PTS once they have been processed on CAFE in Grants Finance.

- In the ACTION field, enter "R".
- In the PROJECT NUMBER field, enter 10 digit project number.
- Transmit or enter.
- Data for project will be displayed.
- In the ACTION field, enter "*".
- Transmit or enter.
- "Transaction Accepted - Please Continue" or an error message will display in lower left corner of screen.

Budget Amendments

To enter receipt of budget amendment:

- In the ACTION field, enter "R".
- In the PROJECT NUMBER field, enter 10 digit project number.
- Transmit or enter.
- Data for project will be displayed.
- In the ACTION field, enter "M".
- In the AMENDMENT/MOD NO field, enter the 3 digit amendment number listed on the form.
- In the BUDGET/AMEND AMOUNT field, enter net amount of the amendment (not the new budget total). Use the "-" sign as needed for net decreases; do not use commas or decimals.
- Transmit or enter.
- "Transaction Accepted - Please Continue" or an error message will display in lower left corner of screen.

Enter the number of the amendment as indicated by the agency, even if it is not consecutive. Since there is a record for each amendment, a lower-numbered amendment can be entered after a higher-numbered amendment. However, amendments need to be acted on in sequence. That is, amendment number 1 needs to be approved or disapproved on PTS before amendment 2.

Each amendment is tracked separately on CAFE/PTS. The net amount of each amendment will be added to the initial budget total to create the current amended budget amount. If the

amendment decreases the total amount of the budget, enter the amendment amount with a minus sign.

To revise the amount of the number of an amendment:

- In the ACTION field, enter "R".
- In the PROJECT NUMBER field, enter 10 digit project number.
- In the AMENDMENT/MOD NO field, enter the 3 digit amendment number.
- Transmit or enter.
- Data for the amendment will be displayed.
- In the ACTION field, enter "C".
- Change the data in the BUDGET/AMEND AMOUNT and AMENDMENT/MOD NO fields, as needed.
- Transmit or enter.
- "Transaction Accepted - Please Continue" or an error message will display in lower left corner of screen.

To approve an amendment:

- In the ACTION field, enter "R".
- In the PROJECT NUMBER field, enter 10 digit project number.
- In the AMENDMENT/MOD NO field, enter the 3 digit amendment number.
- Transmit or enter.
- Data for the amendment will be displayed.
- In the ACTION field, enter "A".
- Change the data in the BUDGET/AMEND AMOUNT if the approved amount is different than that previously entered.
- Transmit or enter.
- "Transaction Accepted - Please Continue" or an error message will display in lower left corner of screen.

To disapprove an amendment:

- In the ACTION field, enter "R".
- In the PROJECT NUMBER field, enter 10 digit project number.
- In the AMENDMENT/MOD NO field, enter the 3 digit amendment number.
- Transmit or enter.
- Data for the amendment will be displayed.
- In the ACTION field, enter "D".
- Transmit or enter.
- "Transaction Accepted - Please Continue" or an error message will display in lower left corner of screen.

A disapproved amendment can later be approved (see amendment approval by Grants Finance process above).

To delete an amendment:

- In the ACTION field, enter "R".
- In the PROJECT NUMBER field, enter 10 digit project number.

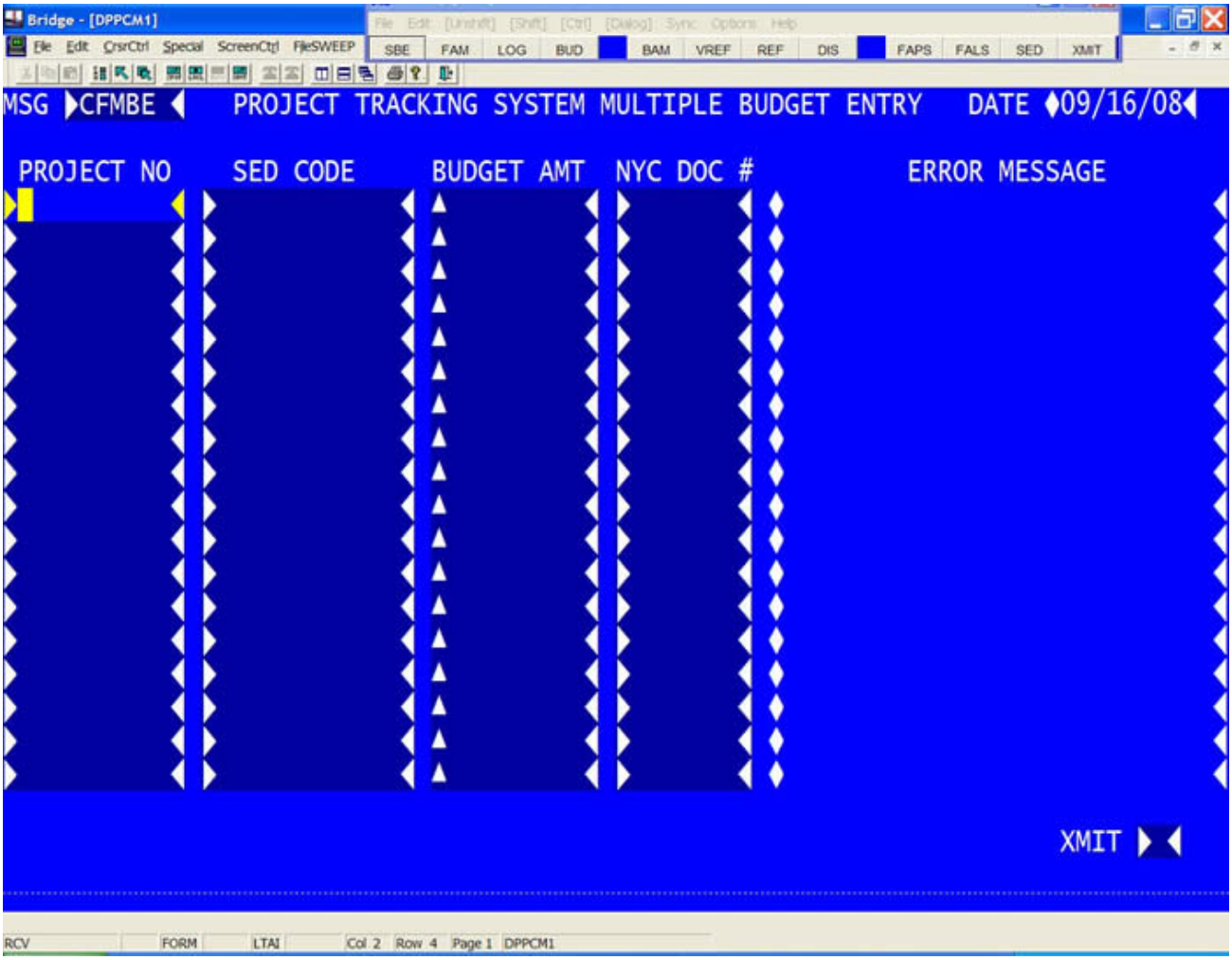
- In the AMENDMENT/MOD NO field, enter the 3 digit amendment number.
- Transmit or enter.
- Data for the amendment will be displayed.
- In the ACTION field, enter "*".
- Transmit or enter.
- "Transaction Accepted - Please Continue" or an error message will display in lower left corner of screen.

CFMBE - Multiple Budget Entry

This screen is used to enter the receipt of one or more budgets onto PTS. Up to 12 initial projects can be entered in a single transaction using any combination of project numbers and agency codes.

To display the Multiple Budget Entry Screen:

- Go to home position (upper left corner of screen).
- Type CFMBE.
- Transmit or enter.



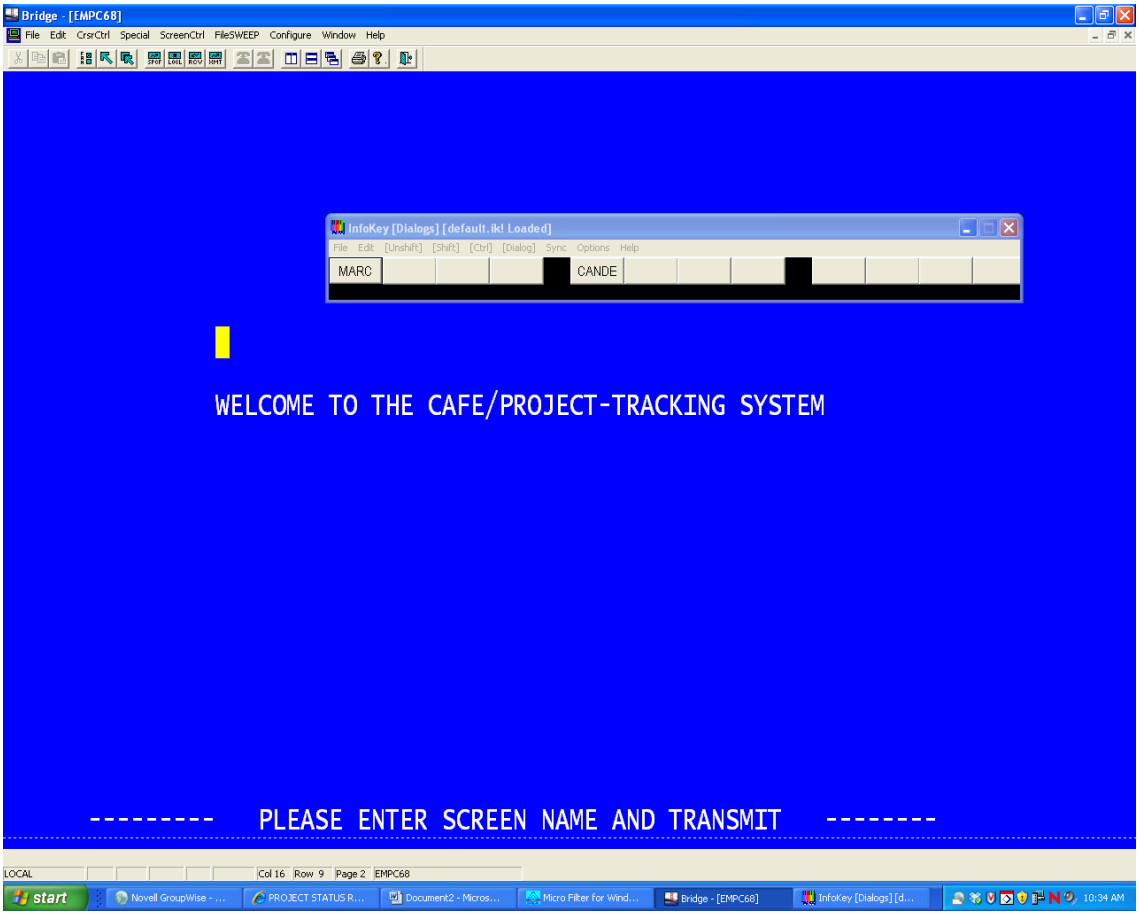
To enter receipt of budget(s):

- In the PROJECT NO field, enter 10 digit project number.
- In the SED CODE field, enter the agency's 12 digit SED code.
- In the BUDGET AMT field, enter the amount of the budget (no commas or decimals).
- In the NYC DOC # field, enter the NYC document number listed on the budget (for NYC Department of Education budgets only, otherwise leave blank).
- "Transaction Accepted - Please Continue" or error messages will display in lower left corner of screen and in column on far right of screen. The most common errors are inGrants Financeid SED codes or duplicate project numbers. Correct the errors (or delete the entry) and retransmit.

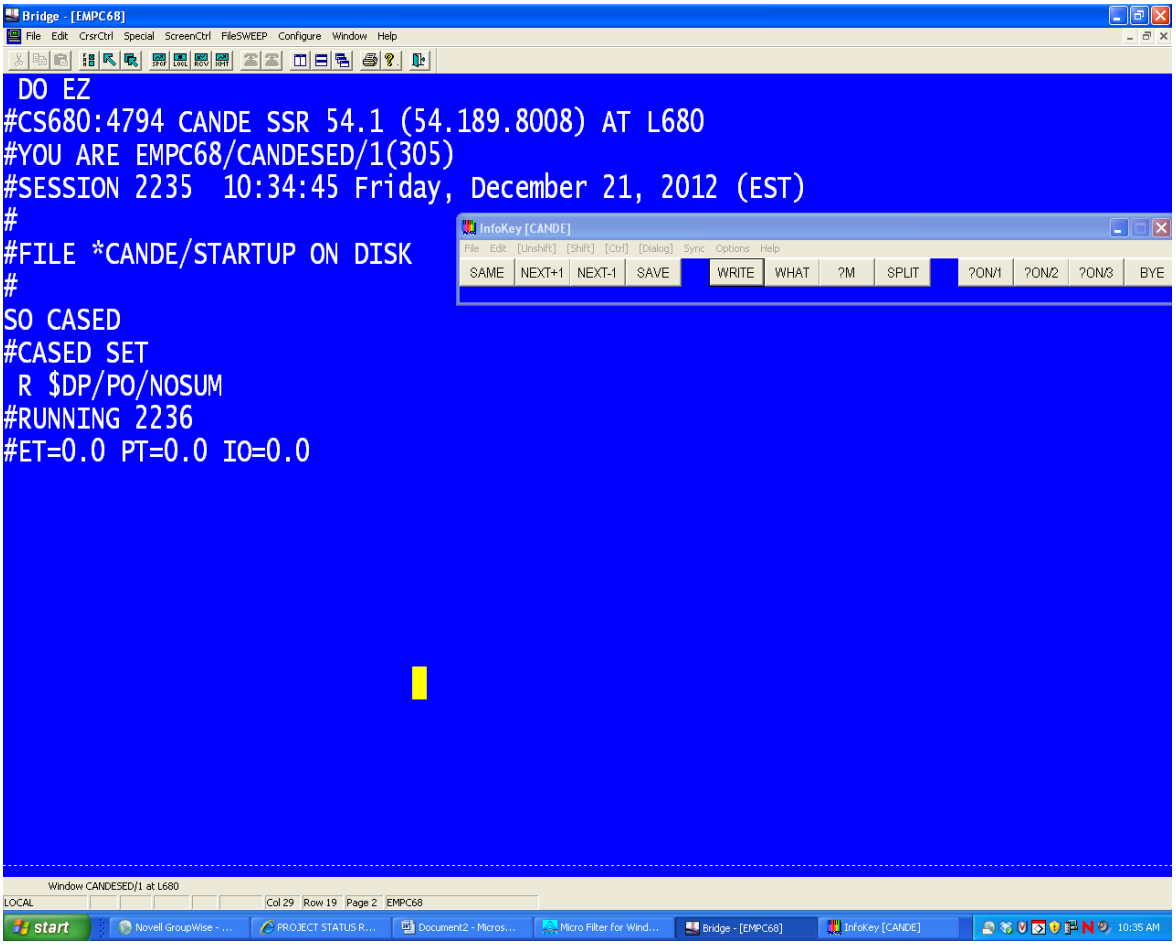
Running an EZ Spec Report

Sign into the Bridge as you usually do

Push the CANDE Button on the InfoKey

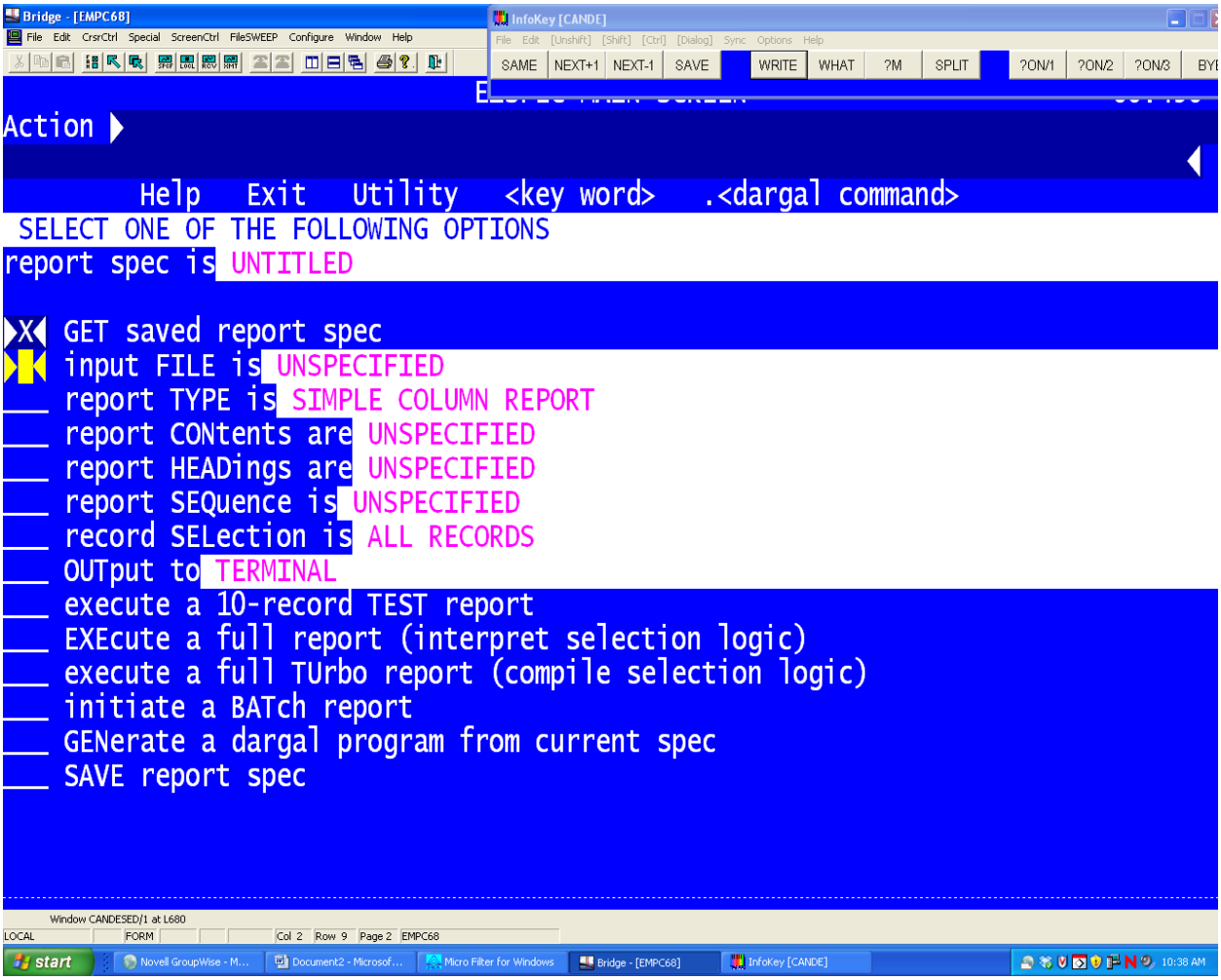


Write “DO EZ” at top



Transmit (+ sign on number keyboard)

X at Get Saved Report Spec



Transmit

You should delete from your Computer C drive any excel or HTML File there already by the same name. Then, you will be sure to get a clean new copy of the report.

Enter name of report (Mary: STOGRANTS; Susan D: AMOUNTPAID12KLH2)

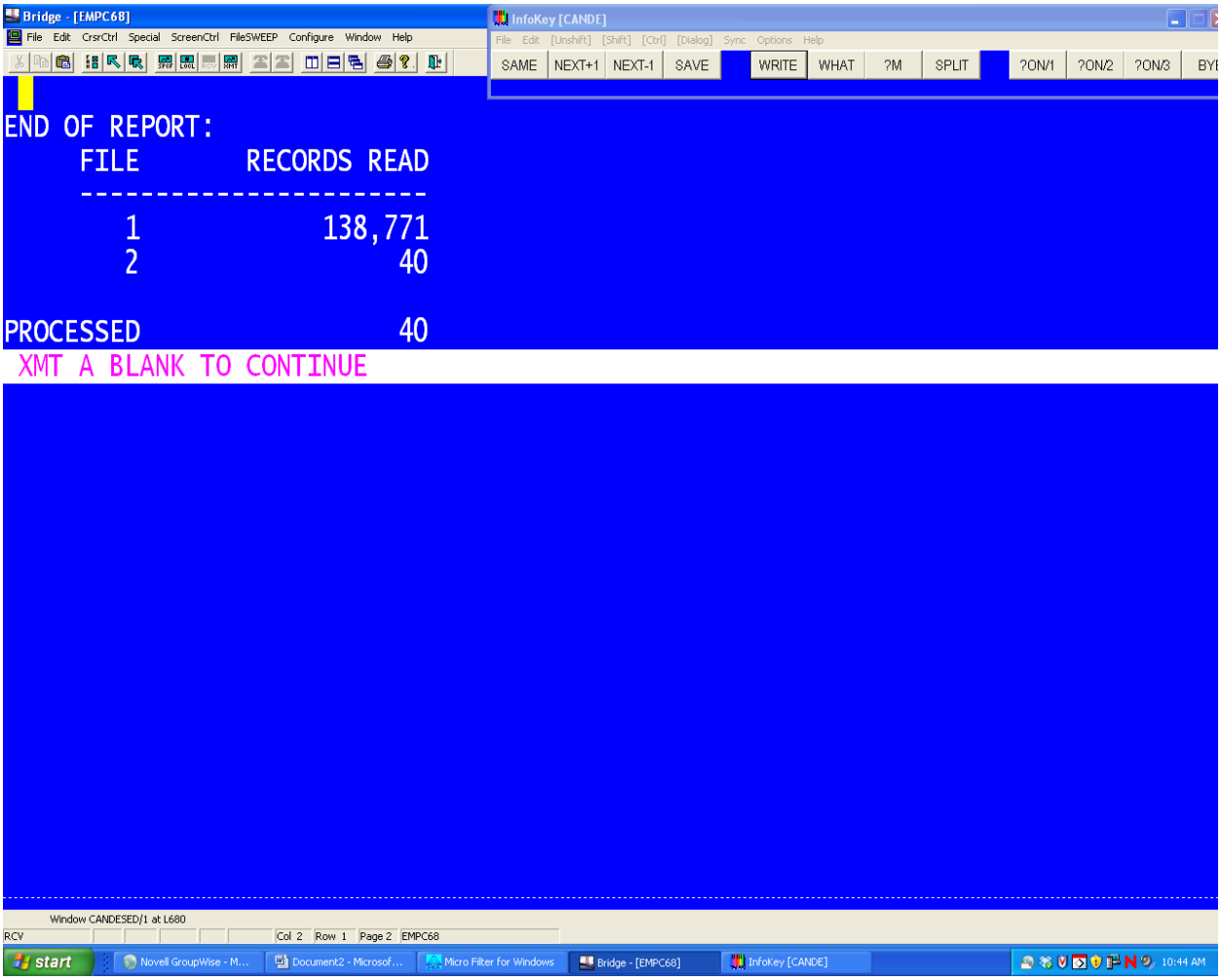
X at Execute Full Report (interpret selection logic)

```
Action
        Help   Exit   Utility   <key word>   .<dargal command>
 SELECT ONE OF THE FOLLOWING OPTIONS
report spec is STOGRANTS

  GET saved report spec
  input FILE is PROJ/SEDREF/PAY(PROJECT JOINED TO SEDREF (AND OTHERS))
  report TYPE is MICRO SIMPLE COLUMN REPORT
  report CONtents are DETAIL FIELDS
  report HEADings are UNSPECIFIED
  report SEQuence is 1#PR-FUND
  record SELection is BY SELECT CONDITION
  OUTput to C:\STOGRANTS
  execute a 10-record TEST report
X EXEcute a full report (interpret selection logic)
  execute a full TUrbo report (compile selection logic)
  initiate a BATch report
___ GENerate a dargal program from current spec
___ SAVE report spec
```

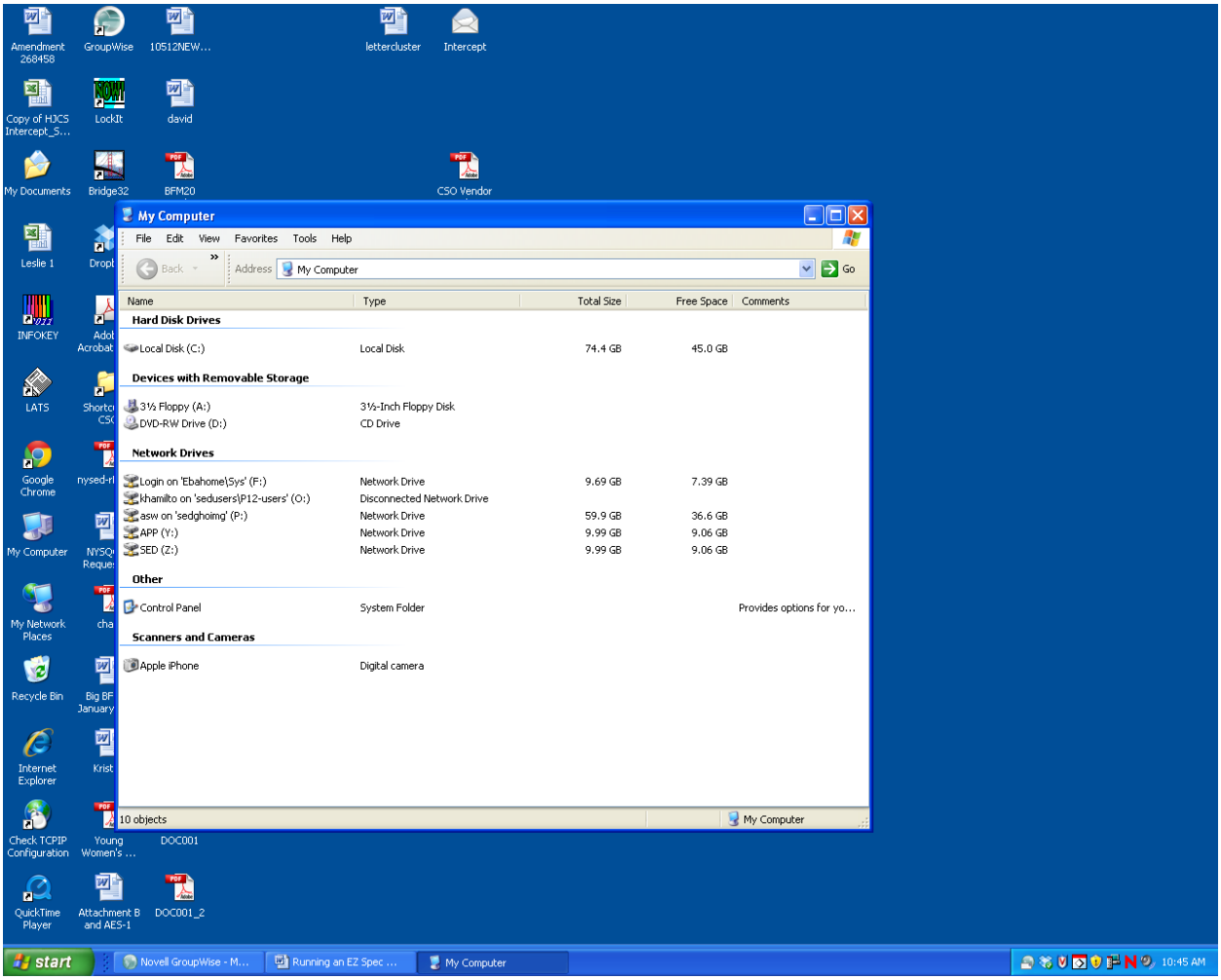
Transmit

This screen means it is done

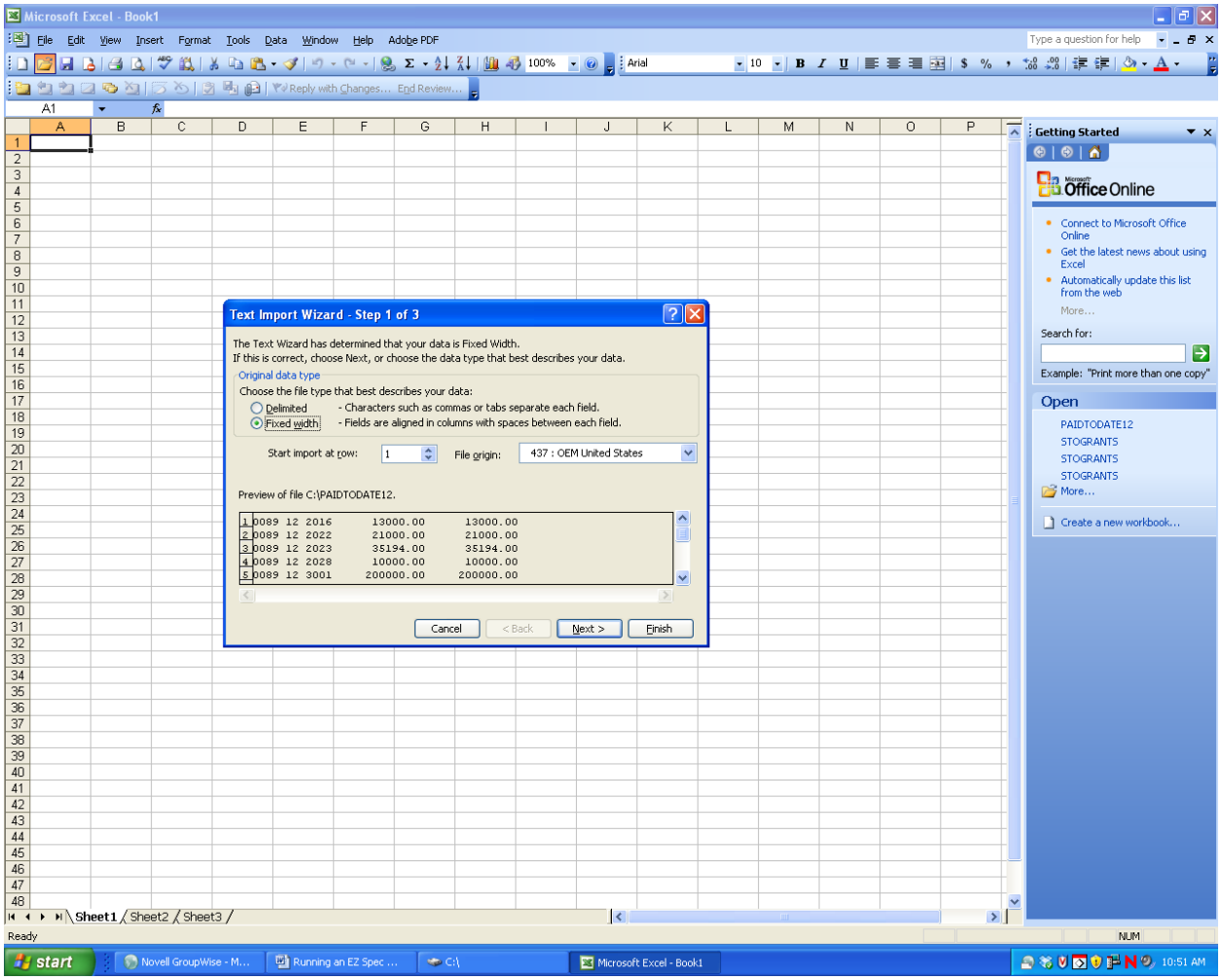


Get out of Bridge

Go to your C drive

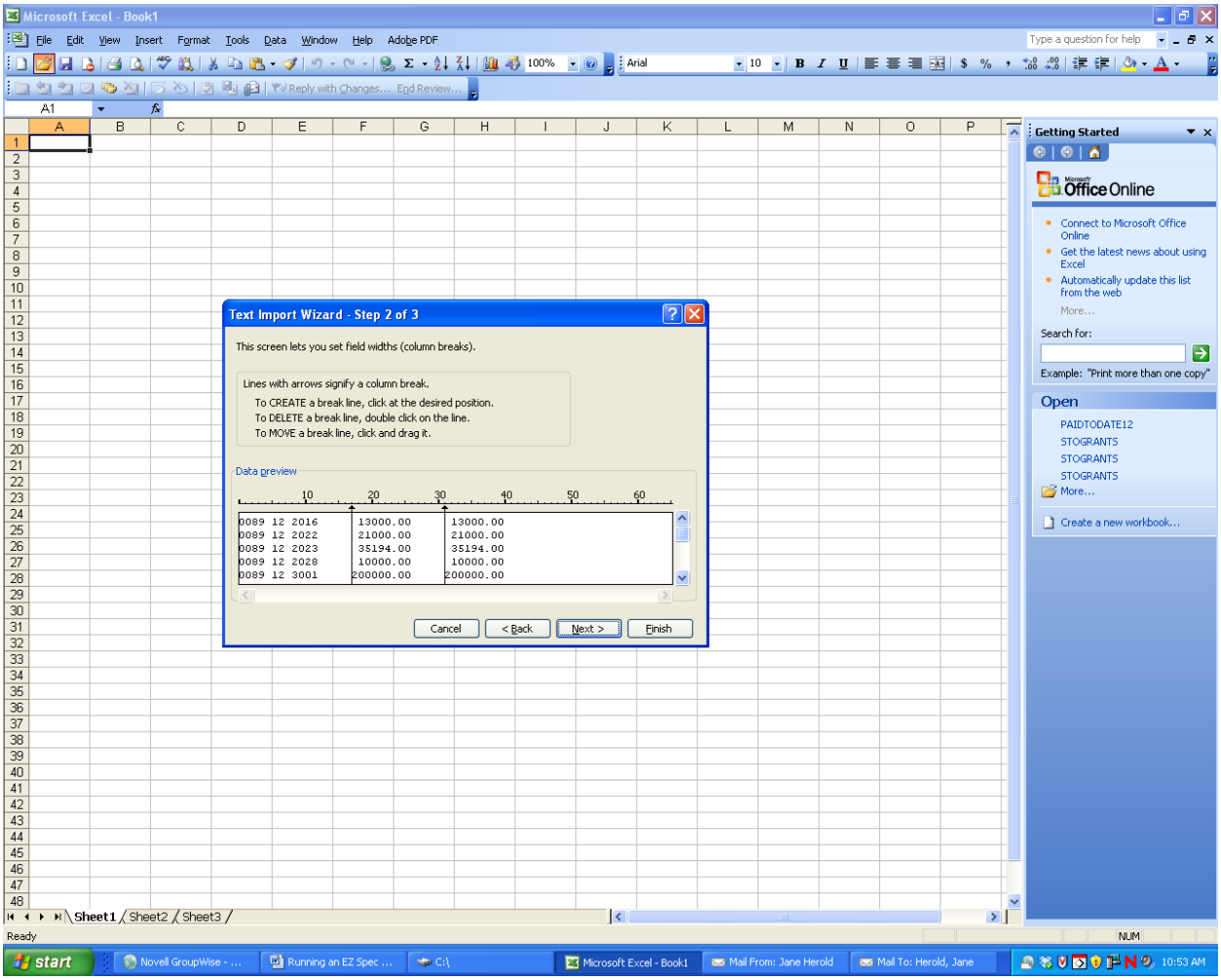


1.) Open excel
2.) Open html version of report from excel (have to choose look at all files)



Press next

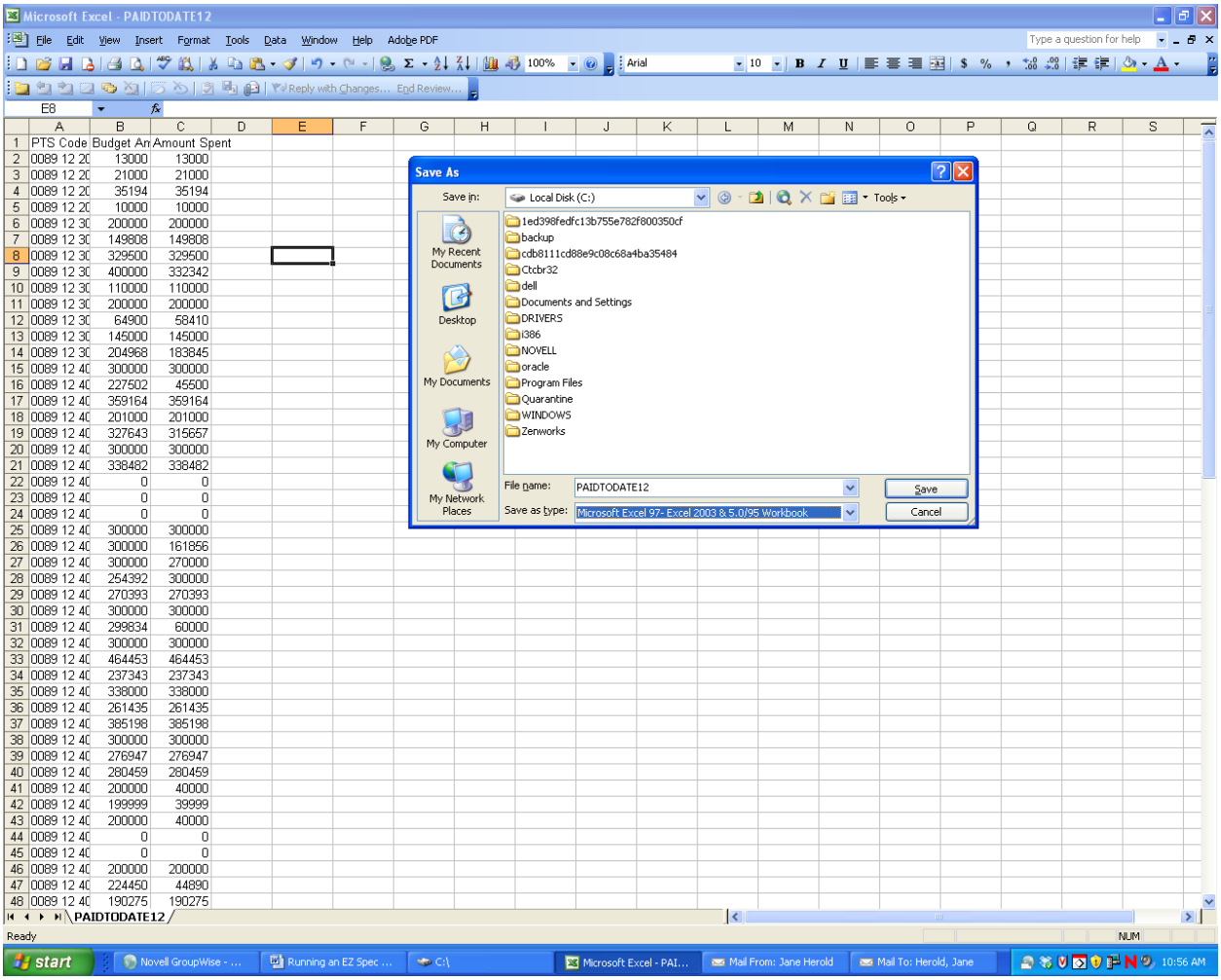
3.) delete first two lines by double clicking them
4.) move the other two lines to the beginning of each number so they are flush – like this



Click finish.

Add column headings (PTS Code Budget Amount 2 Amount Spent)

Save as paidtodate12 as an excel document



Close

Got to csp database and hit run daily updates button.

Checklists & Procedures

NYS Charter School Office CSP Grant Checklist: Amendments

Item	Completed	Date Completed
Subgrantee emails CSP Grant Manager with basic amendment information		
CSP Grant Manager works with subgrantee to determine whether amendment is necessary and possible		
Subgrantee snail mails the FS-10-A for to Grants Management		
Grants Management enters amendment into PTS and brings FS-10-A to CSP Grant Manager		
CSP Grant Manager approves or denies amendment		
CSP Grant Director reviews budget amendment and returns to CSP Grant Manager		
CSP Grant Manager approves budget amendment on PTS		
CSP Grant Manager signs and makes two additional copies of the FS-10-A		
CSP Grant Manager scans FS-10-A, emails herself, and files it with the e-contract in shared file		
CSP Grant Manager brings the original and two copies of FS-10-A to Grants Finance		

CSP Grant Manager updates the subgrant tracking with the amendment number and date it was sent to Grants Finance		
CSP Grant Manager determines if a Desk Audit is required. If Desk Audit is required, CSP Grant Manager coordinates with Charter School Liaison to determine appropriate course of action. CSP Grant Manager also alerts CSP Grant Director and CSO Director to need for desk audit		
If applicable (budget period to budget period change), CSP Grant Manager updates subgrant tracking with NEW budget amounts (both budget periods if applicable)		
CSP Grant Manager emails subgrantee to tell them amendment was approved		

Items to check when approving amendment	Initials
Amendment initiated no less than two months before the end of current budget period	
Amendment must fall within the already approved activities listed in your grant application	
Amendment must follow non-regulatory guidance	
Amendment must contain a Grants Finance justification	
Check planning and implementation activities per NCLB	

NYS Charter School Office CSP Grant Checklist: Continuation Awards

Technical Assistance Timeline

2-Jul-12	Information for Continuation Awards up on website
2-Jul-12	Email Continuation Subgrantees with link to application materials and deadlines along with FS-10-F reminder
6-Aug-12	Continuation apps due to me
August 6, 2012 – August 27, 2012	TA with subgrantees
27-Aug-12	continuation apps to Grants Finance
August 27, 2012 – September 30, 2012	Grants Finance busy with end of year items (*ask Grants Finance)*
September 30, 2012 – October 15, 2012	Grants Finance approves continuation apps
By October 31, 2012	Grants Finance sends the 20 percent initial payment to subgrantees

Checklist Pre-RFI

Item	Target Date	Date Completed
Send reminder/heads up to subgrantee cohort that RFI will be due in early August	Early June	
Consider 3 month and 6-month Progress Reports	4-Jun-12	
Revise Progress Report, FS-10, Narrative, Checklist for subgrantees, add section for any non material changes (not amendments)	15-Jun-12	

Checklist Post-RFI

Item	Completed	Date Completed
Application Materials received via email in CSO Mailbox		
Cheri checks to make sure all pieces of application are complete and updates checklist (that came in with application).		
Cheri updates subgrant tracking with amounts requested, date application received		
Cheri enters information into PTS from subgrant tracking		
Cheri passes on application to CSP Grant Manager		
Initial Review of Application Materials (pull old master application – check for changes/match items)		
CSP Grant Manager checks to see if FS-10 has come in via snail mail (originals signed in blue ink)		
Check planning and implementation months (if applicable) are clearly explained and anything that falls under the non-regulatory guidance is justified appropriately		
Crosswalk CMO information with other expenses		
Check Equipment vs. Supplies		
Check everything for allocable, reasonable, and allowable costs		
Check enrollment data to make sure equipment/furniture needs are appropriate		
TA with application materials with Subgrantee		
Final PDF of full application received by CSO		
CSP Grant Manager determines if a Desk Audit is required. If Desk Audit is required, CSP Grant Manager coordinates with Charter School Liaison to determine appropriate course of action. CSP Grant Manager also alerts CSP Grant Director and CSO Director to need for desk audit		
CSP Grant Manager reviews and approves		
CSP Grant Director reviews and approves		

Efile complete PDF of application in appropriate folder		
Sign FS-10 and complete any blank spaces (if needed) on FS-10 Summary		
Make two copies of FS-10		
Collate the 2 copies and original of FS-10 for Grants Finance, and deliver to her in Grants Finance		
CSP Grant Manager updates subgrant tracking with correct amounts, dates sent to Grants Finance, dates reviewed		
Email Cheri - let her know that application went to Grants Finance. Ask her to update PTS and approve budget on PTS		

NYS Charter School Office CSP Grant Checklist: FS-10F Submissions

Item	Completed	Date Completed
FS-10F Materials received via postal mail to attention of CSP Grant Manager		
CSP Grant Manager checks to make sure all necessary identifying information is provided (Contract #, PTS Code, BEDS Code, Funding Period)		
If all materials are present, CSP Grant Manager proceeds to review. If information is incomplete, CSP Grant Manager contacts charter school to obtain new information		
Initial Review of FS-10F – CSP Grant Manager determines if expenditures listed are consistent with initial FS-10 and any amendments (FS-10A) made during the funding period		
CSP Grant Manager determines if a Desk Audit is required. If Desk Audit is required, CSP Grant Manager coordinates with Charter School Liaison to determine appropriate course of action. CSP Grant Manager also alerts CSP Grant Director and CSO Director to need for desk audit		
If expenditures reported are consistent with CSP guidelines and original FS-10 amounts (accounting for any amendments), CSP Grant Manager provides initial approval		
CSP Grant Director reviews materials and if approvable, CSP Grant Manager processes for Grants Finance		
CSP Grant Manager approves final budget amount on PTS/CAFÉ		
CSP Grant Manager scans electronically for records keeping in CSO office and provides three (3) hard copies – including signed original – to Grants Finance Department		

NYS Charter School Office CSP Grant Incentive Awards: Checklist for Notification and Amendments

Background

As part of New York State's $113 million federal CSP grant award, NYSED may provide grant funds to all applicants who are issued a charter by the Board of Regents, except those applications affiliated with CMOs that have received federal CSP funds through the Charter Schools Program (CSP) Grants for and Expansion of High-Quality Charter Schools (CFDA 84.282M), since accessing both funding streams is not permitted by the U.S. Department of Education. All successful applicants may expect to receive a base amount of $500,000 over the planning period and first two implementation years of the school's first charter term, contingent on the completion of additional grant-specific budget information and other requirements that will be requested from those applicants who are granted a charter. For reference, information about the current CSP Implementation and Planning Grant can be found at: http://www.p12.nysed.gov/psc/CSPNewFY12PlanningandImplementationGrants.html

In addition, New York State encourages the development of high-quality charter schools that meet specific needs, especially those of educationally disadvantaged students, and will make available the award of significantly increased start-up funding amounts for such programs. NYSED may provide enhanced awards for charters schools that meet two types of incentive priorities:

1. **Underserved student populations priority**. New York State will provide awards of up to $625,000 total to those charter schools that, by the October Basic Education Data System (BEDS) student data reporting date in their first year of operation, have met one or more of the enrollment targets for students with disabilities, English language learners, and students who are eligible applicants for the free and reduced price lunch program prescribed the by Board of Regents as required by §2852(9-b) of the Act.

Incentive Priority #1: Underserved Student Population ($125,000 additional funding)

Item	Completed	Date Completed
Determine eligible schools based on criteria outlined in *Appendix C: New York Stete CSP Grant Priorities* and student enrollment data provided on BEDS day (October)		
Notify qualified schools of incentive eligibility via e-mail. Require notification of acceptance		
Notify Grants Finance of schools that will require a contract amendment		
Post acceptance of the additional incentive, e-mail recipients Initiative #1 Workplan for completion and Contract Budget Summary Amendment		
Once materials are completed by schools, provide information to Contract Amendments staff, along with contact names and e-mails. Staff will prepare contract amendment materials for schools to sign and notarize		
After materials are returned to SED, Contract Amendments staff review and send to OSC for approval		
After OSC approval, CSP Grant Manager works with Grants		

Item	Completed	Date Completed
Finance to make budget amendments where necessary		
In August of following year, compare updated BEDS data with preliminary results. If additional schools are eligible based on **verified BEDS enrollment data of the first year of operation only, notify schools eligible and follow process outlined above.		

2. **Authorizer program design priority**. As part of the integrated charter authorization and grant review process, NYSED may provide awards of up to $750,000 total to charter schools meet one or more program design priorities specified below. (Schools that meet more than one incentive priority may not receive more than $750,000 of total CSP grant funding). Continuation funding at the enhanced incentive level during the implementation years of the 3-year start-up grant will be dependent on NYSED's assessment of the school's success in implementing the program design priority. Applications which meet one of the following program design priorities outlined below will be considered for the $750,000 enhanced CSP funding level.

Incentive Priority #2: Authorized Program Design Priority ($250,000 additional funding)

Item	Completed	Date Completed
During Charter School Application process, CSO staff reviews applications to determine if school design meets one of 9 predetermined criteria		
After schools are identified as eligible, CSP Grant Manager notifies schools of incentive		

NYS Charter School Office CSP Grant Incentive Awards: Contract Approval Process

Obtaining OSC Approval of the Grant Procurement Package

Once the awardees have been selected, CAU must compile a grant procurement package and submit it to OSC for general approval of the competitive grant program. Please see the Checklist for the Grant Procurement Package (in .pdf) for the materials that the program office must supply to CAU so that the package can be compiled. If the procurement package includes public school districts, BOCES, public libraries, or municipalities, a Section 112 exemption must also be requested of OSC. Program staff must send a memo to CAU asking that CAU make a Section 112 exemption request to OSC part of the procurement package. A copy of the approved second Attachment A or B must also be included in the procurement package. Upon receipt, OSC will review, approve or disapprove the procurement package.

Awards made through the competitive process are executed through either grants or grant contracts. Grant award procedures are identical for both grants and grant contracts, but individual grant contracts must also be reviewed and approved by the Office of the State Comptroller, the Office of the Attorney General and SED's Office of Counsel.

Grants are for $50,000 or less awards to all agencies and for $50,000 or more for the cumulative grant period to public school districts, BOCES, public libraries or municipalities with an approved Section 112 exemption from OSC.

Grant contracts are required for agencies other than public school districts, BOCES, or public libraries (except where specified in law) with grant amounts exceeding $50,000 for the cumulative grant period.

If grant contracts are required, the program office must also complete a form BFM-10-G that includes information about each agency with which SED will contract (see Attachment 4 for instructions and a template)(Bill adding link). The BFM-10-G will also be part of the procurement package submitted to OSC for approval.

While the procurement package is at OSC for approval, the program office needs to submit additional information to Grants Finance. First, the budget for each grant must be approved on PTS, and any non-awarded budgets entered on PTS must be disapproved. Then, if grant contracts are required, supply a copy of the RFP and two copies of the budget (FS-10 or FS-20 as specified in the RFP) for each grant contract. Include budget category narratives with the FS-20. Cross-outs or hand-written changes are not allowed on these budgets; they must be retyped if changes are made and an original signature from the Superintendent or Chief Executive Officer is not required. Each budget must be accompanied by an Appendix B Budget Summary, which is a summary of proposed expenditures broken into three categories – salaries, consultant services and other.

For grants, supply an original and one copy of an FS-10 or FS-20 for each grant. Cross-outs and changes are allowed, and there must be an original signature from the Superintendent or Chief Executive Officer.

The program office should retain the following documents for the required number of years:

- Original proposal/application including certifications and assurances
- Copy of FS-10 Budget/FS-20 with budget category narratives and Appendix B.

Any other documents for the grants should also be retained in the program office. The program office should observe proper record retention requirements. Contact State Archives for questions on records retention or refer to

http://www.archives.nysed.gov/a/records/mr_retention.shtml.

Appendix 6

NY Response to WestEd for items with a 2 rating

To: West Ed
From: Bill Clarke, Director School Improvement, Susan DuFour, CSP Project Director
Date: January 16, 2015
Re: Responses to West Ed ratings of '2'

1. Application and Award Process

Indicator 1.1: SUBGRANT APPLICATION DESCRIPTIONS AND ASSURANCES. Under Section I.1 we have included responses for:

1.1 (f): Continued operation
1.1 (g): Waivers
1.1 (j) Achieving objectives

1.1(f) Continued Operation: A description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met the objectives described in subparagraph (C)(i). The NYSED 2014 Charter School Application Kit, Under Budget and Cash Flow, lists a criterion for the applicant to describe the school's plan for sustainability beyond the start-up period. This is not addressed in the 2014 SUNY RFP.

RESPONSE: *NYSED and SUNY agree that financially SUNY's RFP requests schools provide budgets for start-up and over the five year life of the charter and are analyzed to ensure that the school has reasonable, feasible and achievable financial goals over the initial charter term that are likely to allow the school to put in place and sustain the academic program described in the application. SUNY's entire application is focused on whether or not the applicant has the capacity, academically, fiscally, legally and operationally to open, operate and sustain a school that is likely to improve student learning and achievement for a full five year charter term – and potentially beyond-as called for in New York's Charter Schools Act.*

It is unclear what beyond the five year financial plans, budget narratives, program descriptions, programmatic audits and legal and regulatory assurances already included in SUNY's application process would be necessary to determine a school's plan for sustainability beyond the start-up period, without presenting additional redundancies in the application process.

SUNY's RFP is provided in ***attachment 1****.*

1.1(g) Waivers: A request and justification for waivers of any Federal statutory or regulatory provisions that the eligible applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school. Neither the NYSED 2014 Charter School Application Kit nor the 2014-2016 Planning and Implementation Subgrant Application Template require the subgrant applicant to list any waivers requested from State law, rules, or regulations. This is also not addressed in the 2014 SUNY RFP.

RESPONSE: *NYSED and SUNY do not prompt subgrant applicants to submit waivers within our applications. However, if waiver requests are received they would be reviewed and given consideration.*

1.1 (j) Achieving Objectives: An assurance that the eligible applicant will annually provide the Secretary and the State education agency such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i); Charter school applicants are required to address this assurance in Section III. D. Evaluation of the 2014 Charter School Application Kit where applicants are required to explain their annual evaluation plan and how information gained from the evaluation will be used to improve performance. This is not addressed in the 2014 SUNY RFP.

RESPONSE: *SUNY's RFP requires that schools provide plans for annual programmatic audits, information about the area(s) to be audited; the purpose, objectives and timing of the audits, which must be similar in scope to the audits of other public schools; and, any plans to hire outside consultants to perform such audits. SUNY's RFP is provided in* ***attachment 1****.*

Indicator 1.3: DEFINITION OF CHARTER SCHOOL.

1.3 (h) Lottery: Is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated. § 2855 (1)(e) requires charter schools to widely publicize their enrollment lotteries. During the time of this grant, some school lotteries used weighted lottery systems that may not be permitted under the Federal non-regulatory guidance. Further, the Dissemination subgrant program does not examine school lotteries as a component of determining eligibility.

RESPONSE*: NYS law, regulation and Department practice permits the use of weighted lotteries or preferences to reach schools at risk of academic failure.*

NYS Law and Commissioners Regulation 119.5 (http://www.p12.nysed.gov/psc/csregs.html) permits schools that are designed specifically to provide expanded learning opportunities for students at risk of academic failure, students with disabilities, or English language learners to establish an enrollment preference for those students.

Charter school progress toward meeting enrollment and retention targets is reported and reviewed annually. Enforcement is tied to renewal, as charter authorizers in New York are required by law to consider a charter school's progress in meeting targets in making renewal decisions.

*The enrollment policies of the schools selected as prospective grantees of the Dissemination program **were reviewed** prior to formal award by the Dissemination Specialist.*

Indicator 1.4: PEER REVIEW. Under Section 1.4 we have included responses for:

1.4 Use of peer reviewers, charter application
1.4 Use of peer reviewers: subgrant application

1.4 Use of peer reviewers, charter application: **Composition and qualifications of peer reviewers:** This was not addressed in the State's application. NYSED charter school applications are reviewed by charter school educators, administrators and consultants. SUNY charter applications are reviewed primarily by SUNY CSI staff. Planning and Implementation subgrant applications are reviewed by NYSED CSO staff. The monitoring team is concerned that subgrant applications from SUNY authorized schools are not reviewed by peers. The process for Dissemination grant review involves partner organizations, which includes peers.

***RESPONSE**: SUNY has an extensive process that **includes peer reviews** by external experts in education, charter and not –for-profit operations and finance, governance and organizational capacity. This process is well documented in SUNY's RFP and has been in place since SUNY granted its first charters in 1999 (RFP at p. 13).*

The finding suggests there is no evaluation proposed in SUNY's application kit. SUNY requires applicants to provide draft Accountability Plan goals which are discussed with applicants through the due diligence and capacity analysis SUNY conducts over the course of an application cycle (RFP at p. 36 and RFP Guidance Handbook at p. 7). Those Accountability Plan goals and measures, along with SUNY's charter monitoring processes that augment the quantitative goals in the Accountability Plan with an analysis of the qualitative progress of the school in putting in place its proposed and approved education program are the backbone of the monitoring process for all SUNY charter schools. SUNY's qualitative and quantitative requirements are clearly explained to applicants, referenced in the RFP guidance materials.

*SUNY's RFP is provided in **attachment 1**.*

1.4 Use of peer reviewers: subgrant application: **Use of peer reviews to select applications for funding:** This was not addressed in the State's application. Charter school applications are peer reviewed. If the applicant is awarded a charter, they are automatically eligible for CSP grant funds. While a peer review process is used for charter school applications, the subgrant applications are not peer reviewed.

***RESPONSE**: New school applications are peer reviewed (through either a NYSED or a SUNY process). **All CSP grants are awarded through this peer reviewed application process**. Therefore only peer reviewed charter schools are permitted to complete the CSP grant forms, hence they have already been peer reviewed.*

Additional aspects of NYS CSP grant process:

- *New schools must submit sufficient information to NYS Division of the Budget and be pre-approved on the Grants Gateway system in order to obtain grants in NYS, including CSP grants. See: http://grantsreform.ny.gov/*

- *CSP specific grant application forms such as workplan and budgets are reviewed by the NYSED school liaison, the NYSED CSP grants manager and approved by the NYSED Grants Finance Office. An overview of this process is posted at: http://www.p12.nysed.gov/psc/funding/1517cspapp.html, and includes:*

  - *Applicants usually find this Powerpoint presentation (1.1 MB) to be helpful. It offers specifics about applying for CSP funding as well as general information about CSP grants.*

  - *All not-for-profits must:*

    - *Prequalify to do business with New York State*
    - *Answer questions and upload documents regarding capacity, compliance, integrity and services*
    - *Use Vendor Prequalification Manual: http://www.grantsreform.ny.gov/Grantees*

- *Each year subgrantees are held accountable to their grant budget through independent auditor testing either through the Single Audit Report or the CSP Agreed upon Procedure (AUP) Report. See:* Audit Guide (updated May 2014). *The section on the CSP AUP testing begins on page 21.*

This multi-layered grant approach helps ensure eligible applicants are adequately reviewed.

2. Charter School Quality –

Indicator 2.5: SUBGRANTEE MONITORING. Under Section 2.5 we have included responses for:

SEA monitoring processes support subgrantee projects in meeting SEA performance objectives: Not specified in the grant application. Regents-authorized charter schools are held accountable for meeting the goals in the Performance Framework at the time of charter renewal as set forth in their charter agreement and during site visits. The Performance Framework has been officially used twice and will be used again in 2015-16. Other charter schools are not required to meet all of the SEA's performance objectives.

RESPONSE: *All NYS charter authorizers (NYSED, SUNY and NYCDOE) hold schools accountable to performance standards as follows:*

- *SUNY: Each SUNY authorized school has its own accountability plan based on the grades served. SUNY's accountability plan guidelines is located at attachment 2a. Four examples of SUNY's accountability plans are located at attachment 2b – 2e. .*
- *NYCDOE:*
    - *NYCDOE Charter School Performance Framework is located at **attachment 3**.*
    - *NYCDOE Goals and Conditions exhibit is located at **attachment 4**. This exhibit is attached to each school's charter agreement which are the minimum performance goals for academics, operations and compliance for the renewal charter. These goals, as they are a legal addendum to the charter agreement, are not in the accountability handbook but rather are presented to the schools as an exhibit to their agreements.*
- *NYSED's performance framework is located at: http://www.p12.nysed.gov/psc/SectionIIIPerformanceFramework.html*

Indicator 2.6: DISSEMINATION OF BEST OR PROMISING PRACTICES.

Dissemination of best or promising practices of charter schools to each LEA in the State: The grantee proposed to coordinate regular presentations and share sessions (in a variety of formats, including online and in-person) about the ongoing work; support the District- Charter School Collaboration Compacts in New York City and Rochester; provide opportunities to high-performing charter schools to complete a Best or Promising Practices proposal which will be highlighted on the Successful Practices section of the P12 website; develop new communication vehicles such as webinars, a regular newsletter, and presentations at statewide conferences, in addition to the CSO website and charter school listserv; and develop an online survey to assess the awareness of educators in school districts of the availability of resources from NYSED related to best or promising practices of charter schools.

The CSO has participated in in-person training sessions and/or webinars related to the Charter School Audit Guide and Fiscal Controls and Integrity for Charters. The audience for these sessions is independent auditors and charter schools.

NYSED staff explained that the District-Charter Collaboration Compact in Rochester formally ended in summer 2012 when the Superintendent resigned. Staff are not aware of a formal compact in New York City. This work has not continued as originally proposed.

Descriptions of current Dissemination projects and a link to a video featuring a district-charter partnership are available on the New York Charter School Dissemination Program Grant webpage. NYSED also intends to post the video of the district-charter partnership on the Engage New York website (though this had not been completed at the time of the monitoring visit). Other dissemination activities include a monthly email blast on best practices to the charter school listserv, articles, press releases, and a conference planned for Fall 2014.

The CSO administered a survey to stakeholders at Dissemination partnership schools on the impact of the partnership on implementation of best practices at their school and awareness of resources related to charter school best practices. About half of the respondents were from district schools.

Best or promising practices are not disseminated to every LEA in the State. NYSED has not developed a process for disseminating best or promising practices of charter schools to every LEA in the State.

RESPONSE: *The dissemination specialist has been working closely with NYC Collaborates to create videos of schools with successful practices, as well as plan for a statewide conference that will take place in February 2015. NYC Collaborates is funded through the District-Charter Collaboration Compact.*

Additionally, NYSED has worked to find additional opportunities for collaboration. The Dissemination Specialist held meetings with the NYC Department of Education office that is running a new program called the Learning Partners Program.

Dissemination practices are posted on NYSED's website.

Indicator 2.7: ACHIEVEMENT OF APPLICATION OBJECTIVES.

Insufficient Progress on Performance Measure 1A: By December 31, 2015, New York State charter authorizers will issue 150 additional charters for new high quality charter schools to open.

The grantee tracks progress using its new schools database. Given changes in the cap, the grantee expects 151 charters will be issued by end of the fifth year.

2011-12: 22 new charters issued
2012-13: 35 new charters issued (57 total new charters)
2013-14: 17 new charters issued (74 total new charters)

RESPONSE: *New York continues to issue only high quality charters through rigorous application processes, one through NYSED and the other through SUNY Charter School Institute. As of December 29, 2014 105 additional charters have been issued and by December 31, 2015 we project to add 30 schools, bringing the projected total to 135 new and high quality schools.*

While it is unlikely that we will add 45 schools during the 2015 year to reach the 150 target, we estimate that we will reach 135 and be 10% under the target. ***NYSED has provided three rounds in 2014 so that new schools have many opportunities to open new charters and SUNY offered two.*** *NYSED also had a dedicated 'round' just for charter schools in the Buffalo area which has a history of low performing district schools.*

In the best interests of students we want to ensure schools do not open without capacity to provide quality education services.

Insufficient Progress on Performance Measure 1B: By December 31, 2015, New York State charter authorizers will issue 15 additional charters for new high quality charter schools to open that meet grant priorities related to school turnaround.

The grantee tracks the number of subgrantees that receive enhanced awards for meeting Incentive priorities. At the time of the monitoring visit, no incentives had been awarded related to turnaround schools, though two districts (Syracuse and Buffalo) are considering it. The Director of Innovation, which encompasses charter schools and school turnaround, has provided technical assistance to districts.

- 2011-12: 0 new charters issued meeting school turnaround grant priorities
- 2012-13: 0
- 2013-14: 0

RESPONSE: NYS has provided many opportunities each year for schools to submit applications to open a charter school and we have encouraged the turnaround model. Unfortunately no applicants applied under the turnaround model.

To reach the goal to open 15 turnaround schools we actively educate districts about this model through the school turnaround staff. Both charter school staff and school turnaround staff work under the common leadership of Bill Clarke, the Director for School Innovation. School turnaround staff oversee School Improvement Grants (SIG). A charter school (New Visions) has received SIG funding for turnaround.

Unable to Assess Performance Measure 1C: Each year, 100% of the portfolio of existing charter schools who earn charter renewal from their authorizer will meet New York State's high-quality charter school performance standards; those that do not will be closed.

The Regents approved the Charter Renewal Policy and the Performance Framework for Regents-authorized charter schools in November 2012. At the time of the monitoring visit, two schools had been renewed under the Performance Framework. The others were evaluated based on the goals in their charter contracts. Over the grant period, four charter

schools were not renewed (2 revocations, 1 voluntary surrender, 1 non-renewal). Several renewals included in Year 3 are short-term two-year renewals due to a technical adjustment that ensures all charter contracts end on June 30.

- 2011-12: 94% (16/17) of renewal applicants met New York State's charter school performance standards
- 2012-13: 97% (38/39) of renewal applicants met New York State's charter school performance standards
- 2013-14: 98% (63/64) of renewal applicants met New York State's charter school performance standards Note: The data provided for this performance measure (i.e., number of renewal applications/schools up for renewal) does not align with how the performance measure is written.

RESPONSE: *For 2013-14 APR performance measure 1c we reported 63/63 for the schools listed below and we did not report 63/64. A copy of the APR for performance measure 1 is located at* ***attachment 5****.*

Table 1: Support for 2013-14 Performance Measure 1c

Count	BEDS Code	Charters Renewed 2013-14
1	320700860957	Academic Leadership Charter School
2	332300860912	Achievement First Brownsville Charter School
3	333200860906	Achievement First Bushwick Charter School
4	140600860911	Aloma D. Johnson Charter School
5	331600860918	Bedford Stuyvesant Collegiate Charter School
6	320900860913	Bronx Academy of Promise Charter School
7	321100860855	Bronx Charter School for Better Learning
8	321100860859	Bronx Charter School for Excellence
9	321000860914	Bronx Community Charter School
10	320700860915	Bronx Global Learning Institute for Girls Charter School
11	321200860870	Bronx Lighthouse Charter School
12	331800860916	Brooklyn Ascend Charter School
13	331300860937	Brooklyn East Collegiate Charter School
14	331600860847	Brooklyn Excelsior Charter School
15	331500860935	Brooklyn Prospect Charter School
16	331900860958	Brooklyn Scholars Charter School
17	332300860954	Brownsville Ascend Charter School
18	662300860862	Charter School of Educational Excellence
19	332100860949	Coney Island Preparatory Public Charter School
20	310400860919	Dream Charter School
21	140600860856	Enterprise Charter School
22	140600860856	Enterprise Charter School
23	321100860956	Equality Charter School
24	331400860930	Ethical Community Charter School
25	280201860947	Evergreen Charter School
26	280201860947	Evergreen Charter School
27	331700860950	Explore Empower Charter School
28	331700860951	Fahari Academy Charter School

29	320900860839	Family Life Academy Charter School I
30	310300860881	Future Leaders Institute Charter School
31	010100860907	Green Tech Charter High School
32	343000860952	Growing Up Green Charter School
33	310300860875	Harlem Link Charter School
34	310500860848	Harlem Village Academy Charter School
35	140600860961	Health Sciences Charter School
36	332200860955	Hebrew Language Academy Charter School
37	321100860917	Icahn Charter School #3
38	353100860959	John W. Lavelle Preparatory Charter School
39	140600860814	King Center Charter School
40	310500860858	KIPP S.T.A.R. College Prep Charter School
41	331600860924	La Cima Charter School
42	320700860925	Mott Haven Academy Charter School
43	320700860926	New York City Charter High School for Architecture, Eng. & Construction Industries
44	400701860890	Niagara Charter School
45	400701860890	Niagara Charter School
46	331400860945	Northside Charter High School
47	331400860945	Northside Charter High School
48	140600860868	Oracle Charter School
49	331500860927	PAVE Academy Charter School
50	580602860032	Riverhead Charter School
51	261600860910	Rochester Academy Charter School
52	261600860910	Rochester Academy Charter School
53	320700860889	South Bronx Charter School for International Cultures and the Arts
54	310500860928	St. Hope Leadership Academy Charter School
55	310500860921	Success Academy Charter School – Harlem 2
56	310400860922	Success Academy Charter School – Harlem 3
57	310300860923	Success Academy Charter School – Harlem 4
58	331500860953	Summit Academy Charter School
59	310600860929	The Equity Project Charter School
60	331900860891	UFT Charter School
61	320700860920	University Prep Charter High School
62	261600860877	Urban Choice Charter School
63	343000860932	VOICE Charter School of New York

Source: NYSED Charter School Office

Not Met Performance Measure 1D: Each year, at least 90% of post-charter Planning and Implementation subgrant recipients will give an overall rating of "satisfied" or higher when asked to rate NYSED's administration of the CSP subgrant program in the areas of clear communication, timely release of funds, and responsiveness.

CEEP conducted surveys of charter schools in New York State. In November and December 2012, 54 charter applicants were surveyed about the NYSED charter application process. However, the data were not disaggregated for subgrantees and SUNY applicants were not included, nor were the questions specific to grant administration. In April 2013, a survey was sent to 21 current CSP subgrantees. Six

respondents provided their overall level of satisfaction with the SEA's administration of the CSP subgrant program.

- 2011-12: Data not available
- 2012-13: Data not available
- 2013-14: 67% of respondents noted overall ratings of "satisfied" or higher rating

RESPONSE: *We will share WestEds observation on how surveys can be improved with the external evaluator that develops the annual survey and interprets the results.*

NYSED makes it a priority to clearly communicate with subgrantees, to release funds in a timely manner and to prioritize subgrantee inquiries. In addition to assisting subgrantees through the grant procurement process we also focus on subgrantee education sessions and subgrantee monitoring. Our subgrantee monitoring includes annual CSP agreed upon procedure reports conducted by the independent auditor, an annual CSP risk assessment and annual desk audits. During the 2014-15 grant year we plan to conduct both CSP annual desk audits and CSP site visits.

Our grant education sessions have included sessions on Grants Management and Allowability, Audit Guide and CSP Agreed Upon Procedure Reports, Grants Management Compliance and OMB Uniform Grants Guidance Changes and Developing Policies and Procedures. We continue to look for ways to enhance grant accountability and compliance while emphasizing grant performance. We have attached information on our OMB Uniform Grants Guidance Changes which is located at ***attachment 8****.*

The survey results appear not to reflect the actual work being accomplished with subgrantees. (We have observed that busy professionals often do not take the necessary time or make it a priority to complete surveys,)

Not Met Performance Measure 2C: Each year (beginning with 2012-13), at least 75% of NYSQCAP authorizing staff members will give an overall rating of "satisfied" or higher when asked to rate the quality of collaboration and professional development opportunities through NYSQCAP.

In June 2013, a web-based survey was sent to participants of the Audit Training Guide training sessions and webinars conducted on May 22 and May 30, 2013. 14 respondents who were part of NYSQCAP (of 187 total participants) indicated their level of satisfaction with NYSED collaboration and professional development.

- 2011-12: Not applicable
- 2012-13: Not applicable
- 2013-14: 72% responding with overall "satisfied" or higher rating

RESPONSE: *The introduction by NYSQCAP of the Audit Guide has been viewed as a best fiscal practice at the national level. While our goal was a 75% satisfied*

rate a rating of 72% was obtained, a difference of 3%. Given that the roll out of the Audit Guide went very smoothly as did grant allowability training, which were our NYSQCAP goals for the 2013-14 year it is difficult to explain the rating. Perhaps the usefulness of the accomplishment could also be taken into account.

Unable to Assess Performance Measure 3C: Beginning in year three of the grant, there will be a ten percent (10%) annual increase in the number of educational personnel in traditional public school districts who are aware of resources related to charter school best practices.

In May 2014, an internal survey was administered to stakeholders at dissemination partnership schools.

- 2011-12: Not applicable
- 2012-13: Not applicable
- 2013-14: 74% of district respondents reported being aware of resources related to charter school best practices Note: The baseline percentage was not established and, more importantly, the survey respondents may not be representative of the population stated in the performance measure.

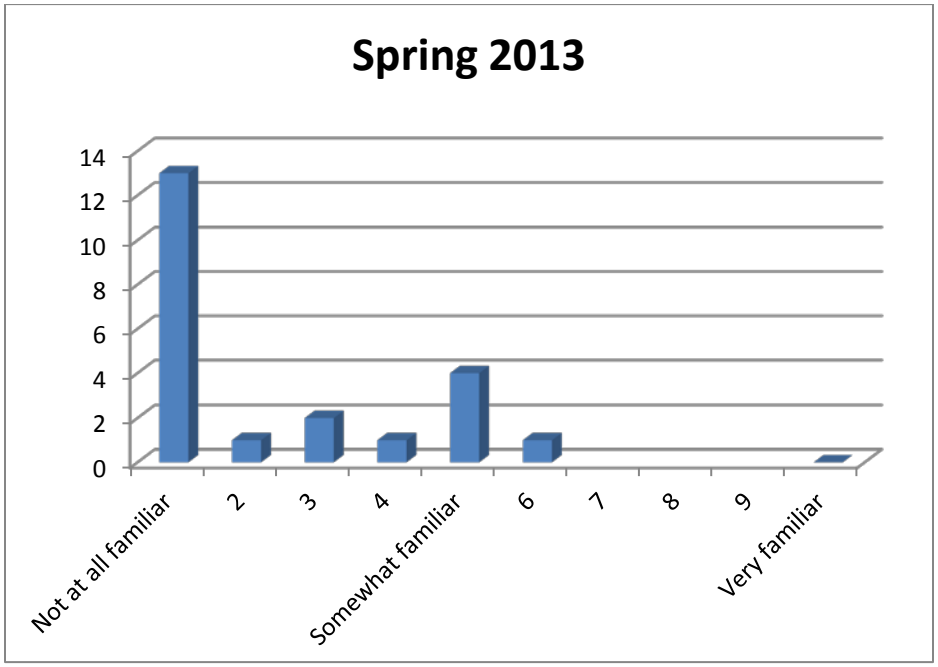
RESPONSE: *In January 2015, the NYSED external evaluator will administer a survey that will measure annual progress on Performance Measure 3C.*

The Dissemination Specialist administered an internal survey to establish a baseline percentage for indicator 3C. The survey links are located at:

https://fluidsurveys.com/s/dissem_admin/
https://fluidsurveys.com/s/disseminationteachersurvey/

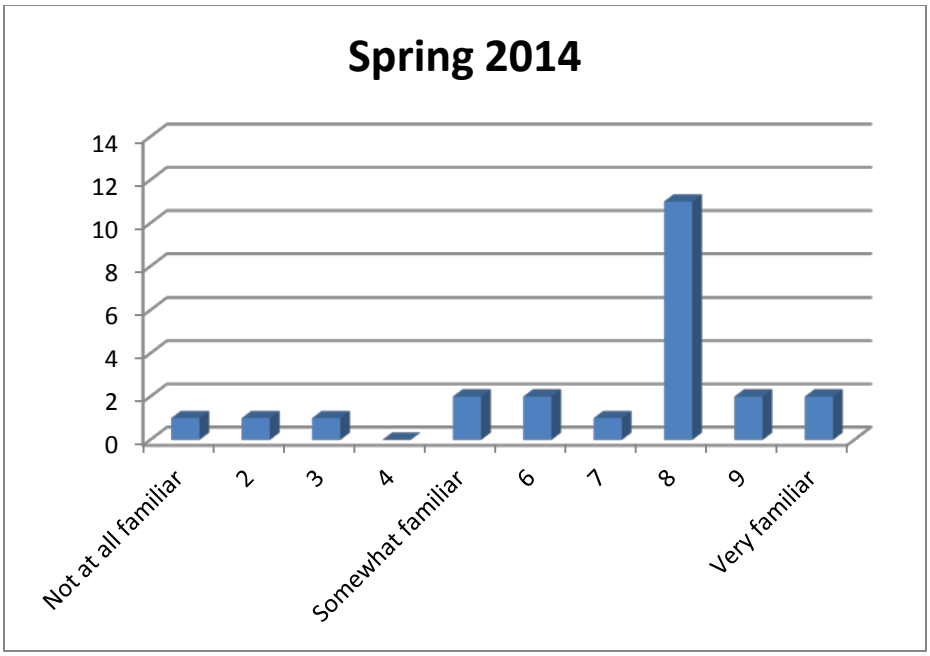
Respondents rated their familiarity with charter school best practices in the Spring of 2013 and Spring of 2014. Over 50 participants completed the survey. Results of this survey are found below:

Table 2: Spring 2013



Source: NYSED

Table 3: Spring 2014



Source: NYSED

<u>Unable to Access Performance Measure 3D:</u> Beginning in year three of the grant, there will be a five percent (5%) annual increase in the number of educational personnel in traditional public school districts that indicate that they have adopted charter school best practices.

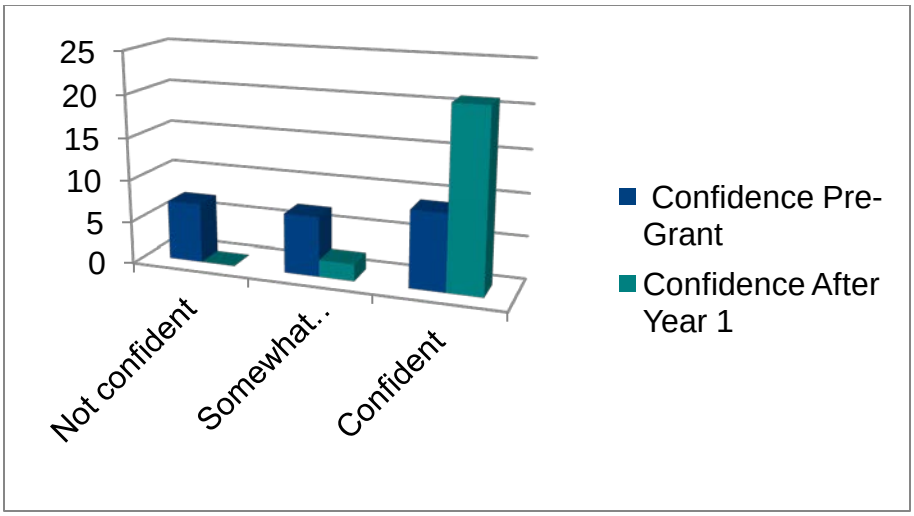
In May 2014, an internal survey was administered to stakeholders at dissemination partnership schools. However, no questions were directly related to adoption of charter school best practices and, more importantly, the survey respondents are not Representative of the population stated in the performance measure.

- 2011-12: Not applicable
- 2012-13: Not applicable
- 2013-14: Data not available

RESPONSE: *In January 2015, an external evaluator will administer an annual survey that will measure annual progress on Performance Measure 3D.*

The Dissemination Specialist completed an internal survey to measure this Performance Measure which assessed teachers' confidence in implementing charter school best practices, and a baseline was determined for this question. In May 2013, 26% of surveyed district teachers rated themselves as confident in implementing charter school best practices. In May of 2014, 91% rated themselves as confident. Additionally, 88% of respondents said their instructional ability improved as a result of the grant.

Table 4: Performance Measure 3D



Source: NYSED

<u>Unable to assess: Performance Measure 4A1: ELA 4th</u>: Each year the percentage of fourth grade charter school students in New York State that achieve at or above the proficient level on State examinations in Reading/English Language Arts will increase by 2% from the prior year.

Schools report demographic, enrollment, and program service data to a Regional Information Center (RIC) or Board of Cooperative Educational Services (BOCES). Data flows from the RIC and BOCES to the SEA through the Student Information Repository System (SIRS) where they are aggregated into a statewide data warehouse, Level 2 Repository.

- 2011-12: 51% of fourth grade charter school students achieved proficient or above in ELA
- 2012-13: 60% of fourth grade charter school students achieved proficient or above in ELA
- 2013-14: 28% of fourth grade charter school students achieved proficient or above in ELA

Note: Statewide ELA proficiency rates declined in Year 3, likely due to new tests aligned to Common Core State Standards.

<u>Unable to assess: Performance Measure 4A2: Math 4th:</u> Each year the percentage of fourth grade charter school students in New York State that achieve at or above the proficient level on State examinations in mathematics will increase by 2% from the prior year.

Statewide math proficiency rates declined in Year 3 with implementation of new tests aligned to Common Core State Standards.

- 2011-12: 69% of fourth grade charter school students achieved proficient or above in math

- 2012-13: 73% of fourth grade charter school students achieved proficient or above in math
- 2013-14: 38% of fourth grade charter school students achieved proficient or above in math

Unable to assess: Performance Measure 4A4: Math 8th: Each year the percentage of eighth grade charter school students in New York State that achieve at or above the proficient level on State examinations in mathematics will increase by 2% from the prior year.

In 2012-13, all eighth grade students took the New York State Grade 8 Common Core Mathematics Test even if they were taking a higher-level math course. Beginning in Spring 2014, an ESEA waiver will end double-testing of students receiving instruction in Algebra I or Geometry, for example, and taking the Regents Exam.

- 2011-12: 62% of eighth grade charter school students achieved proficient or above in math
- 2012-13: 64% of eighth grade charter school students achieved proficient or above in math
- 2013-14: 30% of eighth grade charter school students achieved proficient or above in math

RESPONSE: *Explanation of Grades 4 & 8 Testing Outcomes (Indicator 4a): In 2011-12, NYS was in its third year of 3-8 testing under revised cut scores. As is the trend with most testing data, the entire state, including charter schools, was experiencing an upswing in testing data from 2010-11 levels. In 2012-13, NYS adopted the 3-8 Common Core Aligned State Assessments. As these assessments were new to NYS, this set the baseline for all 3-8 grade testing in NYS. The entire state realized a downward shift in testing averages by 45% in ELA and 54% in Math (the 2013 NYS average passing rate for ELA and Math was 30%, compared to 55% and 65%, respectively). However, the State has developed growth scores to demonstrate learning progress from the prior year. The approach New York State uses compares the current-year scores of similar students, that is, students who had the same prior test scores and other characteristics in order to measure growth while accounting for students' starting levels of achievement. This data is aggregated to an adjusted MGP, which is the weighted mean of the SGPs for students linked to a teacher based on similar prior achievement scores and includes consideration of ELL, SWD, and economic disadvantage student characteristics. The statewide MGP for ELA was 51; Math was 52. In the 4th grade, the percent of students who surpassed the state MGP for ELA was 38%; Math was 66%. In the 8th grade, the percent of students who surpassed the state MGP for ELA was 51%; Math was 75%.*

Not met: Performance Measure 4B2: Each year, high school graduation rates for all charter school students with disabilities in New York State will either meet the State

standard of 80% or will reduce the gap between the State standard and the prior year's rate by at least 20%, as measured by either the four year graduation cohort rate or the five year extended cohort graduation rate.

The grantee compared the high school graduation rates of charter school students with disabilities to the State standard using the four year graduation cohort rate. All charter schools with graduating classes are included.

- 2011-12: 36% graduation rate of charter school students with disabilities
- 2012-13: 50% graduation rate of charter school students with disabilities
- 2013-14: 69% graduation rate of charter school students with disabilities

Unable to assess: Performance Measure 4B5: Each year, high school graduation rates for charter school students who reside in a rural LEA in New York State will either meet the State standard of 80% or will reduce the gap between the State standard and the prior year's rate by at least 20%, as measured by either the four year graduation cohort rate or the five year extended cohort graduation rate.

The grantee compared the high school graduation rates of charter school students whose district of residence was considered rural to the State standard using the four year graduation cohort rate. In Years 1 and 3 there were no rural charter school students.

- 2011-12: Not applicable
- 2012-13: 100% graduation rate of rural charter school students

RESPONSE: *Explanation of Graduation Outcomes (Indicator 4b): The state average 4-year graduation rate of 80% was used to compare each target, with the exception of English Language Learner graduates. In 2012-13, charter school students graduated at a rate 5% higher than the statewide graduation rate. The special education graduation rate did not meet the statewide average of 80%. The number of special education students in the 2012-13 4-year graduation cohort increased by 45% from the prior year. Additionally, the prior year had a 4-year graduation rate that was close to the state average (73%), therefore, a 20% increase would have been an 87% special education graduation rate for 2012-13. The ELL graduation target rate was set at a 20% increased from 2011-12 (2011-12 4-year ELL graduation rate was 50%); 2012-13 4-year graduation rate is 79%, well surpassing the 2011-12 rate. The graduation rate for FRPL students was 8% above the statewide targets. According to the rural designations in New York State, there are no rural charter schools in New York.*

Insufficient Progress on Performance Measure 4C: By the end of the grant period, results from a rigorous outcomes research study will show that New York State charter

schools will outperform, at a statistically significant level, comparable students in traditional New York State public schools in categories determined by the research design.

The grantee's analyst is doing pre-planning work to design and assess this performance measure. Using student growth, charter school students are at the State average in math but below the State average in ELA. Graduation rate data for charter schools are incomplete as there are few charter high schools.

2011-12: Not applicable
2012-13: Not applicable
2013-14: Not applicable

RESPONSE: *NYSED has in place a five year contract with the Center for Evaluation and Education Policy, Indiana University which will end February 28, 2015. They provide external CSP evaluations through the February 2015contract end date.*

A new RFP for an external CSP evaluator has been developed and includes all CSP evaluations needed from March 1, 2015 through the end of the 2011-16 CSP grant. This RFP is located at ***attachment 8****. This RFP includes the required annual evaluations of:*

- *All charter schools*
- *New schools*
- *CSP planning and implementation grant*
- *NYSQUAP Partnership*
- *Dissemination grant*

The RFP also includes a:

- *Rigorous Outcome Study for performance measure 4c*
- *Evaluation of NYS charter school authorizer practices*

A copy of this RFP is located at ***attachment 6****.*

In addition to the external CSP evaluation included in the RFP at attachment 6, an internal research study has been underway for the past two years, examining student growth, proficiency and graduation outcomes. A summary of this study is located at ***attachment 7****. It has been completed by the Charter School Office's Data Analyst and shown that 1) from 2010-11 through 2012-13, charter schools testing in grades 3-8 in New York State tend to perform similarly from one year to the next; 2) the majority of charter schools testing in grades 3-8 tend to perform at the state average in math, but below the state average in ELA; 3) a possible co-morbidity may exist and is being researched in charter schools' lower aggregate ELA outcomes as the 2013 math outcomes also dropped drastically once aligned with Common Core; 4) charter schools testing in grades 3-8 tend to have a greater negative variance to the state average in grades 6-8 compared to grades 3-5.*

3. Administrative and Fiscal Responsibilities –

Indicator 3.1: FEDERAL PROGRAMS AND FUNDING.

The SEA informs teachers, parents, and communities of the State education agency's charter school grant program: The grantee proposed to work collaboratively with other authorizers, the New York Charter Schools Association, and the New York City Charter School Center to conduct outreach about the CSP grant. Outreach was to include conference calls, webinars, flyers, e-mail blasts, and regional information sessions directed at teachers, parents, and communities to inform them about funding for startup and dissemination. Additionally, the grantee indicated that NYSED's website would be updated to allow for easier navigation of information for specific audiences related to CSP grant opportunities. The Dissemination Specialist, along with the Charter School Office, will be responsible for these activities.

The grantee provides information about the CSP grant program on its website, which is available to any interested parties. Web pages include a general page describing the grant program and specific pages for different types of grantees (e.g., CSP Planning grantee, Continuation grantee, Dissemination grantee). Email listservs reach all New York charter schools and public schools. CSP information is also shared with relevant charter school organizations (e.g., New York City Charter Schools Center and Northeast Charter Schools Network). Beyond the information posted on the website, efforts to inform parents, teachers, and community members directly were not apparent. The CSP grant is described in the NYSED charter application kit and the SUNY Charter Schools Institute Request, for Proposals document. Budgets submitted during the charter application process for both NYSED and SUNY include anticipated CSP funds. After schools have received a charter, outreach to about the funds includes a webinar dedicated to the CSP grant program.

Limited outreach regarding CSP opportunities: The grantee does not inform teachers, parents, and community members about the CSP opportunities. Rather, efforts to disseminate information are more appropriate for charter developers.

RESPONSE: *NYSED informs teachers, parents and community members about CSP grant opportunities during stakeholder meetings. During 2015 we will also inform teachers, parents and community members about CSP grant opportunities through the new NYS Grants Gateway system.*

Stakeholder meetings are held during renewal and site visits to charter schools. The NYS Grants Gateway system is a centralized area to inform the public about grant opportunities in NYS and is located at: http://grantsreform.ny.gov/

The community of charter developers includes teachers, parents, and community members, see website: http://www.p12.nysed.gov/psc/startcharter.html

An application to establish a new Board of Regents-authorized charter school in New York State may be submitted by one or more individuals who are teachers, parents, school administrators or community residents, under an open competitive RFP process as is set forth in NYS Education Law, Article 56 Charter Schools Act. The Board of Regents will only approve applications that clearly demonstrate a strong capacity for

establishing and operating a high quality charter school. This standard requires a strong educational program, organizational plan, and financial plan, as well as clear evidence of the capacity of the founding group to implement the proposal and operate the school effectively.

Indicator 3.3: ADMINISTRATION AND USE OF CSP FUNDS.

Cash management (e.g. timely disbursement of funds to not accrue interest): NYSED obtained a waiver from ED to permit forward funding of the initial 20% of awards to subgrantees. However, NYSED continues to use a forward-funding approach after the initial 20% is disbursed. Subgrantees are permitted to submit monthly requests for reimbursements and any expenses anticipated within the subsequent 30 days until 90% of their award has been spent. The remaining 10% is not distributed until the budget and actual expenditures are reconciled at the end of the grant period. The State's Charter School Audit Guidelines includes a section specific to CSP subgrantees which requires Auditors to perform tests to ensure funds are spent within a 30-day window. The grantee was aware of at least one audit finding in which a subgrantee had not spent the forward funded money within 30 days. While the fiscal guidelines on NYSED's website describe the requirement to return earned interest, NYSED did not know of any subgrantees paying interest on funds they did not spend within 30 days.

Other: Legal fees, remodeling fees, business operations support: Subgrantees used planning funds for legal expenses directly related to the opening of the school (e.g., securing a facility). One subgrantee used funds to represent the school in lawsuit proceedings related to its sister campus. One subgrantee used funds for minor remodeling including painting and updates to a restroom which were not intended to address accessibility issues. Another subgrantee used planning funds to develop operational infrastructure including bringing in experts to set up financial accounts, develop frameworks for job responsibilities, set up board management procedures, and implement technology.

Summary:

Overuse of forward funding. While the grantee has been approved to utilize forward funding to distribute the first 20 percent of funds, the grantee's policy is to distribute funds monthly based on expenditures or expected spending in the subsequent 30 days, Up to 90 percent of grant funds

Tracking of modifications within budget categories: The current fiscal oversight process does not allow for careful monitoring of changes to budgeted spending within budget categories.

Delay in receipt of funds: Dissemination subgrantees reported a substantial delay in Receiving funds after being awarded a CSP Dissemination grant due to the prequalification process required by the Office of the New York State Comptroller. Given the funding cycle, only Dissemination subgrantees were impacted

Grantee partially meets the indicator: The grantee's use of forward funding exceeds what is allowable and its ability to track changes in subgrantee spending within budget categories is limited. Furthermore, time between the award of some CSP subgrants and subgrantee receipt of funds was lengthy. However, the grantee has developed and provides subgrantees with strong resources and technical assistance related to audits, Internal controls, and other administrative and fiscal operations.

Recommendations: The grantee should ensure that its policy on forward funding aligns with Federal regulations and the approved grant application. The grantee should also review its budget monitoring process to ensure that changes to spending within budget categories are identifiable so that necessary oversight can be accomplished. The Charter School Office should also work with the Office of the New York State Comptroller to accelerate the pre-qualification process for charter schools and ensure CSP funds are distributed promptly.

RESPONSE: *NYSED actively monitors subgrantees for Allowability of funds through desk audits and has disallowed some purchases. Annually independent auditor's test a sample of CSP purchases during the annual financial audit and prepares a CSP Agreed Upon Procedure (AUP) report which is located beginning on page 21 of the* Audit Guide (updated May 2014). *Our grants finance office has checked supporting documentation related to a schools request for reimbursement forms that includes forward funding.*

The 20% forward funding is typically a reimbursement of funds to funds the school has already expended because of the time it takes to approve new entities on the grants gateway system. The delay in receipt of funds reported by schools is due to the implementation of the new grants gateway system by NYS. New schools must submit sufficient information to NYS Division of the Budget and be pre-approved on the Grants Gateway system in order to obtain grants in NYS, including CSP grants. Information on grants gateway is located at: http://grantsreform.ny.gov/

We require schools to complete an amendment when their budget changes, however, only through our monitoring process can be determine if schools have not submitted an amendment.

In addition to our desk audits and auditor prepared purchase testing we have held many grant training sessions including Grants Management and Allowability, Development of Policies and Procedures, annual webinars for new CSP applicants and continuation subgrantees and have held a session on the Federal Omni requirements that go into effect July 1, 2015. Please see attachment 10 for our preparation with Charter Schools for implementing Omni grant requirements.

We plan to include WestEd interpretations that legal expenses and painting/facility updates are unallowable expenses during the planning phase at our future training sessions. From time to time we have approved wiring updates necessary for computers as that appeared to be a reasonable expense.

Appendix 7

NY Response, technical edits

New York

Charter Schools Program Monitoring Report

DRAFT

Prepared for the U.S. Department of Education

December 2014 – Draft for Grantee Review

WestEd

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I. INTRODUCTION

Monitoring is the regular and systematic examination of a grantee's administration and implementation of a Federal education grant, contract, or cooperative agreement administered by the U.S. Department of Education (ED). ED monitors programs under the general administrative authority of the U.S. Department of Education Organization Act. ED policy requires every program office overseeing discretionary or formula grant programs to prepare a monitoring plan for each of its programs. The plans are designed to link established monitoring to achieving program goals and objectives; adhering to laws, regulations, and assurances governing the program; and conforming to the approved application and other relevant documents.

The purpose of the Charter Schools Program (CSP) Monitoring Plan is to assess the extent to which grantees are implementing their approved grant projects in compliance with Title V, Part B Public Charter Schools Program statutes, regulations, and guidance. The CSP monitoring objectives are threefold:

- Increase CSP fiscal and programmatic accountability at the State and local levels.
- Support and improve grantee capacity in carrying out the purpose of the CSP through the timely and efficient administration of Federal funds awarded under this program and other Federal education programs.
- Assist grantees with the planning and implementation of high-quality charter schools.

Thus, monitoring serves not only as a means for helping grantees achieve high-quality implementation of their CSP grant project, it also helps ED to be a better advisor and partner in that effort. CSP monitoring efforts are designed to focus on the results of grantees' efforts to implement critical requirements of the CSP using available resources and guidance. Information and data from grantee monitoring also assist to inform the program's performance indicators under the Government Performance Results Act.

II. DATA COLLECTION PROCESS AND METHODOLOGY

The CSP Monitoring Plan is being conducted with the assistance of WestEd (Contract # ED-CFO-10-A-0074/0001). The plan assesses grantee performance and compliance using indicators based on Federal statute, Education Department General Administrative Regulations (EDGAR), non-regulatory guidance, and application requirements. A monitoring handbook was provided to the grantee in advance of the site visit and used to guide the monitoring process. The monitoring handbook specifies each monitoring indicator, its statutory or other sources, criteria for meeting each indicator, guiding questions, and acceptable evidence.

In conducting this comprehensive review, the monitoring team carried out a number of major activities. These included:

- Reviewing key background documents provided by ED on the State's CSP grant, including the grant application, grant award notice, and annual performance reports.
- Researching and synthesizing other available information about the State grantee's charter school program including relevant statutes, reports and evaluations, newspaper articles, and other data from government, research, and advocacy organizations.
- Consulting with ED prior to the site visit about issues of special concern in the State grantee's administration of the CSP.
- Arranging the site visit in coordination with State and charter school officials, including identifying State officials for interviews and selecting subgrantees to visit.
- Collecting evidence of the State grantee's compliance or performance with Title V, Part B Public Charter Schools Program statutes, regulations, and guidance.
- Analyzing the evidence obtained and collecting any follow-up information necessary to produce this report.

The New York site visit was conducted over a five-day period from May 19 to 23, 2014. The monitoring team met with members of the New York State Education Department (NYSED) on Thursday and Friday of that week. The team met with members of the Charter School Office (CSO); NYSED staff from Title I, Audit Services, Special Education, Grants Fiscal Management; P-12 Operations, and the Deputy Commissioner. The monitoring team also conducted a telephone interview with the State Education Agency's (SEA's) technical assistance provider from the Center for Evaluation and Education Policy (CEEP).

The team visited nine subgrantee schools, two of which were receiving CSP Dissemination grant funds:

- New Dawn Charter High School in Brooklyn—a Regents-authorized school for over-age and under-credit students 15–21 years of age.
- Citizens of the World Charter School in Williamsburg—a SUNY-authorized community-based elementary school focused on academic excellence and diversity.
- Urban Dove Team Charter School in Brooklyn—a Regents-authorized team-based high school serving at-risk students.

- Math, Engineering, and Science Academy Charter High School in Brooklyn—a Regents-authorized school using a Universal Design for Learning model and providing a daily STEM block.
- Democracy Prep Endurance Charter School in Harlem—a Regents-authorized school designed to prepare students for college through rigorous academics and more learning time.
- Icahn Charter School #7 in the Bronx—a SUNY-authorized elementary school utilizing smaller class sizes, a longer school day and year, and the Core Knowledge curriculum.
- New York Center for Autism in Harlem—a New York City Department of Education (NYC DOE)-authorized school receiving a Dissemination grant to partner with two district schools to increase the use of best practices related to serving students with autism.
- South Bronx Classical Charter School II in the Bronx—a Regents-authorized elementary school using the Classical approach to education in a structured environment.
- KIPP Tech Valley Charter School in Albany—a SUNY-authorized middle school partnering with two district middle schools to disseminate best practices related to student response systems and data review.

This report is an analysis and assessment of the data, grant award documents, interviews, and information gathered prior to, during, and following the site visit to the State grantee. Findings in this report reflect the monitoring team's observations and conclusions about the State grantee's compliance and performance under the CSP grant from the beginning of the current grant period to the time of the site visit.

A draft copy of the monitoring report is provided to the grantee for review, with a request for technical edits and corrections accompanied by supporting documentation. The grantee's response is included as an appendix to this report and carefully considered before the monitoring report is finalized. Hence, the final report will take into consideration the grantee's response as well as all of the other evidence gathered during the monitoring process.

The main purpose of the grantee review process is to make the report as accurate as possible. Grantee responses are used to clarify or correct details about policies, practices, or procedures occurring up to the time of the site visit and may result in revisions to observations and ratings, if justified. However, if the grantee submits evidence of new or changed policies, practices, or procedures that occurred after the site visit, that information will not be reflected in the report findings and will only be included in the appendix. This additional information would be beyond the scope of the monitoring visit and would therefore not influence any observation or rating.

III. BACKGROUND INFORMATION ON GRANTEE

STATE STATUTE/POLICIES/CONTEXT

STATUTORY HISTORY

For the context of this report, important provisions of New York's original Charter Schools Act include:

- Charter schools are their own Local Education Agency (LEA) but are a part of their district for purposes of special education.
- A lottery is required for enrollment if the charter school will be oversubscribed.
- Charter schools are required to conduct an annual independent financial audit.
- The Regents have the authority to revoke a charter, including those approved by other authorizers, if the school's outcome on State student assessment measures falls below an acceptable level and does not improve within three years.
- Charter schools are funded at 100 percent of the per-student revenue provided by the State.
- Charter schools must publish an annual school report card containing measures on the academic and fiscal performance of the school, as prescribed in State regulations.
- The Regents report annually to the Governor on performance in charter schools.

The Act was amended in 2010 and again in 2014[1]. Noteworthy changes include:

- Prohibited for-profit entities from submitting a charter school application or entering into a charter school contract.
- Required a Request for Proposals (RFP) for charter school applications.
- Clarified the distribution of public charter school assets upon closure.
- Established the requirement for enrollment and retention targets (i.e., special education students, English language learners, students qualifying for free or reduced-price lunch) to meet or exceed that of the district in which the charter school is located.
- Increased the limitation on the number of public charter schools to 460 and simultaneously limited charter approval to the Board of Regents (Regents) and the Board of Trustees of the State University of New York (SUNY).
- Created State priorities for charter school applicants to address in order to receive additional points in the application scoring rubric.
- Provided an authorizer the authority to close a charter school that is not performing academically.
- Tightened the contract issuance process to only the Regents having the authority to issue charters; all other authorizers must submit their conditionally-approved charter school applications to the Regents for final approval and charter issuance.
- Required charter school applicants to incorporate upon approval of a charter.

Comment [A1]: Sg also for transportation, library materials, software.

Comment [A2]: Sg The actual calculation is provided at: https://stateaid.nysed.gov/charter/html_docs/charter_1415_def.htm

Comment [A3]: Sg The department publishes the report cards.

Comment [A4]: Sg and the temporary president of the senate and the speaker of the assembly

Comment [A5]: Sg Group by date of changes

Comment [A6]: Sg we don't use this metric any more, please see: http://www.p12.nysed.gov/psc/enrollment-retention-targets.html

Comment [A7]: Sg this was always in the law

1 http://www.nyccharterschools.org/sites/default/files/resources/NYSCharterSchoolsActof1998_with2014amendments.pdf Retrieved on June 11, 2014.

- Clarified the guidance for charter schools co-locating with other public schools and specified that districts could not charge rent.

BASIC CHARTER PROVISIONS

The New York Charter Schools Act of 1998[2] provides for four types of authorizers: the Board of Regents (Regents), The Board of Trustees of the State University of New York (SUNY), any local board of education, and the Chancellor of any city school district with a population of one million or more. However, as stated above, the 2010 amendment to the Act limited the approval of new charter schools to the Regents and SUNY.

The Board of Regents is appointed by the State Assembly and the SUNY Board of Trustees is appointed by the Governor. Administrative staff facilitate authorizing responsibilities for both the Regents and SUNY. The NYSED is the administrative division of the Regents and SUNY created the Charter Schools Institute as its administrative division in 1999.

A limitation on the number of charter schools that can be established under the law was originally set at 100. This number increased to 200 in 2007 and then 460 in 2010 with distribution among the authorizers. At the time of the monitoring visit, there were 188 charters left to issue in the state; 46 of these are in NYC and 142 for the rest of the state.

If a chartering entity other than the Regents approves a charter school application, the chartering entity and the applicant will enter into a proposed agreement. The charter school application, proposed agreement, and supporting documentation are forwarded to the Regents. The Regents can either provide final approval and issue a charter, or return the application to the chartering entity for reconsideration. At this point, the chartering entity can resubmit with modifications, resubmit without modifications, or abandon the proposed charter. If the Regents do not act on a resubmitted charter within 30 days it is considered approved.

Comment [A8]: Sg 90 days

OTHER SALIENT STATUTORY OR CONTEXTUAL PROVISIONS

The majority (95 percent) of New York's charter schools are in New York City (NYC). Staff at the New York City Charter School Center (City Center) noted in testimony before a legislative committee in early May 2014 that 80,000 students were being educated in five NYC boroughs with an estimated 50,000 more on wait lists. In existing NYC charter schools, 75 percent of students are eligible for free or reduced-price lunch and over 90 percent are either African American or Latino.

Sixty percent of New York charter schools are freestanding rather than being part of an Education Service Provider (ESP)[3] or comprehensive educational services management company. Additionally, 60 percent of the State's charter schools are elementary schools. During the 2013–2014 school year, 65 percent (119 of 183) charter schools in NYC were co-located with other schools. The co-location

[2] New York Law, Article 56, Section 2850, as amended.

[3] National Alliance for Public Charter Schools, Dashboard, 2011-2011.

policy in NYC has been under scrutiny after the election of a new mayor, raising the discussion of the issues of co-location to the national level.

The State provides charter schools the same funding given to all public schools. Public charter schools invoice the State for tuition through an online system based on their current enrollment. The schools invoice quarterly and typically receive payment within a couple of weeks. Payments for all public schools will increase slightly in 2014. There is no State funding allocated for charter school facilities; however, SUNY administers a facilities aid program. Charter schools are given additional funds for students with disabilities who are designated as such in the electronic State system. The rate of funding for students with disabilities is based on the level of severity of their disability.

Comment [A9]: Sg This is incorrect, please see: https://stateaid.nysed.gov/charter/html_docs/charter_1415_def.htm

Comment [A10]: Invoice the district

Comment [A11]: Sg This is incorrect for the state, though such a system is used within NYCDOE.

Comment [A12]: Sg Schools invoice districts bimonthly, please see http://www.p12.nysed.gov/psc/form.html

Comment [A13]: Sg Level of services required by the IEP

DATA ON STATE CHARTER SECTOR

GROWTH OF CHARTER SCHOOLS IN THE STATE

As of March 20, 2014 there were 281 charters issued in the state. SUNY oversees the majority of these with 135 charters, the NYC DOE follows with 75 charters, and the Regents oversee 69 charters. Predominantly, these charter schools are located in urban regions of the state; very few charter schools are in the western part of the state. Nine charter schools in the state are public school conversions.

Since the Charter Schools Act was adopted, twenty-two charter schools have closed. Half of these were SUNY-authorized schools that were non-renewed. Of the school closures, SED staff noted that half were for academic reasons while fiscal mismanagement was the cause of five closures.

CHARTER SCHOOL SECTOR PERFORMANCE DATA

The March 4, 2013 Charter School Office Update to the Board of Regents compared the 2012 performance of Regents-authorized charter schools to district and State averages. The results indicate that Regents-authorized charter schools outperformed the district more often than they did the State, and charter school students performed better on State math assessments than State ELA assessments.

Comment [A14]: Sg this should be 'district of location'

Percent of Charter Schools that Outperformed the District and State Averages in 2012		
Test	Percent of Charter Schools that Outperformed the District Average	Percent of Charter Schools that Outperformed the State Average
ELA	79%	25%
Math	88%	42%
Sources: New York State Education Department March 4, 2013 Charter School		

Office Update

A 2009 Stanford University study conducted by Caroline Hoxby showed that New York City charter school students are more likely to be proficient in math and reading than students in the nearest comparable public school. On average, a student who attended a charter school for all grades kindergarten through eighth would close about 86 percent of the achievement gap in math and 66 percent of the gap in English. Further, the report found that a student who attends a charter high school is about 7 percent more likely to earn a Regents diploma by age 20 for each year he spends in that school.

In February 2013, CREDO (Center for Research on Education Outcomes) at Stanford University published a report on New York City public schools with findings that charter school students in NYC outperform their traditional public school peers in reading and math. Specifically, the report found that the typical student in a NYC charter school gains more learning in a year than his traditional public school counterparts, amounting to one month of additional gains in reading and five months in math per year.

THE SEA CHARTER SCHOOLS OFFICE/PROGRAM

The New York Board of Regents is served by the State agency's Charter School Office (CSO). The CSO is led by the Director of Innovation, a position that oversees charter schools and turnaround schools. CSO staff is organized under the new schools division and the grant division. CSO team members focus on new school applications, performance oversight, the CSP Planning and Implementation grant, and the CSP Dissemination grant. There are approximately seven full-time equivalent (FTE) positions funded with CSP funds and three FTE positions funded with State funds. The team works closely with partners organized under the New York State Quality Charter Authorizer Partnership ("the partnership"). These partners are NYSED, SUNY and the City Center.

Comment [A15]: Should be Director, Office of School Innovation

Comment [A16]: Sg three groups or teams within CSO: New Schools team, Grant Oversight team, and Performance Oversight team

Comment [A17]: NYCDOE and New York City Charter School Center

The New York Charter Schools Act requires other authorizers to send their approved charter applications to the Regents for final approval and contracting. Since State statute was amended in 2010 to require final approval for charter schools through the Regents, NYSED and SUNY have aligned most of their charter school application RFPs and application processes through work with the National Association of Charter School Authorizers (NACSA). Further, both NYSED and SUNY have developed a common performance framework to use for monitoring and oversight of their respective schools—another product developed with NACSA's assistance.

In the CSO, every staff member is assigned as a liaison to a number of charter schools. After the new schools team has assisted the new charter school with opening, the school is transferred to the liaison for ongoing support and technical assistance.

Comment [A18]: Sg this should be most staff members

CHARTER SCHOOLS PROGRAM GRANT

GRANT HISTORY

New York has received five CSP grants to date: 1999, 2002, 2005, 2008, and 2011 for a total of $164,753,143.

New York was monitored in 2008 under its 2005 CSP award. The previous monitoring identified several concerns, including: areas of subgrantee waivers; peer review; informing teachers, parents and communities about the grant program; defining significant expansion; identifying best or promising practices and disseminating these practices to each LEA in the State; developing specific performance measures and data to evaluate progress; determining eligibility for Dissemination subgrants; attracting more applicants to the Dissemination grant; and monitoring for Dissemination subgrants.

CURRENT GRANT

The current grant, awarded in 2011, is a five-year grant for approximately $113 million. At the time of the monitoring visit, the State was in the third year of its five-year CSP grant and had drawn down $53,236,758.

New York submitted three waiver requests in its 2011 CSP application, all of which were approved. The SEA was granted waivers to extend the SEA grant from three to five years, award three-year Dissemination subgrants for the purpose of conducting evaluations of the Dissemination projects, and award more than one Dissemination subgrant to a single charter school.

Under this grant, the State cites the following four objectives:

1. Increase the number of high-quality charter schools in New York State, especially those serving educationally disadvantaged students who are at greatest risk of not meeting the State academic standards;
2. Strengthen the overall quality of the New York State charter school authorizing and CSP grant administrative infrastructure;
3. Promote the dissemination of New York State charter school best practices to other public schools; and
4. Improve student achievement outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting State academic standards.

At the time of the monitoring visit, NYSED had awarded 170 Planning and Implementation subgrants (61 in 2011-12, 58 in 2012-13, and 51 in 2013-14). Subgrant award amounts ranged from $10,000 to $545,000 in each year. NYSED has awarded 11 Dissemination subgrants thus far, all in 2013-14.

	Planning Subgrants	Implementation Subgrants	Dissemination Subgrants

	Number	Range of $ Awards	Number	Range of $ Awards	Number	Range of $ Awards
Year 1 (2011-12)	27	$44,000-490,000	34	$60,442-400,000	0	–
Year 2 (2012-13)	24	$49,154-473,313	34	$57,232-362,657	11	$107,068-270,976
Year 3 (2013-14)	10	$166,666-544,952	41	$10,000-355,542	0	–
Total	**61**	**$44,000-544,952**	**109**	**$10,000-400,000**	**11**	**$107,068-270,976**

Prior to the monitoring visit, ED expressed concern about whether New York adequately monitors subgrantee projects to ensure proper accounting for the 20 percent forward funding given to subgrantees at the beginning of their project periods.

Comment [A19]: Due to the time it takes for new schools to receive funds in NYS (mostly due to the Division of Budget's Grants Gateway system) most of the 20% is a reimbursement for expenditures. Forward funding is also monitored annually by the independent auditor through a CSP Agreed Upon Procedure Report. NYSED follows up on any findings. SEDs Grants Finance Office has reviewed supporting documentation of concern schools, as has the Charter School Office through desk audits.

IV. SUMMARY

Monitoring focused on three areas: (1) Subgrant Application and Award Process; (2) CSP and Charter School Quality; and (3) Administrative and Fiscal Responsibilities. Within each area, the protocol identifies indicators of grantee compliance or performance. This section presents the monitoring team's observations, assessment of the grantee's performance, and recommendations for each indicator. Grantee ratings are based on the degree to which the grantee meets each indicator. The indicator rating system is as follows:

3 – Grantee fully meets the indicator.

2 – Grantee partially meets the indicator.

1 – Grantee does not meet the indicator.

To summarize, New York has partially demonstrated the necessary program management and fiscal controls to meet the application's objectives.

Subgrant Application and Award Process – The two current authorizers, the Regents and SUNY, have strong charter school application processes. The CSP subgrant application is considered part two of that process, and only when a school has received a charter is it invited to apply for subgrant funds. While the NYSED application addresses all of the descriptions and assurances required by the CSP, the SUNY RFP does not. Additionally, subgrantee applicants are not asked to identify which waivers they seek and the peer review process is used for the charter school application phase, but not the subgrant application phase**. Areas of concern** recommended for follow up by ED include:

- A request for waivers not in application process. The State does not require applicants to designate waiver of Federal and State laws, rules or regulations in its charter school or subgrant applications.
- Missing descriptions and assurances. Several required descriptions and assurances are included in the Regents charter school application, but not the 2014 SUNY RFP. Since the charter school application process is considered part one for the CSP subgrant, both authorizers' applications would have to contain the required descriptions and assurances for the grantee to be in compliance.
- Enrollment Lottery. The State cannot ensure the Dissemination subgrant applicants' enrollment lottery meets Federal CSP requirements. Furthermore, the monitoring team is concerned that the State's lottery review process is not sufficient to ensure compliance with 2014 Federal non-regulatory guidance regarding the use of lotteries, including weighted lotteries.
- Lack of peer reviewers for all subgrant applications. SUNY does not regularly or systematically conduct a peer review of its charter school applications, which is considered to be the first part of the subgrant application process. Therefore, applications for SUNY authorized schools do not appear to be peer reviewed.

Comment [A20]: Which are both peer reviewed.

Comment [A21]: Part two it is not peer reviewed however part one (the school application process) is peer reviewed.

Comment [A22]: We show in attached document that the SUNY RFP meets descriptions and assurances.

Comment [A23]: While we do not prompt for waivers we would review any that were submitted.

Comment [A24]: SUNY RFP meets descriptions and assurance requirements as shown in attached document.

Comment [A25]: Lottery was reviewed by Dissemination specialist, please see attached report

Comment [A26]: Please see attached document for clarification on this item.

Comment [A27]: Per attached SUNY has a peer review system.

CSP and Charter School Quality – The SEA demonstrates high-quality authorizing practices and supports the development of high-quality authorizing practices of other authorizers in the State. The SEA provides a high degree of flexibility and autonomy to its charter schools, awards subgrants to charter schools that complete a rigorous charter school application process, awards subgrants throughout different areas of the state, and conducts fiscal monitoring of all subgrantees. **Areas of concern** recommended for follow up by ED include:

- Monitoring of SEA performance objectives. NYSED's monitoring process does not assess every subgrantee's progress in meeting the goals in the Performance Framework.
- Best or promising practices are not disseminated to every LEA in the State. NYSED has not developed a process for disseminating best or promising practices of charter schools to every LEA in the State.
- Insufficient progress in implementing the full evaluation plan. The grantee has not contracted with an external evaluator to conduct an outcomes research study as proposed in its grant application. Instead, the grantee is planning to use an internal analyst to design and conduct the evaluation.
- Available data are not aligned with the performance measures. In some instances, data provided by the SEA are not aligned with the stated performance measures. This is especially true of Performance Measures 1c, 3c, and 3d.
- Limited progress toward meeting grant objectives. The grantee could not demonstrate progress in 6 out of 16 applicable performance measures.

Administrative and Fiscal Responsibilities – The SEA appropriately provides information to relevant audiences regarding the charter school grant program and other Federal funds. The SEA ensures charter schools receive their commensurate share of Federal funds and has policies in place to ensure LEA deductions are not possible. Transfer of student records occurs in accordance with State law and recordkeeping practices are thorough and align with State policy. However, the SEA lacks engagement in comprehensive outreach to teachers, parents, and community members about the CSP grant program. Further, the SEA has utilized a forward funding procedure such that up to 90 percent of funds can be provided to subgrantees through requests for spending that will occur within 30 days. Additionally, identifying changes in subgrantee spending within budget categories is difficult within the current finance monitoring procedures and the Dissemination subgrantees experienced a long delay between being awarded a Dissemination grant and receiving funds**. Areas of concern** recommended for follow up by ED include:

- Limited outreach regarding CSP opportunities. The grantee does not inform teachers, parents, and community members about the CSP opportunities. Rather, efforts to disseminate information are more appropriate for charter developers.
- Overuse of forward funding. While the grantee has been approved to utilize forward funding to distribute the first 20 percent of funds, the grantee's policy of releasing monthly grant funds based on expenditures or expected spending in the subsequent 30 days effectively allows up to 90 percent of grant funds to be forward-funded.

Comment [A28]: We have shared SUNY and NYCDOE's performance framework in the attached document.

Comment [A29]: Dissemination practices are posted on NYSED website.

Comment [A30]: The current contract with external evaluator ends in February 2015. The attached RFP for the remainder of the grant period includes the outcomes research study.

Comment [A31]: Please see attached report.

Comment [A32]: Please see attached report.

Comment [A33]: Please see attached report.

- Tracking of modifications within budget categories. The current fiscal oversight process does not allow for careful monitoring of changes to budgeted spending within budget categories.
- Delay in receipt of Dissemination funds. Dissemination subgrantees reported a substantial delay in receiving funds after being awarded a CSP Dissemination grant due to the pre-qualification process required by the Office of the New York State Comptroller.

Promising practices that may be worthy of examination and/or replication by other SEA grantees include:

- Development of authorizer oversight tools. The SEA has taken the lead among the authorizers in the state in developing and sharing authorizer tools related to fiscal oversight (e.g., audit guide, composite scores, and risk assessment).
- Fiscal Oversight Guidebook. The grantee has developed a comprehensive guidebook outlining recommended policies and procedures that help to ensure charter schools use appropriate internal controls and oversight of funds and inventory. This document, along with related technical assistance, is comprehensive and provides useful resources for individuals working in a charter school setting. The guidebook is currently distributed to all Regents-authorized schools and was developed based on a similar resource created by SUNY.
- Charter Schools Audit Guide. All charter schools are audited in accordance with the Charter Schools Audit Guide. This resource was developed by the Charter Schools Office and distributed to all charter schools and charter school auditors to ensure annual audits are comprehensive and relevant to the needs of charter schools. This resource and the technical assistance provided related to this resource appear to be very useful in ensuring audits are completed in accordance with regulations.
- CSP Grant Management Guidance and Procedures. Charter School Office staff have developed the CSP Grant Management Guidance and Procedures document to assist staff in supporting subgrantees. This document provides guidance on assisting subgrantees in getting appropriate internal control processes in place, instructs staff members on how to use available data systems to track budgets and expenditures, and provides information to help Charter School Office staff determine allowability. This document was prepared to ensure a flow of knowledge across all Charter School Office staff members.

A summary table of all of the indicators and their ratings is provided below.

Summary of Indicator Ratings

Section 1: Subgrantee Application and Award Process		Rating
Indicator 1.1	SUBGRANT APPLICATION DESCRIPTIONS AND ASSURANCES. The State requires each eligible applicant desiring to receive a subgrant to submit an application to the State Education Agency that includes the descriptions and assurances required in Federal statute.	2
Indicator 1.2	ELIGIBLE APPLICANTS. The State ensures each applicant desiring to receive a subgrant meets the term "eligible applicant."	3

Indicator 1.3	DEFINITION OF CHARTER SCHOOL. The State ensures each eligible applicant meets the term "charter school."	2
Indicator 1.4	PEER REVIEW. The State uses a peer review process to review and select applications for assistance under this program.	2
Indicator 1.5	PROGRAM PERIODS. CSP subgrants awarded by the State do not exceed the maximum program periods allowed.	3
Section 2: CSP and Charter School Quality		**Rating**
Indicator 2.1	QUALITY AUTHORIZING PRACTICES. State laws, regulations, or other policies provide for quality authorizing practices and the SEA monitors and holds accountable the authorized public chartering agencies in the State so as to improve the capacity of those agencies to authorize, monitor, and hold accountable charter schools.	3
Indicator 2.2	FLEXIBILITY AND AUTONOMY. The SEA affords a high degree of flexibility and autonomy to charter schools.	3
Indicator 2.3	SUBGRANTEE QUALITY. The SEA awards grants to eligible applicants on the basis of the quality of the applications submitted.	3
Indicator 2.4	DISTRIBUTION OF SUBGRANTS. The State awards subgrants in a manner, to the extent possible, to ensure that such subgrants: a) are distributed throughout different areas of the state, including urban and rural areas; and b) will assist charter schools representing a variety of educational approaches.	3
Indicator 2.5	SUBGRANTEE MONITORING. The SEA monitors subgrantee projects to assure approved grant and subgrant objectives are being achieved and to ensure compliance with Federal requirements.	2
Indicator 2.6	DISSEMINATION OF BEST OR PROMISING PRACTICES. The State disseminates best or promising practices of charter schools to each local education agency in the State.	2
Indicator2.7	ACHIEVEMENT OF APPLICATION OBJECTIVES. The State demonstrates substantial progress in meeting its application objectives.	2
Section 3: Administrative and Fiscal Responsibilities		**Rating**
Indicator 3.1	FEDERAL PROGRAMS INFORMATION AND FUNDING. The State informs appropriate audiences about the SEA's charter school grant program, Federal funds that the charter school is eligible to receive and Federal programs in which the charter school may participate, and ensures that each charter school in the State receives its commensurate share of Federal education formula funds.	2
Indicator 3.2	ALLOCATION OF CSP FUNDS. The proportion of grant funds reserved by the State for each activity does not exceed the allowable amount.	3
Indicator 3.3	ADMINISTRATION AND USE OF CSP FUNDS. The SEA administers the CSP funds and monitors subgrantee projects to ensure the proper disbursement, accounting, and use of Federal funds.	2
Indicator 3.4	LEA DEDUCTIONS. The State ensures that the LEA does not deduct funds for administrative expenses or fees unless the eligible applicant enters voluntarily into an administrative services arrangement with the relevant LEA.	3
Indicator 3.5	TRANSFER OF STUDENT RECORDS. The SEA ensures that a student's records and, if applicable, individualized education program accompany the student's transfer to or from a charter school in accordance with Federal and State law.	3
Indicator 3.6	RECORDKEEPING. All financial and programmatic records, supporting documents, statistical records, and other records of grantees and subgrantees related to the CSP grant funds are maintained and retained for grant monitoring and audit purposes.	3

V. FINDINGS

This section presents the monitoring team's description and assessment of the grantee's administration of the CSP grant for each indicator. Each indicator is stated, followed by summary narrative and detailed tabular information containing the monitoring team's observations and findings of grantee implementation related to the indicator. Any areas of concern and promising practices are then highlighted. Finally, a rating, justification for that rating, and, where appropriate, recommendations for improvement are given.

1. SUBGRANT APPLICATION AND AWARD PROCESS

A major function of CSP grantees is to conduct application and award processes to distribute CSP funds to subgrantees in the state, including funds for new charter school planning and implementation as well as for the dissemination of successful charter school practices. A minimum of 95 percent of each State's CSP allocation is distributed to subgrantees through this process. This section focuses on the State's requirements of subgrant applicants, and its processes for evaluating, selecting, and awarding subgrants. Specifically, this section addresses the State's performance in fulfilling its responsibilities to:

- Require subgrant applicants to submit an application with Federally required descriptions and assurances;
- Determine that applicants are eligible to receive CSP subgrants;
- Ensure that eligible applicants meet Federal definitions of a charter school;
- Employ a peer review process to evaluate subgrant applications; and
- Ensure CSP subgrants adhere to allowable time periods.

Indicator 1.1: SUBGRANT APPLICATION DESCRIPTIONS AND ASSURANCES. The State requires each eligible applicant desiring to receive a subgrant to submit an application to the State Education Agency that includes the descriptions and assurances required in Federal statute.

Observations: In the 2009 monitoring report, the grantee partially met this indicator. The previous monitoring team was concerned that not enough technical assistance was being provided for applicants and that not all of the required descriptions and assurances were completely addressed.

Planning/Implementation Subgrants. In 2011 NYSED merged the CSP subgrant application process with the charter school application process. Part two of the process, which is the subgrant application, is provided after a charter has been awarded and is not competitive. Once a charter has been newly awarded by any authorizer, the school is eligible to apply for a subgrant award. Many of the requirements for the CSP are attributed to the charter school application RFPs. CSO staff worked with the State Comptroller's office to ensure all required components of the CSP grant were

addressed either in the NYSED charter school application RFP or the subgrant application RFP. This was not done with the SUNY application.

The subgrant application requires a detailed work plan and budget. If schools are designed to meet the State's priorities, they may receive additional funding. The base award for all eligible schools is $500,000 over a three-year period, which may be increased to $750,000 if the school meets State priorities. The charter school application has an appendix with a scoring rubric for these State priorities. The State's priorities are:

- To serve high-need student groups such as students with disabilities, students who are English language learners, students who are over-age, under-credited or at risk of not graduating;
- To serve students who live in underserved rural communities;
- To promote racial diversity;
- To improve productivity and effectiveness through the use of technologies (including blended instructional programs);
- To replicate existing high-quality charter school models.

Notice for the subgrant program is provided through charter school associations in the state, NYSED's Grants Fiscal Management email list, charter school authorizers, and the CSO.

Dissemination Subgrants. NYSED issued its first Dissemination subgrant RFP in 2013; 11 awards were granted from the 15 applications. The RFP provides examples of projects that could be considered for funding. The Dissemination subgrant RFP notes that $25,000 must be used for grant evaluation. Project activities must be completed within the 24-month window, but evaluation of the projects is done in the third year.

Technical Assistance. There is a recorded webinar online for CSP applicants that covers:

- How to establish the school as a vendor in the State payment system, including obtaining a Federal Employee Identification number from the IRS and a DUNS number.
- Pre-qualifications for Grant Gateway, the State's online grant management system.
- Explanation of allowability and grants management.
- The three State agency processes for approving the grant contract before funds can be released.

In addition, resources are available on the NYSED website such as the subgrant RFP, FS10 budgets, work plan instructions, the 2014 CSP non-regulatory guidance, and an application checklist and timeline.

Waivers. Section 2854(b) of New York's Charter Schools Act states that none of the education code applies to charter schools, except that charter schools must comply with health and safety, civil rights, and student assessment requirements applicable to all other public schools. Consequently, neither the NYSED nor SUNY charter school application kit asks the applicant to request waiver of State statute. Furthermore, neither application kit asks the applicant if they want to request a waiver of Federal statutes or regulations.

Table 1.1: SUBGRANT APPLICATION DESCRIPTIONS AND ASSURANCES.		
ESEA Section 5203. Applications. **(b) Each application submitted pursuant to subsection (a) shall —** **(3) contain assurances that the State education agency will require each eligible applicant desiring to receive a subgrant to submit an application to the State education agency containing —**	**Area of concern**	**Findings: Description of practices and any concerns related to how the SEA grantee ensures that each description and assurance is included in the subgrant application.**
(A) a description of the educational program to be implemented by the proposed charter school, including — (i) how the program will enable all students to meet challenging State student academic achievement standards; (ii) the grade levels or ages of children to be served; and (iii) the curriculum and instructional practices to be used;	☐ Yes ☒ No	The NYSED 2014 Charter School Application Kit requires the applicant to explain its educational program in Section II. Educational Plan, C. Curriculum and Instruction.[4] The 2014 SUNY RFP includes this requirement in Section 5. Academic Success.
(B) a description of how the charter school will be managed;	☐ Yes ☒ No	The NYSED 2014 Charter School Application Kit requires the applicant to explain its management plan in Section III. Organizational and Fiscal Plan, C. Management and Staffing. This is also included in the Organizational Viability section of the 2014 SUNY RFP.
(C) a description of — (i) the objectives of the charter school; and (ii) the methods by which the charter school will determine its progress toward achieving those objectives;	☐ Yes ☒ No	The NYSED 2014 Charter School Application Kit requires the applicant to explain its goals and assessment system in Section II. Educational Plan, A. Achievement Goals and, D. Assessment System and Section III. Organizational and Fiscal Plan, D. Evaluation. The SUNY RFP includes this in Section 2.c. Draft Accountability Plan.
(D) a description of the administrative relationship between the charter school and the authorized public chartering agency;	☐ Yes ☒ No	The NYSED 2014 Charter School Application Kit requires the applicant to explain its relationship with its authorizer in Section III. Organizational and Fiscal Plan. In addition, Section I. Mission, Key Design Elements, Enrollment, and Community, F. Programmatic and Fiscal Impact addresses how a new charter school would impact its authorizer. Further, the NYSED capacity interview with applicant teams includes a standard question regarding the relationship with the authorizer. The SUNY RFP addresses this in Section 14.a. District Relations.

[4] At the time of the monitoring visit, previous versions of the subgrant application were not made available to the monitoring team. As a result, the analysis contained here is only for the most recent version of the subgrant application.

(E) a description of how parents and other members of the community will be involved in the planning, program design, and implementation of the charter school;	☐ Yes ☒ No	The NYSED 2014 Charter School Application Kit requires the applicant to explain how parents and the community were involved in the planning of a new charter school in Section I. Mission, Key Design Elements, Enrollment, and Community, E. Public Outreach and Section III. Organizational and Fiscal Plan, I. Family and Community Involvement. The SUNY RFP includes this description in Section 3. Proposal History Including Community Outreach.
(F) a description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met the objectives described in subparagraph (C)(i);	☒ Yes ☐ No	The NYSED 2014 Charter School Application Kit, Under Budget and Cash Flow, lists a criterion for the applicant to describe the school's plan for sustainability beyond the start-up period. This is not addressed in the 2014 SUNY RFP.
(G) a request and justification for waivers of any Federal statutory or regulatory provisions that the eligible applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;	☒ Yes ☐ No	Neither the NYSED 2014 Charter School Application Kit nor the 2014-2016 Planning and Implementation Subgrant Application Template require the subgrant applicant to list any waivers requested from State law, rules, or regulations. This is also not addressed in the 2014 SUNY RFP.
(H) a description of how the subgrant funds or grant funds, as appropriate, will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the Secretary;	☐ Yes ☒ No	The 2014-2016 Planning and Implementation Subgrant Application Template asks the applicant to explain how these start-up and implementation funds will be used in conjunction with other Federal program funds.
(I) a description of how students in the community will be — (i) informed about the charter school; and (ii) given an equal opportunity to attend the charter school;	☐ Yes ☒ No	The NYSED 2014 Charter School Application Kit requires the applicant to address C. Enrollment, Recruitment and Retention in Section I. Mission, Key Design Elements, Enrollment, and Community and in Section I. Family and Community Involvement in III. Organizational and Fiscal Plan. In the 2014 SUNY RFP Sections 3.e. Community Outreach and 15.d. Admissions Policy address this.
(J) an assurance that the eligible applicant will annually provide the Secretary and the State education agency such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);	☒ Yes ☐ No	Charter school applicants are required to address this assurance in Section III. D. Evaluation of the 2014 Charter School Application Kit where applicants are required to explain their annual evaluation plan and how information gained from the evaluation will be used to improve performance. This is not addressed in the 2014 SUNY RFP.
(K) an assurance that the eligible applicant will cooperate with the Secretary and the State education agency in evaluating the program assisted under this subpart;	☐ Yes ☒ No	The 2014-2016 Planning and Implementation Subgrant Application Template lists an assurance that the subgrantee will cooperate in any evaluation conducted related to this subgrant. .

(L) a description of how a charter school that is considered a local education agency under State law, or a local education agency in which a charter school is located, will comply with Sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act;	☐ Yes ☒ No	The NYSED 2014 Charter School Application Kit requires applicants to explain services to students with disabilities in Section II. Educational Plan, G. Special Student Populations and Related Services. Moreover, § 2852 (9)(b)(i) states that an authorizer shall not consider an application that does not meet a list of criteria, which includes the laws regarding serving students with disabilities. In the SUNY RFP, Section 7. Special Populations addresses struggling students, students with disabilities, English language learners, and gifted and advanced learners.
(M) if the eligible applicant desires to use subgrant funds for Dissemination activities under Section 5202(c)(2)(C), a description of those activities and how those activities will involve charter schools and other public schools, local education agencies, developers, and potential developers; and	☐ Yes ☒ No ☐ NA	The 2013-2016 NY Charter School Dissemination Program RFP explains an Overview of Project Activities and details allowable and un-allowable expenditures and activities.
(N) such other information and assurances as the Secretary and the State education agency may require.	☐ Yes ☒ No	The 2014 Planning and Implementation Application Template contains a number of additional State and Federal assurances and certifications, including Non-Construction Programs, Lobbying, Debarment, Suspension, Ineligibility and Voluntary Exclusion.

Sources: *NYSED 2014 New Charter School Application, 2014-2016 Planning and Implementation Subgrant Application Template, 2013-2016 NY Charter School Dissemination Program RFP, and 2014 SUNY RFP.*

Areas of Concern

- A request for waivers not in application process. The State does not require applicants to designate waiver of Federal and State laws, rules, or regulations in its charter school or subgrant applications.
- Missing descriptions and assurances. Several required descriptions and assurances are included in the Regents charter school application, but not the 2014 SUNY RFP. Since the charter school application process is considered part one for the CSP subgrant, both authorizers' application would have to contain the required descriptions and assurances for the grantee to be in compliance.

Rating and Justification: 2 – Grantee partially meets the indicator. With the exception of waivers, the descriptions and assurances listed in § 5203 of the Elementary and Secondary Education Act as amended (ESEA) are addressed in either the Regents charter school application RFP or the subgrant application template. However, several descriptions and assurances are missing from the SUNY charter application.

Recommendations: The State should ensure that each eligible applicant, regardless of charter authorizer, submits subgrant applications that include all of the required descriptions and assurances.

Indicator 1.2: ELIGIBLE APPLICANTS. The State ensures each applicant desiring to receive a subgrant meets the term "eligible applicant."

Observations: In the 2009 monitoring report, the grantee fully met this indicator.

Planning and Implementation Subgrants. The initial screen of eligible applicants is done as a part of the charter school application. Both the NYSED and SUNY charter application kits include sections on the governance and organization capacity of the charter developers. In addition to verifying the legal status of charter school applicants, the State's pre-opening checklist for new charter schools includes filing with the IRS for non-profit status and registering with the State as a non-profit. Schools must provide evidence of this when pre-qualifying in the statewide grants management system.

Due to the relationship between the charter application process and the subgrant application process, all applicants must have submitted a charter application ahead of submitting a subgrant application and there was no evidence to suggest that some schools may forgo CSP subgrant funds. As a result authorizers are aware of the developer's intent to apply for subgrant funds.

Dissemination Subgrants. The Dissemination Grant application requires that schools are on the Substantial Progress list of schools managed by the department, are open at least three years, and can demonstrate substantial academic achievement. The State provides a list of schools designated as Substantial Progress Schools with the Dissemination RFP. If a school is not on the list, but is otherwise eligible, the Dissemination subgrant applicant can use other means to demonstrate academic achievement. NYSED confirms years of operation through a published list of school start dates and desk monitoring.

Table 1.2: ELIGIBLE APPLICANTS.

The State ensures each applicant desiring to receive a subgrant meets the term "eligible applicant," including:	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee ensures that each applicant desiring to receive a subgrant meets the term eligible applicant.
The school's developer has applied to an authorized public chartering authority to operate a charter school	☐ Yes ☒ No	The subgrant application process is contingent on the charter school application process; therefore, only approved charter schools are invited to apply for the start-up funds.
The school's developer has provided adequate and timely notice to that authority under Section 5203(d)(3)	☐ Yes ☒ No	The subgrant application template is only provided by NYSED and SUNY to charter schools that have been approved and received a charter. Therefore, authorizers are aware of the developer's intent to apply for funds.
Non-profit status of the charter holder	☐ Yes ☒ No	New York Statute Article 56, § 2853 (1) requires charter schools to incorporate as an education corporation upon approval. Article 56, § 2851 (1) prohibits for-profit or corporate entities from applying to establish a charter school.
Not more than one grant to a school	☐ Yes ☒ No	In the 2014-2016 Planning and Implementation Application Template, the subgrant applicant must acknowledge that they have not received funding under a Replication and Expansion Grant. Additionally, the CSO checks with the ED to ensure that a school has not also received replication and expansion funding.

For Dissemination applicants: the charter school has been in operation for at least 3 consecutive years and has demonstrated overall success, including— (i) substantial progress in improving student academic achievement; (ii) high levels of parent satisfaction; and (iii) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.	☐ Yes ☒ No ☐ NA	The 2013-2016 New York Charter School Dissemination Program application includes the requirement to demonstrate qualifying Overall School Success either through being on the list of Substantial Progress Schools or through evidence in improving student academic achievement, particularly for at-risk students; high levels of satisfaction; and management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school (Part I., 1.)

Sources: *2014-2016 NY Planning and Implementation Application Template, 2013-2016 NY Charter School Dissemination Program RFP and NY Statutes, Article 56.*

Rating and Justification: 3 – Grantee fully meets the indicator. For Planning and Implementation subgrants, NYSED and SUNY both define "eligible applicant" in their charter school application kits. State charter school law also provides a definition in § 2851(1). The Dissemination subgrant RFP requires schools to demonstrate student academic achievement, high levels of parent satisfaction and the leadership necessary to overcome initial start-up issues.

Recommendations: None.

Indicator 1.3: DEFINITION OF CHARTER SCHOOL. The State ensures each eligible applicant meets the term "charter school."

Observations: In the 2009 monitoring report, the grantee fully met this indicator.

The State's Charter Schools Act defines a charter school in essentially the same way Federal law does. The components of the Federal definition are in myriad sections within the Act, as noted in the table below. In addition, NYSED has aligned the Federal definition with the language in its application kit. All of the components of the Federal definition are addressed in either application citations or application components. This is also true of the 2010, 2011, 2012, and 2013 NYSED application kits. The January 2014 SUNY RFP similarly asks applicants to describe how they meet the Federal definition of a charter school through components required by State statute. The State verifies charter school applicants are proposing a new public charter school that will meet the definition of a charter school through the NYSED and SUNY application processes. Furthermore, the CSO liaisons review charter school governing board minutes that are regularly submitted to ensure the school's status does not change over time. The NYSED is provided with copies of fiscal and renewal reports from SUNY schools.

Lottery. The State's Charter Schools Act in § 2851 (2)(d), requires admission policies, including lottery procedures, be included as an attachment to the charter school application. These are

reviewed for compliance with State and Federal law by the CSO staff. If the policy is not in compliance, the applicant has an opportunity to remedy. For the most part, Federal non-regulatory guidance lottery requirements mirror State statute and are also detailed in State regulation. However, State law permits charter schools to use weighted lotteries in order to reach demographic levels that are comparable to the surrounding school district. At the time of the CSP monitoring visit, the State was in discussion with ED attorneys about the State's previously enacted lottery statute in relation to the 2014 non-regulatory guidance on weighted lotteries.

That being said, the monitoring team visited a subgrantee school that used specific disability criteria for children to be eligible for its lottery process. Furthermore, the Dissemination subgrant process does not include verifying the school's lottery policy to ensure compliance with the CSP non-regulatory guidance.

Special Populations. The State Charter Schools Act requires charter schools to meet certain enrollment and retention targets that are comparable to the district in regard to students with disabilities, English language learners, and students who are eligible for free or reduced-price lunch (§ 2851 (4)(c)). Although these data are reported annually, there is no clear enforcement. Charter schools are encouraged to direct their marketing efforts to students who would help the school reach its targets.

Any change to the school's enrollment policy is listed as a material change and would require the school to file an amendment to their charter with the State.

The annual independent financial audit required of all charter schools and the State's annual site visit of NYSED-approved schools contains a checklist that includes a test for State statutory compliance of the enrollment lottery; however, compliance with applicable Federal non-regulatory guidance is not a part of that test. The State encourages charter schools to put their enrollment policy on the school's website and the authorizer periodically monitors these policies for compliance.

Table 1.3: DEFINITION OF CHARTER SCHOOL.

ESEA Section 5210. DEFINITIONS. (1) CHARTER SCHOOL- The term 'charter school' means a public school that —	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee ensures that each eligible applicant meets each clause of the Federal term "charter school".
(A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;	☐ Yes ☒ No	New York Statute, Article 56, § 2854. (1)(b) exempts charter schools from all State and local laws, rules, regulations, or policies governing public schools except for health and safety, civil rights, and student assessment requirements. See Indicator 2.2 for additional information about the flexibility and autonomy afforded to charter schools by the State.

(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;	☐ Yes ☒ No	New York Statute § 2851 (1) specifies who may submit a charter school application, while (3) specifically excludes private school conversion to charter status. Further, (3) delineates permitted charter entities; § 2853 (1)(c) deems charter schools independent and autonomous public schools, and the charter entity and the Board of Regents are given the authority to supervise and oversee the public charter school.
(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;	☐ Yes ☒ No	Charter school applicants must detail their educational objectives in their application per § 2851 (2)(b), New York Statute. Applications that do not 1) rigorously demonstrate how they will achieve increased student academic achievement and increased high school graduation rates, and 2) have a focus on academic achievement of middle school students and preparing them for a successful transition to high school will not be approved pursuant to § 2852 (9-a)(c), New York Statute.
(D) provides a program of elementary or secondary education, or both;	☐ Yes ☒ No	§ 2853 (b) authorizes the education corporation organized to operate a charter school to operate an elementary or secondary school or both.
(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;	☐ Yes ☒ No	§ 2854 (2) requires charter schools to be nonsectarian and stipulates a charter will not be issued to a school that would be affiliated with any religious denomination, or in which denominational tenets or doctrines are taught.
(F) does not charge tuition;	☐ Yes ☒ No	§ 2854 (2) prohibits charter schools from charging tuition or fees, on the same basis as other public schools.
(G) complies with the Age Discrimination Act of 1975, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Part B of the Individuals with Disabilities Education Act;	☐ Yes ☒ No	§ 2854 (2) requires charter schools to comply with the nondiscrimination provisions that apply to all public schools.
(H) is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;	☒ Yes ☐ No	§ 2855 (1)(e) requires charter schools to widely publicize their enrollment lotteries. During the time of this grant, some school lotteries used weighted lottery systems that may not be permitted under the Federal non-regulatory guidance. Further, the Dissemination subgrant program does not examine school lotteries as a component of determining eligibility.

(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;	☐ Yes ☒ No	§ 2854 (c) states a charter school shall be subject to an independent financial audit at least annually and shall maintain procedures and standards consistent with generally accepted accounting and audit standards.
(J) meets all applicable Federal, State, and local health and safety requirements;	☐ Yes ☒ No	§ 2854 (b) requires a charter school to meet the same health and safety, civil rights, and student assessment requirements applicable to all other public schools.
(K) operates in accordance with State law; and	☐ Yes ☒ No	§ 2854 (1) notes the applicability of other State laws and (2) and (3) explain admissions and school personnel and how they apply to charter schools.
(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.	☐ Yes ☒ No	§ 2852 details the issuance of a charter, which must be approved by the Board of Regents. § 2854 (d) notes that charter school students must take Regents examinations. § 2857 requires charter schools to submit an annual charter school report card that is made available to the public. See Indicator 2.1 for additional information about the performance contract between the charter school and its authorizer.

Sources: *NYSED 2014 New Charter School Application, 2014-2016 Planning and Implementation Subgrant Application Template, 2014 CSP Nonregulatory Guidance, and 2013-2016 NY Charter School Dissemination Program RFP.*

Areas of Concern

- Enrollment lottery. The State cannot ensure the Dissemination subgrant applicant's enrollment lottery meets Federal CSP requirements. Furthermore, the monitoring team is concerned that the State's review process is not sufficient to ensure compliance with 2014 Federal non-regulatory guidance regarding the use of lotteries, including weighted lotteries.

Rating and Justification: 2 – Grantee partially meets the indicator. While the State ensures that subgrant applicants meet and then remain compliant with the Federal definition of a charter school, the monitoring team is concerned that the Dissemination subgrant program does not examine the school's lottery as a part of its eligibility process.

Recommendations: The State must ensure that all CSP subgrantees fully comply with the Federal non-regulatory guidance for lotteries, including the use of weighted lotteries, during the period of Federal funding.

Indicator 1.4: PEER REVIEW. The State uses a peer review process to review and select applications for assistance under this program.

Observations: In the 2009 monitoring report, the grantee partially met this indicator. The previous monitoring team recommended the State strengthen its peer review process by including more than one peer reviewer.

The State uses an online review system where the applicant uploads their application and related documents and then reviewers use the system to conduct their evaluation. Each NYSED charter school application has three reviewers, including charter school educators, administrators or consultants and representatives from other chartering entities. The NYC DOE assigns a staff member to the review team when a NYC school is being considered. All NYSED reviewers sign a statement of confidentiality and a conflict disclosure statement. After independently reading and scoring each application, a team phone call, moderated by CSO staff, allows the reviewers to discuss the application and their scores.

CSO staff conduct a webinar to train charter application peer reviewers and there are also resources available through the online review system. Likewise, CSO staff conducts a training for Dissemination grant reviewers. Training resources are in the online review system and NYSED staff conduct a webinar for reviewers each cycle. During the entire application review process, there is a public comment period for all applications through the CSO and its website. The CSO records public comment and makes it available to the Regents.

SUNY uses a different review process, which is done primarily through a staff review. External experts may be used at SUNY's discretion but are not required.

Subgrant applications do not have a separate peer review and are instead reviewed by CSO staff. Program staff review for completeness, appropriate grant goals, approved budget items, and required attachments before logging the applicant in to the office's spreadsheet management system. Applicants are awarded funds based on the amount of funds available and the score of the charter application. After funding has been determined, other units within NYSED are notified.

Dissemination subgrant applications are reviewed with the New York State Quality Charter Authorizer Partnership (NYSQCAP) which includes NYSED, SUNY, and the City Center. Two peer reviewers independently read and score applications and if the points vary significantly, a third reviewer reads and scores the application.

Table 1.4: PEER REVIEW.

Elements of the State's peer review process.	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee conducts its peer review process.
Identification and notification to peer reviewers: This was not addressed in the State's application.	☐ Yes ☒ No	Peer reviewers for charter applications are solicited through State associations, the State's email lists, and from operating charter schools.

Composition and qualifications of peer reviewers: This was not addressed in the State's application.	☒ Yes ☐ No	NYSED charter school applications are reviewed by charter school educators, administrators and consultants. SUNY charter applications are reviewed primarily by SUNY CSI staff. Planning and Implementation subgrant applications are reviewed by NYSED CSO staff. The monitoring team is concerned that subgrant applications from SUNY authorized schools are not reviewed by peers. The process for Dissemination grant review involves partner organizations, which includes peers.
Reviewer guidance and training: The State's application states that selected peer reviewers receive guidelines which include general information about the process, an assurance to be signed (regarding confidentiality, any existing conflict of interest, and a reviewer's impartiality assurance), a process evaluation, and travel reimbursement paperwork instructions.	☐ Yes ☒ No	The State uses an online system that includes training for NYSED charter school application reviewers. The subgrant application aspect of the process is not competitive and the CSP subgrant application is reviewed by CSO staff before being entered into the office's spreadsheet for subgrant management.
Use of peer reviews to select applications for funding: This was not addressed in the State's application.	☒ Yes ☐ No	Charter school applications are peer reviewed. If the applicant is awarded a charter, they are automatically eligible for CSP grant funds. While a peer review process is used for charter school applications, the subgrant applications are not peer reviewed.

Sources: *NYSED Call for Reviewers, NYSED 2014 New Charter School Application, 2014 SUNY Application RFP, 2014-2016 Planning and Implementation Subgrant Application Template, and 2013-2016 NY Charter School Dissemination Program RFP.*

Areas of Concern

- Lack of peer reviewers for all subgrant applications. SUNY does not regularly or systematically conduct a peer review of its charter school applications, which is considered to be the first part of the subgrant application process. Therefore applications for SUNY authorized schools do not appear to be peer reviewed.

Rating and Justification: 2 – Grantee partially meets the indicator. The peer review process is varied: NYSED uses peers for its charter application, SUNY primarily uses staff and may consult externally if there are questions, subgrant applications are reviewed by CSO staff, and Dissemination subgrants are reviewed by the State's partnership.

Recommendations: The State should take the necessary steps to ensure that each subgrant application is reviewed by peers.

Indicator 1.5: PROGRAM PERIODS. CSP subgrants awarded by the State do not exceed the maximum program periods allowed.

Observations: In the 2009 monitoring report, the grantee fully met this indicator.

Planning and Implementation. The NYSED and SUNY publish the CSP program periods in their charter school application kits. The State's Grant Award Notice also includes the program periods. Additionally, the GAN includes the payment, reporting schedule, and related timing information. The 2014-2016 Planning and Implementation subgrant application template specifically notes the maximum 18-month planning and 24-month implementation project periods and requires the subgrantee to develop relevant budgets for each project period. Moreover, the total 36-month grant period is tracked by the CSO and grants fiscal management offices. NYSED CSO and grants management staff ensure compliance with CSP program periods during the approval process and through desk monitoring over the life of the grant.

Dissemination. The State asked for and received a waiver of the 24 months allotted for Dissemination grants in order to extend evaluation of the program into the third year of funding. The Dissemination subgrant RFP specifically notes the project period as a maximum of 24 months with an additional 12 months for evaluation, as does the Grant Award Notice. Additionally, the electronic grants management system includes the ability to ensure funds are spent only within the allowable timeframe.

In January 2014 the State implemented a new online grants management system. The pre-qualification process was challenging for some charter schools trying to access their awarded grant funds through the new system. The result was that some charter schools experienced a delay in receiving Dissemination subgrant funds. Whereas previously initial funds would have been received within a couple of months of an award notice, some of last year's Dissemination subgrant recipients did not receive funds for up to a year after the award letter. The CSO was cognizant of the difficulties and tried to assist the charter schools in accessing their funds sooner. While the State believed this to be a one-time difficulty, they stated they would be closely monitoring during future grant cycles.

Table 1.5: PROGRAM PERIODS.

CSP subgrants awarded by the State do not exceed the maximum program periods allowed of:	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee ensures that subgrant awards are used within the allowable time periods.
Not more than 3 years, of which the eligible applicant may use —	☐ Yes ☒ No	Project periods are clearly published in the 2014-2016 Planning and Implementation Subgrant Application Template, Grant Award Notice, contract cover page, and grant financial forms. The CSO uses an Excel spreadsheet and an online grants fiscal management system to monitor program periods.
(A) not more than 18 months for planning and program design;	☐ Yes ☒ No	As noted above.
(B) not more than 2 years for the initial implementation of a charter school; and	☐ Yes ☒ No	As noted above.

(C) not more than 2 years to carry out dissemination activities described in Section 5204(f)(6)(B).	☐ Yes ☒ No ☐ NA	Project periods are delineated numerous times in the 2013-2016 New York Charter School Dissemination Program RFP. The State has been granted a waiver of the project period to allow for Dissemination grant evaluations to extend into a third year of the grant. The CSO monitors this through communication with the subgrantee and the internal grants fiscal management system.

Sources: *2014-2016 Planning and Implementation Subgrant Application Template and 2013-2016 NY Charter School Dissemination Program RFP, Grant Award Notice, Contract Cover Page, and Payment Reporting Schedule.*

Rating and Justification: 3 – Grantee fully meets the indicator. The appropriate project periods are published in numerous places and subgrantees fully understand the project periods and which period they are currently in. In addition, the CSO utilizes an Excel spreadsheet to monitor subgrantee activity and a grants fiscal management system that shows when funds are drawn on the subgrant.

Recommendations: None.

2. CSP AND CHARTER SCHOOL QUALITY

One of the key goals of the CSP is to support and encourage the development of high-quality charter schools. To do so, the SEA needs to establish policies and practices that promote high-quality charter schools. This section focuses on how the SEA furthers high quality in authorizing practices, charter school flexibility and autonomy, subgrant assessment and awards, monitoring, dissemination of best or promising practices, and progress toward its own application objectives. It includes seven indicators that cover the State's role in:

- Providing for quality authorizer practices;
- Affording charter schools a high degree of flexibility and autonomy;
- Awarding CSP subgrants on the basis of the quality of the applications;
- Awarding subgrants to ensure geographic distribution and a variety of educational approaches across the state;
- Monitoring subgrantee achievement of project objectives;
- Disseminating best or promising practices of charter schools; and
- Meeting its application objectives.

Indicator 2.1: QUALITY AUTHORIZING PRACTICES. State laws, regulations, or other policies provide for quality authorizing practices and the SEA monitors and holds accountable the authorized public chartering agencies in the State so as to improve the capacity of those agencies to authorize, monitor, and hold accountable charter schools.

Observations: This indicator was not included in the 2009 monitoring report.

Assurances 3a and 3b. In November 2012, ED determined that NYSED was in full compliance with Assurances 3a and 3b on the basis of information submitted by the State; in particular, the New York State Board of Regents' adoption of the charter school renewal policy and Performance Framework.

The Performance Framework, included in the charter agreement for each Regents-authorized charter school, outlines the 10 performance benchmarks the schools will be evaluated on to earn a recommendation for renewal. The performance benchmarks are organized into three key areas of charter performance: educational success, organizational success, and faithfulness to charter and law. The charter school renewal policy establishes that student academic achievement is the most important factor in making renewal decisions.

The charter school renewal policy and Performance Framework directly apply to Regents-authorized charter schools and establish the priorities considered by NYSED and the Regents in reviewing renewal applications by other authorizers. Other authorizers are required to adopt renewal policies and processes that are comparable to that of the Regents and with similar emphasis on academic achievement for all students.

High-Quality Authorizer Practices. NYSED oversees initial and renewal charters submitted from other authorizers for approval and issuance by the Board of Regents. The Regents may either approve the proposed charters or return them with comments and recommendations within 90 days. An LEA-authorized charter school cannot get a charter or revision without the Regents' approval. SUNY, however, has a different relationship with NYSED. As any authorizer in the state, SUNY sends charters to the Regents for approval and issuance and may have their charters returned with comments and recommendations prior to authorization. SUNY may then choose to send the proposed charters back to the Regents without changes and their charters go into effect by operation of law after 30 days. For this reason, the SEA has greater oversight and influence over Buffalo- and NYCDOE-authorized schools and a more collegial relationship with SUNY.

NYSED monitors authorizers by analyzing student performance data for all charter schools and providing fiscal oversight for CSP subgrantees. Further, NYSED collaborates with other authorizers through the New York State Quality Charter Authorizer Partnership (NYSQCAP). NYSQCAP began as a partnership between NYSED and SUNY to support high-quality authorizing practices in New York State through three key activities: 1) revising and aligning NYSED oversight protocols and guidelines, 2) participating in and contributing to charter school authorization and policy discussions at the State and national level, and 3) providing technical assistance and professional development to charter school authorizers. NYSQCAP activities have included developing the CSP subgrant priorities, CSP Agreed-Upon Procedures Report, and annual report submissions, and the Charter School Audit Guide training sessions and webinars.

Closures. Twenty-two charter schools (11–SUNY, 6–Regents, 5–NYCDOE) have closed or failed to open in New York State since 2001. The primary method of closure was non-renewal (10 charters). Additional methods for closure included revocation (5 charters), surrender (4 charters),

and expiration (3 charters). While there is usually more than one reason for closure, the majority of schools closed in the last six years due to academic failure.

Table 2.1: QUALITY AUTHORIZING PRACTICES.

Federally defined quality authorizing practices	Area of concern	Findings: Description of how quality authorizing practices are required by State law, regulation, or other policies and how these policies are implemented.
Charter or performance contracts describe the obligation and responsibilities of the school and the authorizer.	☐ Yes ☒ No	NYSED's charter agreement template establishes the key responsibilities of Regents-authorized schools and NYSED and incorporates the Oversight Plan and Performance Framework. As part of the contract for each SUNY charter school, the school establishes a performance agreement, known as the Accountability Plan.
Charter schools submit annual financial audits to the authorizer.	☐ Yes ☒ No	The New York Charter Schools Act of 1998 [Article 56 of the New York Education Law 2854(c)] requires that a charter school shall be subject to financial audits, the audit procedures, and the audit requirements set forth in the charter.
Charter schools are held accountable to demonstrate improved student academic achievement.	☐ Yes ☒ No	The Performance Framework outlines the 10 benchmarks by which a Regents-authorized school will be evaluated when it applies for renewal, including benchmarks related to educational success, organizational soundness, and faithfulness to its charter and to law. Buffalo also uses NYSED's Performance Framework. Similarly, the Accountability Plan outlines expectations for student learning and achievement for SUNY-authorized schools.
Authorizers use student academic achievement for all groups of students as the most important factor when determining to renew or revoke a school's charter and provide for the continued operation of successful charter schools.	☐ Yes ☒ No	In November 2012, the Regents approved the Charter School Renewal Policy and the Performance Framework. This made clear that while all benchmarks in the Performance Framework will be considered for renewal recommendations and decisions, student academic performance is the most important factor. All authorizers must adhere to a similarly rigorous renewal policy and process to obtain approval from the Regents.
The SEA monitors and holds accountable authorized public chartering agencies, so as to improve the capacity of those agencies to authorize, monitor, and hold accountable charter schools.	☐ Yes ☒ No	NYSED has oversight over initial and renewal charters submitted from other authorizers in the State. NYSED monitors other authorizers through reviewing student performance data, risk assessments, audit findings, composite scores, and management decisions based on independent audit findings and developing renewal recommendations for the Regents. Additionally, NYSED collaborates with other authorizers through the New York State Quality Charter Authorizer Partnership (NYSQCAP). Major activities for the NYSQCAP include development of the CSP preferences, CSP Agreed-Upon Procedures report, and annual report submissions.

Sources: *2011 CSP Application, Article 56 Charter School Law, Initial Charter Agreement Template, Assurance Compliance Letter, Charter School Renewal Policy and Performance Framework for Charter Schools Authorized by the Board of Regents, NYSED Authorizer Monitoring and Technical Assistance Plan, Schools No Longer Operating, New York State Education Department Charter School Office Survey of the New York State Quality Charter Authorizer Partnership (NYSQCAP), Guidelines for Creating an Accountability Plan.*

Promising Practices

- Development of authorizer oversight tools. NYSED has taken the lead among the authorizers in the state in developing and sharing authorizer tools related to fiscal oversight. (See Appendix 1: *Charter Schools Audit Guide,* Appendix 2: *2013 Composite Scores for Charter Schools,* and Appendix 3: *Risk Assessment for CSP Desk Audits.*)
- New York State Quality Charter Authorizer Partnership (NYSQCAP). The authorizers in the state have partnered to support high-quality authorizing practices through collaboration and professional development.

Rating and Justification: 3 – Grantee fully meets the indicator. NYSED demonstrates high-quality authorizing practices and has also developed several tools that support the capacity of other authorizers to monitor and hold charter schools accountable.

Recommendations: None.

Indicator 2.2: FLEXIBILITY AND AUTONOMY. The SEA affords a high degree of flexibility and autonomy to charter schools.

Observations: In the 2009 monitoring report, the grantee fully met this indicator.

Under New York State Education Law, charter schools are subject to all laws related to health and safety, civil rights, and student assessment but are exempt from all other State and local laws governing public schools and school districts. The board of trustees of a charter school has final authority over budgets, personnel, and operational policies provided they are not materially different from those described in the charter application. The State grants charter schools additional flexibility around teacher certification.

The schools visited by the monitoring team felt they had sufficient flexibility and autonomy to operate their charter schools. However, schools located in NYCDOE buildings described additional responsibilities and challenges due to co-location. For example, one school could not open until it met the requirements of both NYCDOE and NYSED for Automated External Defibrillators. This school also went without a school nurse for three weeks because the charter school started earlier than NYC schools. Another school felt constrained by the lack of space in the building. In this instance, NYCDOE helped resolve the issues between the schools. In general, these schools sought more communication between NYSED and NYCDOE to facilitate their operations concerns.

Table 2.2: FLEXIBILITY AND AUTONOMY.

Areas for charter school flexibility and autonomy.	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee affords charter schools flexibility and autonomy in each area.
Budget/Expenditures: As noted in the grant application, charter schools are independent and autonomous public schools. The trustees of each charter school's board are responsible for approving the school's annual budget and for monitoring its finances. Charter schools are subject to annual independent fiscal audits and procedures as set forth in the charter agreement with their authorizers.	☐ Yes ☒ No	Regents-authorized charter schools prepare and submit annual budget and monthly cash flow projections to the CSO for the first full fiscal year after incorporation and any subsequent years if the budget or projects differ in any material respect from those set forth in the charter application and submit annual fiscal audits. SUNY-authorized charter schools submit annual budgets and cash flow statements, quarterly financial reports, and annual audited financial reports to their authorizer.
Personnel: As noted in the grant application, charter schools are allowed up to 30 percent or five teachers who are not certified, whichever is less. The New York Charter Schools Act specifies no requirement for school administrators. Additionally, all conversion charter schools have to be unionized. All other new charter schools that enroll fewer than 250 students during the first two years may be started without a unionized work force.	☐ Yes ☒ No	As stipulated in the charter agreement, charter schools must employ instructional providers who are certified or qualified to teach under New York Statute, Article 56, § 2854 (3)(a-l)(i)-(iv). Teachers exempted from certification may not exceed 30 percent of instructional employees or five teachers, whichever is less.
Daily Operations: According to the grant application, charter schools are subject to all laws, rules, and regulations affecting health and safety, civil rights, and student assessment applicable to other public schools. Charter schools are exempt from all other State and local laws, rules, regulations or policies governing public or private schools, boards of education and school districts. The board of trustees of the charter school has the final authority for policy and operation decisions of the school.	☐ Yes ☒ No	Per the charter agreement, the charter application sets forth the general operational policies of the charter school. The charter school may implement policies, procedures, and specific terms of operation that differ from those in the application provided they are not prohibited by the Charter School law, charter, or are materially different from those set forth in the application.

Sources: *2011 CSP Application, Article 56 Charter School Law, Initial Charter Agreement Template, 2014 Opening Procedures Checklist, Memorandum Guidance: Annual Budgets, Quarterly Reports and Audited Financial Reports.*

Rating and Justification: 3 – Grantee fully meets the indicator. The SEA affords a high degree of flexibility and autonomy to charter schools in the State.

Recommendations: None.

Indicator 2.3: SUBGRANTEE QUALITY. The SEA awards grants to eligible applicants on the basis of the quality of the applications submitted.

Observations: In the 2009 monitoring report, the grantee fully met this indicator.

Definition of Quality. NYSED noted that its charter application process only allows high-quality schools to be chartered. Successful applicants must complete all phases of the charter application process (Letter of Intent, Full Application, Capacity Interview, and Request for Modifications) to be approved. As noted elsewhere in the report, SUNY applicants complete a similar process. However, the State did not otherwise articulate a definition of quality to assess the quality of charter schools.

Subgrant Award Process. As noted above, the subgrant application is embedded in the charter application process. Furthermore, every school issued a charter is eligible to receive a CSP subgrant unless the school is receiving funding through a CSP Replication and Expansion grant.

For NYSED applicants, charter applications are scored in the following areas: Mission, Key Design Elements, Enrollment, and Community; Educational Plan; and Organizational and Fiscal Plan. Responses are rated as Inadequate, Approaches, Meets, or Exceeds based on evaluation criteria established in each section or subsection of the application. Applicants that largely "Meet" or "Exceed" the criteria in the full application are invited to the capacity interview. Applicants may make technical modifications to the charter application if the CSO requests clarifications; for example if a policy needs to be revised to be in alignment with the law. The Director of School Innovation uses the reviewers' ratings, findings from the capacity interview, and public comments to make recommendations for new charter applications.

SUNY charter applicants are scored in the following areas: Proposal Summary, School Establishment, Academic Success, and Organizational Viability. SUNY's review process includes academic, legal, and fiscal review by Charter School Institute staff and may include a panel of external reviewers. Neither the exact number of reviewers nor the application rubric were available in the January 2014 SUNY RFP. Applicants with strong proposals are invited to an interview with Institute staff. Applicants may also be asked to amend aspects of their application to comply with the Charter Schools Act or other laws and regulations, or to provide additional details. A formal interview with the SUNY Charter Schools Committee precedes the final recommendation to the SUNY Board of Trustees. Approved proposals are then transmitted to the Board of Regents for their consideration.

Dissemination subgrant applications were scored in the following areas: Demonstration of Overall School Success, Purpose, Organizational Capacity, Demonstrated Need or Demand, Description, Action Plan, Evaluation, and Budget. Applications can earn a maximum of 100 points before bonus points. Bonus points are awarded for student achievement, letters of support, and school partnership types. Applications were read by three reviewers, reviewers' scores were averaged, and applications with final average scores that met the minimum of 70 points were considered for an award. After assigning bonus points, applications were ranked and funded in rank order.

Table 2.3: SUBGRANTEE QUALITY.

SEA efforts to award grants on the basis of quality.	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee awards subgrants on the basis of quality.

The SEA has criteria for subgrantee and application quality to assess CSP applicants and award subgrants: Not specified in the grant application.	☐ Yes ☒ No	NYSED charter application evaluation criteria are embedded in the application. They include the following: • Mission, Key Design Elements, Enrollment, and Community • Educational Plan • Organizational and Fiscal Plan Responses are rated as Inadequate, Approaches, Meets, or Exceeds based on evaluation criteria established in each section or subsection of the application. Evaluation criteria were not listed in the most recent application; however, the SUNY charter application requires responses in the following areas: • Proposal Summary • School Establishment • Academic Success • Organizational Viability Dissemination subgrant applications are rated accordingly: • Demonstration of Overall School Success (15 points) • Purpose (15 points) • Organizational Capacity (10 points) • Demonstrated Need or Demand (10 points) • Description (10 points) • Action Plan (10 points) • Evaluation (10 points) • Budget (20 points) Optional Bonus Priorities points are given accordingly: • Academic Achievement Priority (5 points) • Letters of Support from Proposed Partner(s) (5 points) • School-Type Partnership Priority (5 points)

How the SEA uses these criteria to review and award CSP subgrant applications: Not specified in the grant application.	☐ Yes ☒ No	NYSED Reviewers rate applicant responses based on the evaluation criteria in each section or subsection of the application. Reviewers also provide summative ratings for each section of the application and the application as a whole. Applications must substantially meet or exceed the evaluation criteria to be invited to the Capacity Interview. SUNY's review process includes academic, legal, and fiscal reviews by Charter School Institute staff and may include a panel of external reviewers. Neither the exact number of reviewers nor the application rubric were available in the January 2014 SUNY charter RFP. Enhanced awards are given to subgrantees for meeting two types of incentive priorities: • Underserved student populations priority—Charter schools that meet one or more enrollment targets (e.g., students with disabilities, English language learners, students eligible for free or reduced-price meals) by the October Basic Education Data System (BEDS) student reporting date in their first year of enrollment will receive awards up to $625,000. • Authorizer program design priority—Charter schools that meet one or more authorizer design priorities in their applications may receive up to $750,000. See Indicator 2.4 for additional information about authorizer design priorities.
The SEA demonstrates a high-quality process to determine the quality of the CSP applicant and application, including considering the review of the applicant during the charter authorization process (i.e. use of rubrics, hearings, rigor). In its grant application, NYSED proposed to work with the other major active authorizers in the State to integrate the charter authorization review processes with the CSP subgrant review process.	☐ Yes ☒ No	CSP Planning and Implementation subgrants are awarded to all applicants who are issued a charter, except applicants affiliated with CMOs who received a CSP Replication and Expansion grant. If applications score well and meet certain criteria, both NYSED and SUNY invite the applicant to a capacity interview. The questions are asked of the governing board and the writer's consultant is not allowed to participate.

Sources: *2011 CSP Application, 2012 NYSED Charter School Application Kit, 2013 NYSED Charter School Application Kit, 2014 NYSED Charter School Application Kit, January 2014 SUNY Request for Proposals (RFP), 2013-2016 New York Charter School Dissemination Program Application Guidance, SUNY Case Study.*

Rating and Justification: 3 – Grantee fully meets the indicator. NYSED and SUNY have rigorous charter application processes to which Planning and Implementation subgrants are directly tied. This has resulted in a subgrant award process that awards subgrants on the basis of quality.

Recommendations: None.

Indicator 2.4: DISTRIBUTION OF SUBGRANTS. The State awards subgrants in a manner, to the extent possible, to ensure that such subgrants: a) are distributed throughout different areas of the State, including urban and rural areas; and b) will assist charter schools representing a variety of educational approaches.

Observations: In the 2009 monitoring report, the grantee fully met this indicator.

Charter schools are distributed throughout the State, to the extent possible, with the highest concentration in New York City. However, the sector is expected to grow statewide as New York City approaches its cap. Accordingly, NYSED is actively pursuing charter networks to expand into western New York.

NYSED offers enhanced CSP subgrant awards for applicants who meet authorizer design priorities including schools that use a blended learning approach and schools designed to support the achievement of special populations. Additionally, the grantee offers incentives for charter schools opening in rural areas and schools that meet demographic targets in the first year of operation. These incentives were not offered in the first year of the grant, as they were not specified in the CSP subgrant application. Instead, all subgrantees received a larger base amount. Eighteen charter schools (nine in 2012-13, nine in 2013-14) have received enhanced awards for meeting authorizer design priorities. Two awards were for schools specifically designed to meet the needs of English language learners. One award was for a school designed for over-age, under-credited students.

Table 2.4: DISTRIBUTION OF SUBGRANTS.

Categories of award distribution in the State as required by Federal statute.	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee distributes awards throughout different areas of the State and across a variety of educational approaches.
Geographic distribution: The grantee proposed to provide an enhanced grant to schools located in school districts that are or have rural LEAs.	☐ Yes ☒ No	The 2012-2014 Charter School Application Kits include an authorizer design priority for NYSED applicant schools that serve students in rural areas. Applicants that meet this priority may receive an enhanced subgrant award up to $750,000. To date, NYSED has not received any strong applications from developers in rural areas. SUNY's application does not include a priority for rural schools.

Educational approach: The grantee proposed to provide enhanced grants to charter schools proposing blended or on-line instructional programs (e28) or high schools designed to serve over-age, under-credited students.	☐ Yes ☒ No	Regents-authorized charter schools are eligible to receive an enhanced CSP award for meeting one of nine authorizer design priorities, including schools designed to meet the needs and raise the achievement of special populations (i.e., English language learners; students with disabilities; over-age, under-credited students) and schools that use a blended learning approach. SUNY-authorized charter schools are eligible for an enhanced CSP award for meeting one of four authorizer design priorities including proposing to replicate an existing, successful SUNY-authorized charter school; leasing or purchasing a facility for three or more years of operation; partnering with a school district to phase out a persistently low-performing school and replace it with the proposed school; or meeting demographic targets in its first year that suggest it will meet or exceed its enrollment targets for at-risk students.

Sources: *2011 CSP Application, 2014 Charter School Application Kit, Grant Priorities Report 4.21.14, January 2014 SUNY Request for Proposals (RFP).*

Rating and Justification: 3 – Grantee fully meets the indicator. NYSED ensures subgrants are distributed throughout different areas of the State to the extent possible, and will assist charter schools representing a variety of educational approaches. Enhanced subgrant awards are used to encourage charter developers to open charter schools in rural areas and design schools which meet authorizer priorities.

Recommendations: None.

Indicator 2.5: SUBGRANTEE MONITORING. The SEA monitors subgrantee projects to assure approved grant and subgrant objectives are being achieved.

Observations: In the 2009 monitoring report, the grantee partially met this indicator. The previous monitoring team was concerned that the State did not have a formal process in place to monitor Dissemination subgrants.

Currently, Planning and Implementation subgrantees report on their progress toward meeting objectives in the charter application through the annual report, though these objectives are not specific to the CSP subgrant. To receive continuation funding, Planning and Implementation subgrantees identify the progress made on the top five activities supported during the prior subgrant period on Annual Project Progress Reports, report equipment purchased with grant funds, and submit final expenditure reports. Subgrantee progress toward meeting NYSED's performance objectives is assessed during site visits and at the time of renewal for Regents-authorized charter schools only. Subgrantees with other authorizers are not required to meet NYSED's performance objectives. Dissemination subgrantees report on their progress toward meeting project goals in their interim progress reports and during interim conference calls with the Dissemination Specialist and their partner district.

Desk Monitoring. The Office of Audit Services provides financial oversight of all charter schools in the State. Audit Services reviews all charter school financial statement audits, A-133 Single Audits, and corrective action plans, and within six months issues management decision letters on findings. Audit Services also developed a composite score that measures a charter school's performance on key financial indicators (e.g., primary reserve, equity, and net income). Composite scores are provided to other authorizers and used by NYSED in renewal decisions.

The CSO monitors grant expenditures on an ongoing basis by reviewing requests for funds, budget amendments, and final expenditure reports.

In May 2012, the CSO surveyed Planning and Implementation subgrantees to monitor their adherence to EDGAR. The survey included questions about the timeliness of the initial 20 percent payment, expenditures made to the grant, interest earned on CSP funds, and procedures for following the non-regulatory guidance for use of grant funds such as payroll certification associated with initial implementation activities.

Since 2012-13, Section 8 of the Charter Schools Audit Guide, which covers the CSP Agreed-Upon Procedures (CSP AUP) Report on CSP Funding, is required of all subgrantees that had CSP expenditures greater than or equal to $50,000 and are not required to submit an A-133 audit. The CSP AUP sets forth specific procedures the independent auditor is required to perform and submit to NYSED to evaluate grant compliance. Procedures include reviewing a detail of the expenditures, testing a sample of expenditures, and verifying that items requested for reimbursement had been previously expended or expended within one month of the request.

In 2013-14, a risk assessment was conducted for every subgrantee school that was required to submit the CSP AUP in 2012-13. Four subgrantees (out of 14) with the highest risk ratings were selected for a desk audit. The Project Director reviewed the subgrantees' general ledgers, a sample of transactions, supporting documents, and grant-related policies and procedures. A follow-up letter was sent to each subgrantee at the completion of the desk audit, which outlined findings and corrective actions to be taken. The findings included CSP expenditures that were not accurately identified in the general ledger, insufficient supporting documentation, and appropriate procedures had not been followed to minimize the time between the receipt and disbursement of funds.

On-Site Monitoring. NYSED conducts annual on-site monitoring visits to all Regents-authorized schools but does not join the other authorizers on their visits. As part of its authorizer duties, NYSED conducts pre-opening visits; first, second, and fourth year check-ins; a full program evaluation site visit in year three, and a renewal visit. The CSO's New Opening Schools Team conducts the pre-opening visit. The Performance Oversight Team conducts the annual visits. The SEA has contracted with Class Measures to perform the renewal site visits. CSP grant expenditures may be monitored during site visits. Additionally, four monitoring visits were conducted at Dissemination subgrantee sites in 2013-14. The visits were primarily programmatic in nature and covered the activities of the subgrantees' projects. The remaining Dissemination subgrantees will be visited in 2014-15. Besides Dissemination subgrantees, NYSED does not conduct site visits to

SUNY schools. However, NYSED and SUNY are in constant communication when there is a concern with CSP subgrantees.

Other SEA Monitoring. The Title I Office includes charter schools in its compliance monitoring, including on-site targeted reviews and desk audits. The Office of Special Education includes a sample of charter schools in its desk monitoring but only visits charter schools to investigate complaints on a case-by-case basis. Since 2010, the Office of Special Education has not had the capacity to conduct on-site monitoring of charter schools.

Table 2.5: SUBGRANTEE MONITORING.

Elements of subgrantee monitoring.	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee carries out its subgrantee monitoring.
SEA regularly monitors subgrantee projects: The grantee proposed that quantitative and qualitative evidence would be gathered and assessed through a combination of desk audits, independent fiscal audits, on-site visits, school self-reporting, and third-party school quality review visits during the five-year term of a New York charter. The grant application also noted that all charter authorizers conduct regular formal and informal monitoring visits to visit classrooms, review records, and interview parents, teachers, administrators, and board members to ascertain compliance with charter provisions and applicable statute and regulation. Furthermore, annual reports are submitted to the authorizer and Board of Regents by August 1st of each year.	☐ Yes ☒ No	NYSED monitors all charter schools through annual financial statement audits, composite scores, a management decisions database, and analysis of academic progress. NYSED additionally monitors Regents-authorized schools through on-site visits (pre-opening; first, second, and fourth year check ins; full three-year visit; and renewal visits), the annual report, and the renewal application process. Grant expenditures may be monitored during site visits. Dissemination subgrantees are monitored once during their subgrant period. Monitoring visits are primarily programmatic in nature.
SEA selects subgrantees to be monitored using a risk-based or other strategic approach: Not specified in the grant application.	☐ Yes ☒ No	A risk assessment was completed for each subgrantee required to submit a 2012-13 CSP AUP Report. A risk level was assigned to each subgrantee, with points assigned for risk factors such as CSP AUP findings, financial statement or single audit findings, management letter observations, and liaison or authorizer concerns. The four schools with the highest risk ratings had a CSP desk audit during 2013-14.
SEA uses trained monitors to monitor subgrantee projects: Not specified in the grant application.	☐ Yes ☒ No	The Project Director (who has a background in Audit Services) conducted the CSP desk audits of the four schools selected for enhanced desk monitoring.

SEA monitoring processes allow it to assess a subgrantee's progress in meeting the performance objectives outlined in its subgrant application: Not specified in the grant application.	☐ Yes ☒ No	Planning and Implementation subgrantees identify the progress made on the top five activities supported during the prior grant period through the Annual Project Progress Report. Dissemination subgrantees report on their progress toward meeting specific project goals in their interim progress reports and during interim conference calls.
SEA monitoring processes support subgrantee projects in meeting SEA performance objectives: Not specified in the grant application.	☒ Yes ☐ No	Regents-authorized charter schools are held accountable for meeting the goals in the Performance Framework at the time of charter renewal as set forth in their charter agreement and during site visits. The Performance Framework has been officially used twice and will be used again in 2015-16. Other charter schools are not required to meet all of the SEA's performance objectives.
SEA monitoring processes allow it to assess a subgrantee's fiscal control and fund accounting procedures: Not specified in the grant application.	☐ Yes ☒ No	The Office of Audit Services receives all charter school financial statement audits, A-133 Single Audits, and corrective action plans, and within six months issues management decision letters on findings. Audit Services also developed a composite score that measures a charter school's performance on key financial indicators (e.g., primary reserve, equity, and net income). Composite scores are provided to other authorizers and used by NYSED in renewal decisions. Beginning with 2012-13 audits, all subgrantees submit the CSP AUP Report with their annual audit, except those required to submit an A-133 audit. Desk audits were conducted for four subgrantees with the highest risk ratings in 2013-14.
SEA monitoring includes formal follow-up or corrective action plans for identified deficiencies: School visits are documented in site visit reports, which become part of a charter school's record for purposes of renewal (e3).	☐ Yes ☒ No	The SEA submits a site visit report within 30 days of a monitoring visit. Letters were also sent to subgrantees at the completion of desk audits. Subgrantees are required to submit corrective action plans and remedy deficiencies for any independent auditor or desk audit finding.

Sources: *2011 CSP Application, CSP Subgrantee Monitoring, 2011-2012 CSP Planning and Implementation Subgrantee Monitoring Report, CSP Charter School Audit Guide, Planning and Implementation Grant Continuation Funding Annual Project Progress Report, Annual Report Guidelines for New York State Charter Schools, 2013-2016 New York State Dissemination Program Joint Work Plan Template. Risk Assessment for CSP Desk Audits.*

Areas of Concern

- Monitoring of SEA performance objectives. NYSED's monitoring process does not assess every subgrantee's progress in meeting the goals in the Performance Framework.

Rating and Justification: 2 – Grantee partially meets the indicator. NYSED has a systematic approach for fiscal monitoring and monitors achievement of subgrantee project objectives through Annual Project Progress Reports. However, current monitoring does not assure approved grant objectives are achieved beyond Regents-authorized schools.

Recommendations: NYSED is encouraged to develop a monitoring process that assesses every subgrantee in meeting performance objectives related to NYSED's performance objectives.

Indicator 2.6: DISSEMINATION OF BEST OR PROMISING PRACTICES. The State disseminates best or promising practices of charter schools to each local education agency in the State.

Observations: In the 2009 monitoring report, the grantee did not meet this indicator. The previous monitoring team was concerned that at the time of the monitoring visit, the grantee did not have a process in place for identifying best or promising practices of charter schools and disseminating such information to each LEA in the State.

Under the 2011 grant, the State proposed to use its Dissemination subgrant application process for identifying and selecting best or promising practices of charter schools. In the second year of the grant, NYSED funded 11 Dissemination subgrants to support the dissemination of instructional best practices. This included providing professional development to district schools related to ELA, math, data analysis, assessment, transition to Common Core State Standards, and effective strategies for educating children with autism.

The CSO disseminates additional previously identified best practices of charter schools through a monthly email blast to charter schools, charter networks, charter support organizations, private foundations, school districts, state departments of education, and universities; articles; press releases; and a report to the Board of Regents. NYSED is also planning a conference for fall 2014 at which the Dissemination subgrantee practices and projects will be showcased. However, the monitoring team is concerned that these venues do not reach all LEAs and NYSED has does not have a process in place for disseminating best practices to every LEA in the State.

Table 2.6: DISSEMINATION OF BEST OR PROMISING PRACTICES.		
Elements of dissemination of best or promising practices.	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee implements the elements of its dissemination of best or promising practices of charter schools to each LEA in the State.

Identification and selection of best or promising practices: The grantee proposed that the Dissemination Specialist would develop a system to recruit, evaluate, feature, and promote best practices. The Dissemination Specialist would be charged with coordinating efforts with other charter authorizers, the New York Charter School Association and the New York City Charter School Center to collaboratively identify and disseminate the best or promising practices of charter schools. Lastly, the grantee proposed that charter schools would report on their best educational practices as part of their annual reports. These would be summarized by NYSED for its annual report on charter schools to the governor and legislature.	☐ Yes ☒ No	NYSED defines best or promising practices as effective practices, programs, or innovations that have been developed, tested, and designed to improve student academic achievement in New York Charter Schools. NYSED identifies and selects best practices of charter schools through its Dissemination subgrant application process as proposed. At the time of the monitoring visit, NYSED had funded 11 Dissemination subgrants to support the dissemination of successful innovations to district schools through district-charter partnerships. Best practices identified in the subgrants include co-teaching, using data to inform instruction, and establishing and supporting professional learning communities. NYSED is also working with the City Center to identify and post best practices to the City Center website.
Dissemination of best or promising practices of charter schools to each LEA in the State: The grantee proposed to coordinate regular presentations and share sessions (in a variety of formats, including online and in-person) about the ongoing work; support the District-Charter School Collaboration Compacts in New York City and Rochester; provide opportunities to high-performing charter schools to complete a Best or Promising Practices proposal which will be highlighted on the Successful Practices section of the P12 website; develop new communication vehicles such as webinars, a regular newsletter, and presentations at statewide conferences, in addition to the CSO website and charter school listserv; and develop an online survey to assess the awareness of educators in school districts of the availability of resources from NYSED related to best or promising practices of charter schools.	☒ Yes ☐ No	The CSO has participated in in-person training sessions and/or webinars related to the Charter School Audit Guide and Fiscal Controls and Integrity for Charters. The audience for these sessions is independent auditors and charter schools. NYSED staff explained that the District-Charter Collaboration Compact in Rochester formally ended in summer 2012 when the Superintendent resigned. Staff are not aware of a formal compact in New York City. This work has not continued as originally proposed. Descriptions of current dissemination projects and a link to a video featuring a district-charter partnership are available on the New York Charter School Dissemination Program Grant webpage. NYSED also intends to post the video of the district-charter partnership on the Engage New York website (though this had not been completed at the time of the monitoring visit). Other dissemination activities include a monthly email blast on best practices to the charter school listserv, articles, press releases, and a conference planned for Fall 2014. The CSO administered a survey to stakeholders at Dissemination partnership schools on the impact of the partnership on implementation of best practices at their school and awareness of resources related to charter school best practices. About half of the respondents were from district schools.

Sources: *2011 CSP Application, 2013-2016 New York Charter School Dissemination Program Application, NYSED website, Report on CSP Dissemination Progress April 15, 2014, Report on CSP Dissemination Progress April 22, 2014.*

Areas of Concern

- Best or promising practices are not disseminated to every LEA in the State. NYSED has not developed a process for disseminating best or promising practices of charter schools to every LEA in the State.

Rating and Justification: 2 – Grantee partially meets the indicator. While best practices of charter schools are identified through the Dissemination subgrant application and other avenues, NYSED does not have a process in place for disseminating best practices to every LEA in the State.

Recommendations: NYSED is encouraged to expand its efforts to disseminate best or promising practices of charter schools to every LEA in the State.

Indicator 2.7: ACHIEVEMENT OF APPLICATION OBJECTIVES. The State demonstrates substantial progress in meeting its application objectives.

Observations: In the 2009 monitoring report, the grantee partially met this indicator. The previous monitoring team was concerned that although the State appeared to be on track to meet its application objectives, it could not demonstrate convincingly that it had specific performance measures and data in place to evaluate its progress.

At the time of the current monitoring visit, the grantee partially demonstrated progress toward accomplishing its objectives and performance measures. The grantee has met targets on six of its 21 performance measures, data were not available for three performance measures, and four performance measures are future goals that will be assessed at the end of the grant.

NYSED has made substantial progress in strengthening the quality of New York State charter school authorizing and CSP grant administration infrastructure (Objective 2). However, the grantee has made limited progress toward increasing the number of high-quality charter schools in New York State (Objective 1) and promoting best practices of New York State charter schools to other public schools (Objective 3). While the grantee has made partial progress toward improving student achievement outcomes for students in New York State charter schools (Objective 4), the monitoring team was unable to assess four of the performance measures as the baseline data established in Year 1 cannot be accurately compared to Year 3 data due to implementation of new tests aligned to Common Core State Standards. These performance measures have been removed from the final analysis below.

External Evaluation. The CSO has contracted with the Center for Evaluation and Education Policy (CEEP) to provide technical support and build staff capacity. In this role, CEEP has developed and administered several surveys including surveys to evaluate the charter school oversight practices of the CSO, administration of the charter application process, the NYSQCAP partnership, and perceptions of the clarity, usefulness, and ease of the CSP grant process. The contractor has also provided support with evaluation of Dissemination subgrants, an internal survey of Dissemination subgrantees, and completion of the Annual Performance Report. Future surveys

will examine the dissemination partnerships established through the Dissemination subgrant. The grantee has made changes to the charter application process and training as a result of the survey findings. That being said, the grantee has not contracted with an external evaluator to conduct an outcomes-based study as proposed in its grant application. Instead, an internal analyst will design and conduct this aspect of the evaluation.

Table 2.7: ACHIEVEMENT OF APPLICATION OBJECTIVES.

Objective 1: ***Increase the number of high-quality charter schools in New York State, especially those serving educationally disadvantaged students who are at greatest risk of not meeting the State academic standards.***

Performance Measure (How is the grantee measuring progress?)	**Data Collection Activities** (What data are being collected? How? By whom?)	**Progress** (To what extent has the goal been accomplished so far?)	
Performance Measure 1A: By December 31, 2015, New York State charter authorizers will issue 150 additional charters for new high-quality charter schools to open.	The grantee tracks progress using its new schools database. Given changes in the cap, the grantee expects 151 charters will be issued by end of the fifth year.	☐ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☒ Insufficient Progress	2011-12: 22 new charters issued 2012-13: 35 new charters issued (57 total new charters) 2013-14: 17 new charters issued (74 total new charters)
Performance Measure 1B: By December 31, 2015, New York State charter authorizers will issue 15 additional charters for new high-quality charter schools to open that meet grant priorities related to school turnaround.	The grantee tracks the number of subgrantees that receive enhanced awards for meeting incentive priorities. At the time of the monitoring visit, no incentives had been awarded related to turnaround schools, though two districts (Syracuse and Buffalo) are considering it. The Director of Innovation, which encompasses charter schools and school turnaround, has provided technical assistance to districts.	☐ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☒ Insufficient Progress	2011-12: 0 new charters issued meeting school turnaround grant priorities 2012-13: 0 2013-14: 0
Performance Measure 1C: Each year, 100% of the portfolio of existing charter schools who earn charter renewal from their authorizer will meet New York State's high-quality charter school performance standards; those that do not will be closed.	The Regents approved the Charter Renewal Policy and the Performance Framework for Regents-authorized charter schools in November 2012. At the time of the monitoring visit, two schools had been renewed under the Performance Framework. The others were evaluated based on the goals in their charter contracts. Over the grant period, four charter schools were not renewed (2 revocations, 1 voluntary surrender, 1 non-renewal). Several renewals included in Year 3 are short-term two-year renewals due to a technical adjustment that ensures all charter contracts end on June 30.	☐ Measure Met ☐ Not Met ☒ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 94% (16/17) of renewal applicants met New York State's charter school performance standards 2012-13: 97% (38/39) of renewal applicants met New York State's charter school performance standards 2013-14: 98% (63/64) of renewal applicants met New York State's charter school performance standards Note: The data provided for this performance measure (i.e., number of renewal applications/schools up for renewal) does not align with how the performance measure is written.

Performance Measure 1D: Each year, at least 90% of post-charter Planning and Implementation subgrant recipients will give an overall rating of "satisfied" or higher when asked to rate NYSED's administration of the CSP subgrant program in the areas of clear communication, timely release of funds, and responsiveness.	CEEP conducted surveys of charter schools in New York State. In November and December 2012, 54 charter applicants were surveyed about the NYSED charter application process. However, the data were not disaggregated for subgrantees and SUNY applicants were not included, nor were the questions specific to grant administration. In April 2013, a survey was sent to 21 current CSP subgrantees. Six respondents provided their overall level of satisfaction with the SEA's administration of the CSP subgrant program.	☐ Measure Met ☒ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: Data not available 2012-13: Data not available 2013-14: 67% of respondents noted overall ratings of "satisfied" or higher rating

Objective 2: ***Strengthen the overall quality of the New York State charter school authorizing and CSP grant administrative infrastructure.***

Performance Measure (How is the grantee measuring progress?)	**Data Collection Activities** (What data are being collected? How? By whom?)	**Progress** (To what extent has the goal been accomplished so far?)	
Performance Measure 2A: By June 30, 2013, NYSED will successfully complete the systematic revision and alignment of oversight protocols and guidelines.	In response to changes in statute in 2012, the SEA has completed the Charter Renewal Policy and the Performance Framework, Charter Agreement, Renewal Charter Agreement, Opening Procedures, Renewal Application, and Annual Report. The Audit Guide and Fiscal Oversight Guidebook are in the final draft phase.	☒ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: Not applicable 2012-13: Revision complete 2013-14: Not applicable
Performance Measure 2B: Each year, at least three representatives of New York State charter authorizing entities will be invited to present on best practices related to charter authorizing and/or CSP grant oversight at a national or regional conference.	The SEA tracks the number of individuals invited to present at workshops or conferences. Presentations have included the National Alliance Conference, New York Charter School Association Charter Conference, Harvard School Turnaround Institute, Yale School of Management Conference, and New York City Charter School Center.	☒ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 13 individuals invited to present at workshops or conferences 2012-13: 9 individuals invited to present at workshops or conferences 2013-14: 20 individuals invited to present at workshops or conferences
Performance Measure 2C: Each year (beginning with 2012-13), at least 75% of NYSQCAP authorizing staff members will give an overall rating of "satisfied" or higher when asked to rate the quality of collaboration and professional development opportunities through NYSQCAP.	In June 2013, a web-based survey was sent to participants of the Audit Training Guide training sessions and webinars conducted on May 22 and May 30, 2013. 14 respondents who were part of NYSQCAP (of 187 total participants) indicated their level of satisfaction with NYSED collaboration and professional development.	☐ Measure Met ☒ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: Not applicable 2012-13:Not applicable 2013-14: 72% responding with overall "satisfied" or higher rating

Objective 3: *Promote the dissemination of New York State charter school best practices to other public schools.*			
Performance Measure (How is the grantee measuring progress?)	**Data Collection Activities** (What data are being collected? How? By whom?)	**Progress** (To what extent has the goal been accomplished so far?)	
Performance Measure 3A: By June 30, 2013 NYSED will award at least 7 Dissemination subgrants that meet the rigorous subgrant competition standard.	In Year 2, 11 Dissemination subgrantees were selected. A second round has not been planned.	☒ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 0 2012-13:11 Dissemination subgrants awarded 2013-14: Not applicable
Performance Measure 3B: By the end of year four of the grant, seventy-five percent (75%) of key stakeholders at each partner school will indicate that the dissemination partnership with a high-performing charter school has had an impact on the implementation of best practices at their school.	In May 2014, an internal survey was administered to stakeholders at dissemination partnership schools. There were over 50 total respondents with about equal numbers representing district and charter schools.	☐ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☒ In Progress ☐ Insufficient Progress	2011-12: Not applicable 2012-13: Not applicable 2013-14: 91% of survey respondents indicating the dissemination partnership has had an impact on the implementation of best practices at their school
Performance Measure 3C: Beginning in year three of the grant, there will be a ten percent (10%) annual increase in the number of educational personnel in traditional public school districts who are aware of resources related to charter school best practices.	In May 2014, an internal survey was administered to stakeholders at dissemination partnership schools.	☐ Measure Met ☐ Not Met ☒ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: Not applicable 2012-13: Not applicable 2013-14: 74% of district respondents reported being aware of resources related to charter school best practices Note: The baseline percentage was not established and, more importantly, the survey respondents may not be representative of the population stated in the performance measure.
Performance Measure 3D: Beginning in year three of the grant, there will be a five percent (5%) annual increase in the number of educational personnel in traditional public school districts that indicate that they have adopted charter school best practices.	In May 2014, an internal survey was administered to stakeholders at dissemination partnership schools. However, no questions were directly related to adoption of charter school best practices and, more importantly, the survey respondents are not representative of the population stated in the performance measure.	☐ Measure Met ☐ Not Met ☒ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: Not applicable 2012-13: Not applicable 2013-14: Data not available

Objective 4: *Improve student achievement outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting State academic standards.*		
Performance Measure (How is the grantee measuring progress?)	**Data Collection Activities** (What data are being collected? How? By whom?)	**Progress** (To what extent has the goal been accomplished so far?)

Performance Measure 4A1: ELA 4th: Each year the percentage of fourth grade charter school students in New York State that achieve at or above the proficient level on State examinations in Reading/English Language Arts will increase by 2% from the prior year.	Schools report demographic, enrollment, and program service data to a Regional Information Center (RIC) or Board of Cooperative Educational Services (BOCES). Data flows from the RIC and BOCES to the SEA through the Student Information Repository System (SIRS) where they are aggregated into a statewide data warehouse, Level 2 Repository.	☐ Measure Met ☐ Not Met ☒ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 51% of fourth grade charter school students achieved proficient or above in ELA 2012-13: 60% of fourth grade charter school students achieved proficient or above in ELA 2013-14: 28% of fourth grade charter school students achieved proficient or above in ELA Note: Statewide ELA proficiency rates declined in Year 3, likely due to new tests aligned to Common Core State Standards.
Performance Measure 4A2: Math 4th: Each year the percentage of fourth grade charter school students in New York State that achieve at or above the proficient level on State examinations in mathematics will increase by 2% from the prior year.	Statewide math proficiency rates declined in Year 3 with implementation of new tests aligned to Common Core State Standards.	☐ Measure Met ☐ Not Met ☒ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 69% of fourth grade charter school students achieved proficient or above in math 2012-13: 73% of fourth grade charter school students achieved proficient or above in math 2013-14: 38% of fourth grade charter school students achieved proficient or above in math
Performance Measure 4A3: ELA 8th: Each year the percentage of eighth grade charter school students in New York State that achieve at or above the proficient level on State examinations in Reading/English Language Arts will increase by 2% from the prior year.	See Performance Measure 4A1.	☐ Measure Met ☐ Not Met ☒ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 34% of eighth grade charter school students achieved proficient or above in ELA 2012-13: 39% of eighth grade charter school students achieved proficient or above in ELA 2013-14: 24% of eighth grade charter school students achieved proficient or above in ELA
Performance Measure 4A4: Math 8th: Each year the percentage of eighth grade charter school students in New York State that achieve at or above the proficient level on State examinations in mathematics will increase by 2% from the prior year.	In 2012-13, all eighth grade students took the New York State Grade 8 Common Core Mathematics Test even if they were taking a higher-level math course. Beginning in Spring 2014, an ESEA waiver will end double-testing of students receiving instruction in Algebra I or Geometry, for example, and taking the Regents Exam.	☐ Measure Met ☐ Not Met ☒ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 62% of eighth grade charter school students achieved proficient or above in math 2012-13: 64% of eighth grade charter school students achieved proficient or above in math 2013-14: 30% of eighth grade charter school students achieved proficient or above in math

Performance Measure 4B1: Each year, high school graduation rates for all charter school students in New York State will either meet the State standard of 80% or will reduce the gap between the State standard and the prior year's rate by at least 20%, as measured by either the four year graduation cohort rate or the five year extended cohort graduation rate.	The grantee compared the high school graduation rates of charter school students to the State standard using the four year graduation cohort rate, the percent of students who started 9th grade and had graduated after four years. All charter schools with graduating classes are included.	☒ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 64% graduation rate of all charter school students 2012-13: 66% graduation rate of all charter school students 2013-14: 85% graduation rate of all charter school students
Performance Measure 4B2: Each year, high school graduation rates for all charter school students with disabilities in New York State will either meet the State standard of 80% or will reduce the gap between the State standard and the prior year's rate by at least 20%, as measured by either the four year graduation cohort rate or the five year extended cohort graduation rate.	The grantee compared the high school graduation rates of charter school students with disabilities to the State standard using the four year graduation cohort rate. All charter schools with graduating classes are included.	☐ Measure Met ☒ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 36% graduation rate of charter school students with disabilities 2012-13: 50% graduation rate of charter school students with disabilities 2013-14: 69% graduation rate of charter school students with disabilities
Performance Measure 4B3: Each year, high school graduation rates for English language learner (ELL) charter school students in New York State will either meet the State standard of 80% or will reduce the gap between the State standard and the prior year's rate by at least 20%, as measured by either the four year graduation cohort rate or the five year extended cohort graduation rate.	The grantee compared the high school graduation rates of ELL charter school students to the prior year's rate using the four year graduation cohort rate. All charter schools with graduating classes are included.	☒ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 34% graduation rate of ELL charter school students 2012-13: 48% graduation rate of ELL charter school students 2013-14: 79% graduation rate of ELL charter school students (reduced the gap between the State standard and the prior year's rate)
Performance Measure 4B4: Each year, high school graduation rates for charter school students who qualify for free or reduced-price lunch in New York State will either meet the State standard of 80% or will reduce the gap between the State standard and the prior year's rate by at least 20%, as measured by either the four year graduation cohort rate or the five year extended cohort graduation rate.	The grantee compared the high school graduation rates of charter school students who are economically disadvantaged to the State standard using the four year graduation cohort rate. All charter schools with graduating classes are included.	☒ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: 62% graduation rate of charter school students that qualify for FRPL 2012-13: 67% graduation rate of charter school students that qualify for FRPL 2013-14: 88% graduation rate of charter school students that qualify for FRPL
Performance Measure 4B5: Each year, high school graduation rates for charter school students who reside in a rural LEA in New York State will either meet the State standard of 80% or will reduce the gap between the State standard and the prior year's rate by at least 20%, as measured by either the four year graduation cohort rate or the five year extended cohort graduation rate.	The grantee compared the high school graduation rates of charter school students whose district of residence was considered rural to the State standard using the four year graduation cohort rate. In Years 1 and 3 there were no rural charter school students.	☐ Measure Met ☐ Not Met ☒ Unable to Assess **For future goals only:** ☐ In Progress ☐ Insufficient Progress	2011-12: Not applicable 2012-13: 100% graduation rate of rural charter school students 2013-14: Not applicable

Performance Measure 4C: By the end of the grant period, results from a rigorous outcomes research study will show that New York State charter schools will outperform, at a statistically significant level, comparable students in traditional New York State public schools in categories determined by the research design.	The grantee's analyst is doing pre-planning work to design and assess this performance measure. Using student growth, charter school students are at the State average in math but below the State average in ELA. Graduation rate data for charter schools are incomplete as there are few charter high schools.	☐ Measure Met ☐ Not Met ☐ Unable to Assess **For future goals only:** ☐ In Progress ☒ Insufficient Progress	2011-12: Not applicable 2012-13: Not applicable 2013-14: Not applicable

Sources: *2011 CSP Application, Year 1 Annual Performance Report, Year 2 Annual Performance Report, Year 3 Annual Performance Report Draft, New York State Education Department (NYSED) Survey for Charter Schools Operating in New York State; New York State Education Department Charter School Office New Applicant Survey Results 2012–2013; New York State Education Department Survey for Charter Schools Operating in New York State, Charter School Program Grant; Two-Year Comparison of New Charter School Applicant Survey Results; New York State Education Department Charter School Office Survey of the New York State Quality Charter Authorizer Partnership (NYSQCAP).*

Areas of Concern

- Insufficient progress in implementing the full evaluation plan. The grantee has not contracted with an external evaluator to conduct an outcomes research study as proposed in its grant application. Instead, the grantee is planning to use an internal analyst to design and conduct the evaluation.
- Available data are not aligned with the performance measures. In some instances, data provided by the SEA are not aligned with the stated performance measures. This is especially true of Performance Measures 1c, 3c, and 3d.
- Limited progress toward meeting grant objectives. The grantee could not demonstrate progress in 6 out of 9 applicable performance measures.

Rating and Justification: 2 – Grantee partially meets the indicator. The grantee has demonstrated partial progress in meeting some but not all grant objectives. Furthermore, the grantee has made insufficient progress in conducting the project evaluation.

Recommendations: The SEA is encouraged to pursue an outcome research study as proposed in its grant application and to better align its performance data with the measures and necessary analysis.

3. ADMINISTRATIVE AND FISCAL RESPONSIBILITIES

CSP grantees incur specific administrative and fiscal responsibilities under Federal law. This section focuses on the SEA's allocation of, use of, and controls over the CSP grant funds and other Federal funds, as well as associated State responsibilities in administering the CSP grant. It includes indicators that cover the State's responsibilities to:

- Inform appropriate audiences about Federal funding for charter schools and ensure that charter schools receive their commensurate share of relevant funds;
- Allocate no more than the allowable amounts of CSP funds for administration, dissemination, and revolving loan fund purposes;
- Administer and monitor the proper use of CSP funds;

- Ensure LEAs do not deduct funds for administrative expenses or fees except in certain circumstances;
- Ensure the timely transfer of student records; and
- Maintain and retain records related to the CSP grant funds.

Indicator 3.1: FEDERAL PROGRAMS AND FUNDING. The State informs appropriate audiences about the SEA's charter school grant program, Federal funds that the charter school is eligible to receive and Federal programs in which the charter school may participate, and ensures that each charter school in the State receives its commensurate share of Federal education formula funds.

Observations: This exact indicator was not included in the 2009 monitoring report; however, the grantee was able to partially meet related indicators. The previous monitoring team was concerned about the grantee's lack of outreach to teachers, parents, and communities about the State's charter school grant program and was concerned that the State had not developed a definition of significant expansion to guide the disbursement of Federal funds.

Charter Schools Grant Program. Information on CSP funding is available on NYSED's website, which is publicly accessible. The website includes information specific to planning, continuation, and dissemination grant options. The grantee indicated that they rely on the website and their relationships with charter associations (i.e., Northeast Charter Network and NY City Center) to disseminate information about CSP opportunities. In addition, staff from the CSO conduct outreach in areas not served by the charter associations (e.g., western New York). Efforts to conduct direct outreach to parents, teachers, and communities beyond the information available on the website were not apparent. The CSP grant is described in the Regents charter application toolkit and the SUNY Charter Schools Institute Request for Proposals. Because CSP grants are non-competitive in New York, charter applicants are instructed to account for use of CSP funds in their proposed budget when they apply for a charter. Upon receiving a charter, a webinar to explain the CSP program is conducted for new charter schools in order to provide further detail about the grant program. This webinar is available on NYSED's website for any interested parties. CSP grant information is also disseminated through email listservs and through regional centers specific to the needs of charter schools (e.g., New York City Charter Schools Center and Northeast Charter Center).

Other Eligible Federal Funds. Charter schools are eligible for IDEA, Title I, Title II, and Title III funds and are able to utilize the same consolidated application as other public schools. These Federal funds flow to the LEA and the LEA distributes funds as appropriate. To ensure charter schools are aware of the Federal funds for which they may be eligible, these funds are included in budget templates in charter application materials, are the topic of annual trainings for new charter school operators, and are discussed in the Fiscal Oversight Guidebook distributed by NYSED. The CSO conducts trainings and disseminates information via listservs with the support and

collaboration from the Office of Education Finance, one State office involved in Title funding. Additionally, NYSED's website includes information about these funding sources.

Commensurate Share. To ensure charter schools receive their commensurate share of Federal funding, the CSO works with relevant offices in the department to provide notification upon the issuance of each new charter. A survey to assess enrollment is conducted in the spring to first estimate the number of students who will be enrolled and calculate preliminary allocations, and then in the fall to verify whether the allocations should be increased or decreased. Initial IDEA funds are based on estimates prior to the opening of the school. At the conclusion of the first year, reports of actual IDEA funds due to the school are developed and reconciled with what has been provided. Additionally, NYSED has developed written guidance to direct the allocation of Title I funds in the case of significant expansion, which is defined as any increase in a school's student body equivalent to a grade level or at least 15 percent.

When issues arise in which charter schools are not receiving the Federal funds to which they are entitled from an LEA, the Charter School Office works with the charter school to submit a package of interception, which diverts funds from the LEA and sends them directly to the charter school. According to the CSO, only one subgrantee has experienced this problem. The grantee reported that this particular subgrantee had not received any Federal funds from their LEA and a package of interception had to be enacted in order to divert reimbursement funds from the LEA to the subgrantee. The interception process must occur every thirty days until the issue is resolved. The subgrantees that were visited did not report any problems receiving Federal funds.

Table 3.1: FEDERAL PROGRAMS AND FUNDING.

Responsibilities of the SEA to inform and ensure access to Federal programs and funding.	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee informs and ensures access to Federal programs and funding.

The SEA informs teachers, parents, and communities of the State education agency's charter school grant program: The grantee proposed to work collaboratively with other authorizers, the New York Charter Schools Association, and the New York City Charter School Center to conduct outreach about the CSP grant. Outreach was to include conference calls, webinars, flyers, e-mail blasts, and regional information sessions directed at teachers, parents, and communities to inform them about funding for start-up and dissemination. Additionally, the grantee indicated that NYSED's website would be updated to allow for easier navigation of information for specific audiences related to CSP grant opportunities. The Dissemination Specialist, along with the Charter School Office, will be responsible for these activities.	☒ Yes ☐ No	The grantee provides information about the CSP grant program on its website, which is available to any interested parties. Web pages include a general page describing the grant program and specific pages for different types of grantees (e.g., CSP Planning grantee, Continuation grantee, Dissemination grantee). Email listservs reach all New York charter schools and public schools. CSP information is also shared with relevant charter school organizations (e.g., New York City Charter Schools Center and Northeast Charter Schools Network). Beyond the information posted on the website, efforts to inform parents, teachers, and community members directly were not apparent. The CSP grant is described in the NYSED charter application kit and the SUNY Charter Schools Institute Request for Proposals document. Budgets submitted during the charter application process for both NYSED and SUNY include anticipated CSP funds. After schools have received a charter, outreach to about the funds includes a webinar dedicated to the CSP grant program.
The SEA informs each charter school in the State about Federal funds that the charter school is eligible to receive: Charter schools are informed about the Federal funds they are eligible to receive through NYSED's website, NYSED's email distribution list, and the inclusion of charter schools in regional meetings for all special education, entitlement, and Race to the Top grant programs.	☐ Yes ☒ No	All charter schools are eligible for IDEA, Title I, Title II, and Title III funds. All charter schools can obtain information about Title and IDEA funds from NYSED's website. Additionally, budget templates completed by developers during the charter application process include line items for IDEA and Title funds to ensure that developers applying through the Regents or SUNY are aware of the funds they may be eligible to receive. The CSO conducts an annual training for all new charter schools and personnel new to operating charter schools to inform them of all the Federal funding options available. Additionally, the Charter School Office developed and disseminated the Fiscal Oversight Guidebook, which provides information about Federal funding and is systematically distributed to Regents-authorized schools. Non-Regents-authorized schools have can access the Fiscal Oversight Guidebook on the NYSED website. Additionally, the grantee reported that SUNY provides similar information and resources to the SUNY-authorized subgrantees.

The SEA ensures that each charter school in the State receives the charter school's commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the charter school: The grantee's application states that each charter school in the State is eligible for all funding available under ESEA and IDEA. A consolidated application, which references charter schools throughout, can be used for any applicable Federal funds. The grantee proposed to notify all State agencies and offices involved with nutrition, Title funding, and special education of each newly chartered school. Additionally, allocation notifications are posted on NYSED's website and notices will be sent to each LEA. The grant application states that in order to ensure charter schools receive their commensurate share of Federal funds in a timely manner, NYSED collects enrollment data and other relevant information twice per year (fall and spring).	☐ Yes ☒ No	NYSED's CSO helps ensure charter schools receive all Federal funds available to them. This is accomplished through the provision of support such as a "package of interception" for charter schools that experience delays or problems obtaining Federal funds from their district. Additionally, written guidance regarding significant expansion and allocation of Title I funds was recently developed [i.e., Guidance RE: Adjustments to 2013-14 (and beyond) Title I, Part A Allocations for Charter School LEAs with Significant Enrollment Expansion]. All subgrantees visited indicated they received Federal formula funds in a timely manner. No subgrantees indicated delays in receiving Federal formula funds. The grantee indicated that one subgrantee, which was not visited, has experienced difficulties obtaining Federal funds from their district. In this situation the CSO has worked with the school to submit a package of interception to send the funds directly to the subgrantee. This process can take place after funds have been delinquent for 30 days and must be repeated every 30 days until the problem is resolved.

Sources: *2010 CSP Application; 2014-16 CSP Initial Application Webinar; NYS Charter Schools Program (CSP) Grants Web Page; Fiscal Oversight Guidebook; Special Education Budget and Finance Web Page; Guidance RE: Adjustments to 2013-14 (and beyond) Title I, Part A Allocations for Charter School LEAs with Significant Enrollment Expansion; January 2014 SUNY Request for Proposals (RFP); SUNY Start-up-Budget-and Cash-Flow-Template.*

Areas of Concern

- Limited outreach regarding CSP opportunities. The grantee does not inform teachers, parents, and community members about the CSP opportunities. Rather, efforts to disseminate information are more appropriate for charter developers.

Rating and Justification: 2 – Grantee partially meets the indicator. The grantee ensures some interested parties are informed about CSP and other Federal funds, but does not explicitly include parents, teachers, and communities in those efforts. Additionally, the grantee has processes in place that have been successfully utilized in order to ensure charter schools receive their commensurate share of Federal formula funding.

Recommendations: The grantee should strengthen its efforts to inform teachers, parents, and communities about CSP funding opportunities.

Indicator 3.2: ALLOCATION OF CSP FUNDS. The proportion of grant funds reserved by the State for each activity does not exceed the allowable amount.

Observations: This exact indicator was not included in the 2009 monitoring report; however, the grantee was able to fully meet related indicators.

At the time of the 2014 monitoring visit, the grantee had used 2.4 percent of CSP grant funds toward administrative expenses and 1.5 percent of the CSP grant funds toward dissemination activities. The grantee expected to continue using funds for administrative expenses such that the total amount will equate to between 3.5 and 3.9 percent at the end of the grant period. Administrative fees are set aside at the beginning of the grant period for use throughout the grant.

Similarly, the grantee expects to continue spending CSP funds for dissemination activities totaling $5,000,000 (4.4 percent) across the grant period. Because the anticipated use of dissemination funds is less than the budgeted 10 percent, NYSED is considering moving the extra funds from Dissemination subgrants to Planning and Implementation subgrants. CSP funds have not and will not be used for a revolving loan fund.

Use of CSP funds across categories is tracked by staff from the P-12 School Operations Office within NYSED using Excel. Information in the Excel spreadsheets includes the total allowable under the CSP for administration, dissemination, revolving loans, and planning, design, and implementation; set-aside amounts; and actual amounts spent in each category including personnel and non-personnel services. The information to populate the Excel spreadsheets is obtained from the NYSED accounting system, Café, and the State financial systems, PeopleSoft and MainFrame, which draw on accounting records and staff time charges.

Table 3.2: ALLOCATION OF CSP FUNDS.

Limits on the allocation of CSP funds.	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee allocates the CSP grant funds to each category.
Not more than 5% for administrative expenses associated with the program: In the grant application the grantee proposed to utilize $8,392,701 of the requested $167,854,013 award (5.0%) toward administrative expenses.	☐ Yes ☒ No	At the time of the monitoring visit, $2,693,814 (2.4%) of the total award ($113,343,065) had been spent on administrative expenses. The grantee used administrative grant funds primarily for staff time. An Access database that lists all P-12 School Operations Office employees (which includes the Charter Schools Office staff), their funding stream, and their active effort is maintained by the P-12 School Operations Office. It is projected that an additional $1,275,000 – $1,600,000 will be spent on administrative expenses during the grant period, totaling 3.5% - 3.9% of the award.

Not more than 10% to support allowable dissemination activities: The grantee proposed to utilize $16,785,401 of the requested $167,854,013 award (10.0%) toward dissemination activities.	☐ Yes ☒ No ☐ NA	At the time of the monitoring visit $1,666,667 (1.5%) of the total award ($113,343,065) had been spent on Dissemination subgrant activities. It is projected that an additional $3,333,334 will be spent on Dissemination subgrant activities during the grant period, totaling 4.4% of the grant award.
Not more than 10% for the establishment of a revolving loan fund: The grantee did not propose the establishment of a revolving loan fund.	☐ Yes ☐ No ☒ NA	No funds have been used for a revolving loan fund.

Sources: *2010 CSP Application; CSP Budget to Actual Spreadsheet*; *Business Office CSP Budget to Actual Spreadsheet.*

Rating and Justification: 3 – Grantee fully meets the indicator. The grantee is within the allowable limits for administrative and dissemination use of grant funds.

Recommendations: None.

Indicator 3.3: ADMINISTRATION AND USE OF CSP FUNDS. The SEA administers the CSP funds and monitors subgrantee projects to ensure the proper disbursement, accounting, and use of Federal funds.

Observations: In the 2009 monitoring report, the grantee fully met this indicator.

The CSO has developed a Fiscal Oversight Guidebook and a Charter Schools Audit Guide that serve as resources for subgrantees and other charter schools. These documents, along with the related technical assistance, are strengths of the grantee's fiscal control and fund accounting procedures.

- The Fiscal Oversight Guidebook provides information about appropriate policies, procedures, and activities to equip new charter schools to set up and maintain strong financial systems. This guide is distributed to all Regents-authorized charter schools and is available to all other interested parties on NYSED's website. This guide was developed based on a similar resource developed by SUNY and distributed to SUNY-authorized subgrantees. Technical assistance related to this document is provided to Regents-authorized subgrantees and available to all other subgrantees on the NYSED website.

- The Charter School Audit Guide is distributed to all charter schools and the auditors that they work with in order to provide clear guidance on the expected components of an audit for charter schools, including specific direction related to CSP funds. This document gives explicit instructions and requirements that auditors can use to obtain all necessary information. Technical assistance related to the audit guide is available to all charter schools.

Additionally, the CSO has developed the CSP Grant Management Guidance and Procedures document to be used internally. This document outlines general information about the CSP grant to inform acceptable internal controls for subgrantees, instructions to monitor budgets and expenditures using data systems, and guidance on determining allowability.

Several programs are utilized for budget management and fund accounting across many levels of the State government. Statewide, the MainFrame and PeopleSoft systems are used to maintain contracts and budgets. At the time of the monitoring visit, the State was in the process of transitioning from MainFrame to PeopleSoft and used both programs across different departments as the transition is carried out. Within NYSED, the Café system is used to track both budgets and payments. This includes payments being processed and payments that have already been completed. In the P-12 School Operations Office, Excel spreadsheets with information gathered from Café are used to track overall spending of CSP funds by category (e.g., implementation, dissemination, administration). Finally, within the CSO, Access, Excel, and Fiscal Dashboard software are utilized to track the budget and spending of each subgrantee.

Flow of Funds. The grantee gained approval from ED to forward-fund the initial 20 percent of CSP funds to subgrantees. The grantee and subgrantees indicated that forward funding has not been limited to the first 20 percent and instead has been utilized to distribute funds on an ongoing basis. Specifically, subgrantees can request funds monthly for reimbursements and for any expenses they anticipate making within 30 days. Up to 90 percent of a subgrantee's award may be distributed this way; only the final 10 percent is held back for reimbursement upon reconciliation. This is not in accordance with Federal regulations and the grantee may need further guidance on forward funding.

Additionally, the monitoring team notes that Dissemination subgrantees reported that approximately 8 months passed between being awarded and receiving CSP funds. This delay was caused by a newly implemented pre-qualification procedure which requires extensive documentation prior to accessing any grant funds that are distributed by the State. In addition to the documentation required of subgrantees, staff from the CSO also had to learn about the new procedures. This caused a delay as Dissemination subgrantees had to go back and forth with the Comptroller's Office and the CSO to provide all necessary documentation. Due to the timing of awards, this delay has only impacted Dissemination subgrantees thus far. While this is the case, the new system applies to any organization receiving new funds moving forward and therefore this delay could be experienced by Planning and Implementation subgrantees during future award cycles. However, subsequent awards should be processed more quickly as only updates to documentation will be required. Additionally, while the CSO staff was just learning this new system at the time the Dissemination grants were being awarded, they are now more familiar with the requirements and process.

Disposition of Assets. The Regents and SUNY's charter applications require the development of a dissolution plan describing procedures in case of a school closure or dissolution. For Regents-authorized schools, the CSO obtains an inventory list from each charter school annually and therefore has a list of assets acquired each year. The CSO has also developed the Closing Procedures Guide and Checklist for New York State Charter Schools Authorized by the Board of Regents document which is focused exclusively on the steps that must be taken in the event of a school closure. This document provides guidance on the transfer of student records, notifications to parents and the community, transfer of financial records, use of reserve funds, reporting of financial condition, inventory, and disposition of assets. Guidelines within this document indicate that any

items purchased with Federal grant money must be distributed in accordance with Federal regulations. This document is distributed to all Regents-authorized schools. While this guidance has been implemented, no schools currently funded under the current CSP grant have closed or undergone dissolution. Specific details about SUNY's requirements for dissolution plans were not provided at the time of the monitoring visit.

Table 3.3.a: FISCAL CONTROL AND FUND ACCOUNTING PROCEDURES.

EDGAR Regulations	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee ensures proper fiscal control and funding accounting and complies with Federal requirements in each area.
34 CFR 80.20 Standards for financial management systems.		
(1) Financial reporting (e.g., complete disclosure of financial results)	☐ Yes ☒ No	Within NYSED, the Grants Finance Office tracks overall spending for the CSP grant and for reporting to ED. Audits of NYSED are conducted annually. NYSED requires an annual audit of each charter school conducted by an independent certified public accountant in accordance with the Government Auditing Standards. In addition, desk audits are conducted for schools identified as high-risk. At minimum, subgrantees authorized by the Regents and SUNY are required to produce a quarterly financial report. Regents-authorized schools must provide quarterly reports to the CSO upon request and SUNY-authorized schools must provide quarterly reports to the Charter Schools Institute. All subgrantees must complete standard State forms for budgeting, amendments, and expenditures. Specifically, subgrantees complete an FS10 report to detail their initial budget, an FS10A when an amendment to the budget is necessary, an FS25 to request payment based on reimbursement or anticipated expenses in the subsequent 30 days, and an FS10F at the end of each year to detail expenses as they compare to the anticipated budget.

(2) Accounting records (e.g., source and application of funds)	☐ Yes ☒ No	The grantee uses Café, MainFrame, PeopleSoft, Access and Excel to maintain accounting records. Café is used internally in the P-12 School Operations Office to track real time payments, payments in process, and budgets by spending categories, while MainFrame and PeopleSoft, the statewide financial systems, are used by the Grants Finance Office to track budgets and expenditures once the Comptroller Office approves the budget. Grants ledgers for each year include information regarding allowable funding levels for each category of spending (i.e., administration; dissemination; revolving loans; and planning, design, and implementation) and actual spending in these areas. Subgrantee spending is monitored by the CSO using Access, Excel, and the Fiscal Dashboard software. Additionally, some CSO staff responsible for finances in particular utilize a CSP Database from the MainFrame system to review budget forms and gather information for the Fiscal Dashboard.
(3) Internal control (e.g., process and measures to account for funds, property and assets)	☐ Yes ☒ No	The CSP Grant Management Guidance and Procedures document outlines processes to monitor subgrantee fiscal procedures and ensure they are acceptable. This document includes a general overview of funding cycles, procedures for use of budget forms (e.g., FS10, FS25), procedures for initial payment of CSP grant funds, guidance on allowable costs, and information on use of the CSP database within MainFrame to review and approve budgets, amendments, and expenditures. *The Fiscal Oversight Guidebook* includes recommendations on internal controls for governance; accounting and reporting; revenue and cash management; facilities, equipment, and inventory control; student services; and student-related data. The CSO also obtains an inventory list from each charter school annually and therefore has a list of assets acquired each year.

(4) Budget control (e.g., process and measures to compare outlays with budget amounts)	☐ Yes ☒ No	Subgrantees must submit a budget annually, with revisions submitted quarterly to the CSO. The annual budget is reviewed and approved by CSO staff. Quarterly financial reports documenting budgeted to actual spending must be generated, but are only provided to the CSO upon request. In addition, the Grants Finance Office tracks budgeted to actual spending for individual subgrantees through the review of budget forms such as the FS10 and FS25. The CSO uses Fiscal Dashboard software to track schools' debt-to-assets and cash flow. While spending is tracked and compared to what was budgeted, changes to anticipated spending within budget categories is difficult to identify. For example, one subgrantee used funds that were approved for legal services to ensure the school was able to operate toward legal services related to a lawsuit. Because spending was within the same budget category, the SEA was not aware this change had been made and therefore had not assessed the allowability of this expense.
(5) Allowable cost (e.g., procedures to determine allowable, allocable, and reasonable use of funds).	☐ Yes ☒ No	The CSP Grant Management Guidance and Procedures document outlines criteria to determine allowability of potential requests. In addition to referencing the CSP non-regulatory guidance, this document states that allowable costs should meet the following criteria: • Be necessary and reasonable for proper and efficient operation of the program • Be permissible under applicable State and/or Federal laws and regulations • Conform to any limitations or exclusions set forth in these guidelines, laws, or regulations, or other government limitations as to types or amounts of cost items • Be the net amount after applying all applicable credits, such as purchase discounts, project-generated income, and adjustments of overpayments • Must not be included as a cost in any other project or grant The Fiscal Oversight Guidebook assists subgrantees in determining what are allowable and appropriate uses of grant funds. The Guidebook also refers to the NYSED's CSP Grants website, which includes Federal non-regulatory guidance. While this resource is widely available and distributed, it was primarily developed for Regents-authorized subgrantees. SUNY-authorized schools receive similar guidance.

(6) Source documentation (e.g., evidence from transactions that accompany accounting records)	☐ Yes ☒ No	Fiscal guidelines for subgrantees available on NYSED's website discuss the need for documentation for different types of expenses including equipment, services, salaries, and supplies/materials. All subgrantees visited provided documentation of their expenditures including invoices, purchase orders, and receipts. However, these are not provided routinely to the NYSED and are only checked comprehensively as part of an audit or when a school is identified as high-risk.
(7) Cash management (e.g., timely disbursement of funds to not accrue interest).	☒ Yes ☐ No	NYSED obtained a waiver from ED to permit forward funding of the initial 20% of awards to subgrantees. However, NYSED continues to use a forward-funding approach after the initial 20% is disbursed. Subgrantees are permitted to submit monthly requests for reimbursements and any expenses anticipated within the subsequent 30 days until 90% of their award has been spent. The remaining 10% is not distributed until the budget and actual expenditures are reconciled at the end of the grant period. The State's Charter School Audit Guidelines includes a section specific to CSP subgrantees which requires auditors to perform tests to ensure funds are spent within a 30-day window. The grantee was aware of at least one audit finding in which a subgrantee had not spent the forward-funded money within 30 days. While the fiscal guidelines on NYSED's website describe the requirement to return earned interest, NYSED did not know of any subgrantees paying interest on funds they did not spend within 30 days.
34 CFR 80.36 Procurement standards, including competitive bidding and contracting	☐ Yes ☒ No	NYSED has procurement standards that outline thresholds for discretionary spending and the circumstances in which different levels of review or competitive bidding are necessary. Formal bidding is required for projected costs exceeding $50,000, though three informal quotes must be obtained for projected costs between $15,001 and $50,000. Single/sole-source approvals can be obtained through prior approval from the Contract Administration Unit, Purchasing Unit, or Comptroller office, depending on the projected costs. Subgrantees are advised that they must follow State policy regarding these standards and the Charter School Audit Guide instructs auditors to review documentation and identify any unusual or improper procurement or bidding procedures.
34 CFR 75.525 Conflict of interest	☐ Yes ☒ No	The Regents and SUNY charter applications evaluate applicants, in part, based on their ability to provide a Code of Ethics that includes standards for conflicts of interest (COIs). Additionally, the CSP subgrant application requires the development of safeguards related to COIs. The Fiscal Oversight Guidebook addresses COIs in further detail for Regents-authorized subgrantees.

34 CFR 80.32(e) Disposition of assets	☐ Yes ☒ No	When completing the Regents or SUNY charter application, developers must provide a dissolution plan which describes the procedures they will follow in the case of a closure or dissolution of their school. This plan should include information regarding student records and disposition of assets. Regents applicants must also state assurances that any additional NYSED-required procedures will be followed. The CSO developed the Closing Procedures Guide and Checklist for New York State Charter Schools Authorized by the Board of Regents. This document specifies that closing schools must develop a disposition of assets, property, and inventory plan that aligns with Federal regulations.

Sources: *Fiscal Oversight Guidebook; Fiscal Oversight Guidebook Webinar; Internal Controls Webinar; Closing Procedures Guide and Checklist for New York State Charter Schools Authorized by the Board of Regents; Charter Schools Audit Guide; Fiscal Guidelines for Federal and State Grants Web Page; 2014-16 Charter Schools Program Planning and Implementation Grant Application Template; CSP Grant Management Guidance and Procedures: Draft Version; New Discretionary Thresholds- State Finance Law Amendment; 2014 NYSED Charter Application Kit; January 2014 SUNY Request for Proposals (RFP); SUNY Guidance: Annual Budgets, Quarterly Reports and Audited Financial Reports.*

Use of Grant Funds. Funds for planning were commonly used to recruit staff and fund positions, including principals, directors, trainers, teachers, aides, and support staff prior to the opening of the schools. A subset of visited subgrantees used funds for professional development targeting higher-level staff (e.g., principal, curriculum director, school finance director) to prepare them for the opening of their school. One subgrantee used planning funds to establish administrative infrastructures in preparation for the school opening. To ensure CSP-funded schools utilized planning funds within an allowable time frame, the Charter School Audit Guidelines requires auditors to compare the timing and type of spending against the non-regulatory guidance and report any discrepancies in the audit findings. While most planning expenditures appear to be allowable, allocable, and reasonable across subgrantees, remodeling expenditures were made by one subgrantee to update a bathroom unrelated to accessibility, which may not be allowable. In addition, one subgrantee used planning funds for legal fees to remove their campus from a lawsuit against their sister campus, which may not be allowable. The CSO staff was not aware that funds had been used in this way; the approved use of funds for contractual services, including legal fees, was for the purpose of getting the school opened and operating.

For the most part, implementation funds were used in the same way across the visited subgrantees. A large subset of funds across all visited subgrantees was used to acquire equipment, furniture, and technology for the schools. Implementation funds were also used to develop recruitment materials including websites and advertisements, to purchase curricula and workbooks, and to set up general infrastructure (e.g., telephone systems). Among the visited schools, implementation expenditures appear to be allowable, allocable, and reasonable across subgrantees

The two Dissemination subgrantees visited utilized different approaches. While one subgrantee focused on disseminating practices to the partner schools, the second subgrantee utilized a bi-directional approach where both partners provided assistance to one another, one emphasizing ELA

and one emphasizing math. Dissemination funds were primarily used to cover staff time and purchase curriculum, materials, technology, and equipment for the partner school in order to replicate the data-driven instruction practices of the subgrantee. While this accounted for the majority of purchases, some technology and an ELA curriculum were purchased for use by the subgrantee. Based on what was observed in these two schools, dissemination expenses appear to be allowable, allocable, and reasonable.

Specific details about the use of funds for subgrantees visited during the monitoring visit are listed below. Due to the large number of subgrantees in the state, the monitoring team was unable to review budget and expenditure documents for subgrantees other than the ones visited by the team.

Table 3.3.b: USE OF GRANT FUNDS.

How did the grantee propose to use the grant funds in the approved budget?	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee uses the grant funds.
Post-award planning and design of the educational program		
Refinement of the desired educational program and of the methods for measuring progress toward those results	☐ Yes ☒ No	Subgrantees used planning funds for personnel necessary to refine a school's program and open a school, including salaries for the following positions: principal, curriculum director, finance director, principal trainer, teachers, classroom aides, secretary, secretary trainer, executive director, accountant/bookkeeper, special education coordinator, counselor aide, director of business and operations, instructional coach, special projects manager, instructional leader, director of athletics, and director of operations. The Charter School Audit Guidelines require auditors to verify the timing of these expenditures and ensure spending is consistent with the requirements in the non-regulatory guidelines.
Professional development of teachers and other staff who will work in the charter school	☐ Yes ☒ No	Subgrantees used planning funds for professional development of staff including principals, a curriculum director, and a school finance director. One school used funds toward training for their campus director which included professional development, hiring of staff, and educational program refinement. These expenses included travel funding for attendance at professional development events.

Other: Legal fees, remodeling fees, business operations support.	☒ Yes ☐ No	Subgrantees used planning funds for legal expenses directly related to the opening of the school (e.g., securing a facility). One subgrantee used funds to represent the school in lawsuit proceedings related to its sister campus. One subgrantee used funds for minor remodeling including painting and updates to a restroom which were not intended to address accessibility issues. Another subgrantee used planning funds to develop operational infrastructure including bringing in experts to set up financial accounts, develop frameworks for job responsibilities, set up board management procedures, and implement technology.
Initial implementation of the charter school		
Informing the community about the school	☐ Yes ☒ No	Subgrantees used implementation funds for the development and publishing of a website, recruitment materials, and advertisements. These expenses included logo development, photocopying of materials, postage, and costs for consultants to develop materials.
Acquiring necessary equipment and educational materials and supplies	☐ Yes ☒ No	Subgrantees used implementation funds for equipment and supplies, including: student laptops, staff computers/laptops, SMART boards, iPads, iPad carts, printers, document cameras, library books, teaching supplies, furniture, gym equipment, and lockers.
Acquiring or developing curriculum materials	☐ Yes ☒ No	Subgrantees used implementation funds for curricular materials including SuccessMaker Curriculum and Powerschool by Pearson software. Funds were also used to hire a consultant to provide training on curriculum (i.e., curricular specialist). Textbooks and workbooks were also purchased.
Other initial operational costs that cannot be met from State or local sources	☐ Yes ☒ No	Other initial operating costs included: telephone systems and services set-up, accounting systems, personnel timekeeping services, and software consultants.
Dissemination activities (if applicable)		
Assisting other individuals with the planning and start-up of one or more new public schools	☐ Yes ☐ No ☒ NA	The two Dissemination subgrantees visited by the monitoring team did not use grant funds to assist with planning or start-up of a public school. The monitoring team did not receive information on the other Dissemination subgrantees.
Developing partnerships with other public schools	☐ Yes ☐ No ☒ NA	The Dissemination subgrantees visited by the monitoring team already had relationships with their partner public schools and funds were not used to further develop this relationship. The monitoring team did not receive information on the other Dissemination subgrantees.

Developing curriculum materials, assessments, and other materials that promote increased student achievement	☐ Yes ☒ No ☐ NA	Dissemination funds were used to obtain supplies and equipment to assist student learning. Purchases at one school included classroom performance systems, Mobi whiteboards, Castle Online Learning systems, technology, laptops, Lexile-Leveled Library books, and Scholastic Reading Inventory materials. In the case of one subgrantee, both schools involved in the dissemination partnership received these materials.
Conducting evaluations and developing materials that document the successful practices	☐ Yes ☒ No ☐ NA	One visited school has used dissemination funds to hire an external evaluator to evaluate funded activities. The second visited school focuses on ongoing assessment and collects data on student performance consistently, which will be used for evaluation by an external evaluator.
Other: Staff time, professional development, and travel.	☐ Yes ☒ No ☐ NA	Dissemination funds were used to hire and/or support personnel such as an instructional data analyst, classroom managers, special education teachers, substitute teachers, instructors, and school aides. Funds were used to support project coordination, grant monitoring, and reporting. Funds were also used to provide teacher stipends, professional development, and to cover local travel expenses.

Sources: *Budgets and on-site accounting records of visited planning and implementation grantees (Urban Dove Team Charter School; New Dawn Charter High School; Citizens of the World I Williamsburg; Math, Engineering, and Science Academy Charter High School; Democracy Prep Endurance Charter School; Icahn Charter School #7; South Bronx Classical Charter School II); Budgets and on-site accounting records of visited Dissemination subgrantees (New York Center for Autism; KIPP Tech Valley Charter School).*

Areas of Concern

- Overuse of forward funding. While the grantee has been approved to utilize forward funding to distribute the first 20 percent of funds, the grantee's policy is to distribute funds monthly based on expenditures or expected spending in the subsequent 30 days, up to 90 percent of grant funds
- Tracking of modifications within budget categories. The current fiscal oversight process does not allow for careful monitoring of changes to budgeted spending within budget categories.
- Delay in receipt of funds. Dissemination subgrantees reported a substantial delay in receiving funds after being awarded a CSP Dissemination grant due to the pre-qualification process required by the Office of the New York State Comptroller. Given the funding cycle, only Dissemination subgrantees were impacted at the time of the visit but this may affect all subgrantees in future funding cycles.

Promising Practices

- Fiscal Oversight Guidebook. The grantee has developed a comprehensive guidebook outlining recommended policies and procedures to insure internal controls and oversight of funds and inventory. This document, along with related technical assistance, is comprehensive and provides useful resources for individuals working in a charter school

setting. The guidebook is currently distributed to all Regents-authorized schools and was developed based on a similar resource created by SUNY. (See Appendix 4: *Fiscal Oversight Guidebook.)*

- Charter Schools Audit Guide. All subgrantees are audited in accordance with the Charter Schools Audit Guide. This resource was developed by the CSO and distributed to all charter schools and charter school auditors to ensure annual audits are comprehensive and relevant to the needs of charter schools. This resource and the technical assistance provided related to this resource appears to be very useful in ensuring audits are completed in accordance with regulations. (Appendix 1)
- CSP Grant Management Guidance and Procedures. The CSO has developed the CSP Grant Management Guidance and Procedures document to assist staff in supporting subgrantees. This document provides guidance on assisting subgrantees in getting appropriate internal control processes in place, instructs staff members on how to use available data systems to track budgets and expenditures, and provides information to help Charter School Office staff determine allowability. This document was prepared to ensure a flow of knowledge across all CSO staff members. (See Appendix 5: *CSP Grant Management Guidance and Procedures: Draft Version.*)

Rating and Justification: 2 – Grantee partially meets the indicator. The grantee's use of forward funding exceeds what is allowable and its ability to track changes in subgrantee spending within budget categories is limited. Furthermore, time between the award of some CSP subgrants and subgrantee receipt of funds was lengthy. However, the grantee has developed and provides subgrantees with strong resources and technical assistance related to audits, internal controls, and other administrative and fiscal operations.

Recommendations: The grantee should ensure that its policy on forward funding aligns with Federal regulations and the approved grant application. The grantee should also review its budget monitoring process to ensure that changes to spending within budget categories are identifiable so that necessary oversight can be accomplished. The Charter School Office should also work with the Office of the New York State Comptroller to accelerate the pre-qualification process for charter schools and ensure CSP funds are distributed promptly.

Indicator 3.4: LEA DEDUCTIONS. The State ensures that the LEA does not deduct funds for administrative expenses or fees unless the eligible applicant enters voluntarily into an administrative services arrangement with the relevant LEA.

Observations: In the 2009 monitoring report, the grantee fully met this indicator.

CSP subgrants go directly from the State to the subgrantee. The LEA does not have any opportunity or permission to deduct funds or administrative fees from subgrants. The grantee and subgrantees have not experienced any problems with LEA deductions from CSP funds.

Table 3.4: LEA DEDUCTIONS.

SEA efforts to ensure LEA deductions are appropriate.	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee's actions ensure that any LEA deductions are appropriate?
Efforts to inform LEAs and subgrantees regarding the LEA's ability to deduct administrative expenses or fees: Not specified in the grant application.	☐ Yes ☒ No	CSP subgrant funds go directly from the State to eligible charter schools and LEAs are not able to deduct funds.
Efforts to ensure any deductions are mutually agreed upon and voluntary: The grantee's application states that CSP subgrant funds go directly from the State to eligible charter schools and therefore LEAs are unable to deduct administrative expenses or fees.	☐ Yes ☒ No	CSP subgrant funds go directly from the State to eligible charter schools and therefore LEAs are unable to deduct administrative expenses or fees.
Efforts to identify and resolve concerns related to LEA deductions from grant funds: Not specified in the grant application.	☐ Yes ☒ No	The grantee and subgrantees have not experienced any problems with LEA deductions from CSP funds.

Sources: *2010 CSP Application.*

Rating and Justification: 3 – Grantee fully meets the indicator. CSP funds flow directly from the grantee to the subgrantees. LEAs do not have the opportunity to deduct any expenses or fees.

Recommendations: None.

Indicator 3.5: TRANSFER OF STUDENT RECORDS. The SEA ensures that a student's records and, if applicable, individualized education program accompany the student's transfer to or from a charter school in accordance with Federal and State law.

Observations: In the 2009 monitoring report, the grantee fully met this indicator.

The State has policies in place regarding the transfer of student records and IEPs that apply to all schools, including charter schools. In addition, charter schools are required in their charter application to develop a dissolution plan. The dissolution plan must include procedures for the transfer of student records and IEPs in the event of a school closure.

Across the state, record transfers occur when schools learn a student has enrolled and files a request with the previous school to send the records. Hard copies of all records are sent and there is no statewide electronic records transfer system. New York City has an additional electronic system, ATS, which allows for the immediate transfer of electronic student records once a student is enrolled in a given school. Visited subgrantees in New York City indicated that this system is extremely useful in obtaining student records quickly. This system only transfers student records; it does not transfer IEPs. All schools receive IEPs through the regional Special Education Committee, which is typically housed at the district level. These bodies control IEPs and when an IEP is needed for a newly enrolled student, the regional Special Education Committee processes the request and sends the IEP.

Both NYSED and the visited subgrantees indicated they have not experienced any issues with the transfer of student records. While no problems related to the transfer of IEPs were described by subgrantees, the grantee noted that in the past charter schools have reported that the regional Special Education Committees can move slowly. In those situations the CSO works with the P-12 School Operations Office to ensure the IEP is sent in a timely manner.

Table 3.5: TRANSFER OF STUDENT RECORDS.

SEA efforts to ensure timely transfer of student records.	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee ensures that student records accompany the student's transfer to or from a charter school.
Efforts to inform LEAs and charter schools about their responsibilities to transfer student records, including IEPs: Transfer of student records was not specifically mentioned in the application.	☐ Yes ☒ No	Charter schools are required to develop a dissolution plan as part of their charter application that outlines procedures for the transfer of student records in case of a school closure. This topic is also included in the Closing Procedures Guide and Checklist for New York State Charter Schools Authorized by the Board of Regents document. Systematic efforts to inform LEAs about their responsibilities are not made beyond the requirements for transfer of records for all schools across the state.
Efforts to ensure student records, including IEPs, are transferred according to State laws and guidelines: Transfer of student records was not specifically mentioned in the application.	☐ Yes ☒ No	The grantee does not play a role in the transfer of student records or IEPs and all schools are expected to adhere to policies. Rather, the transfer of student records occurs by request between schools or the district of residence and the charter school. In New York City, all records are transferred electronically via ATS as soon as a student is registered in a new school, in addition to the traditional transfer of hard copy records. The transfer of IEPs does not happen directly from school to school and instead occurs through the regional Special Education Committees which are typically housed at the district level. Subgrantees that were visited did not describe problems transferring IEPs.
Efforts to intervene in transfer of student records, including IEPs, when records are not received: Transfer of student records was not specifically mentioned in the application.	☐ Yes ☒ No	The grantee is not aware of any issues related to the transfer of student records, and visited subgrantees did not report any problems with the transfer of student records. The grantee does not have direct control over this process but has collaborated with the P-12 School Operations Office when schools have indicated the process for transferring IEPs is slow.

Sources: *Closing Procedures Guide and Checklist for New York State Charter Schools Authorized by the Board of Regents; 2014 Charter School Application Kit.*

Rating and Justification: 3 – Grantee fully meets the indicator. The records and IEP transfer process is well-established in the State across all schools, including charter schools. Charter schools are made aware of their responsibilities related to records and IEP transfer and school closing in their charter

application. While systematic guidance for non-closure-related transfer of records was not conducted, problems with the transfer process were not identified by the grantee or subgrantees.

Recommendations: The grantee should consider additional guidance on the transfer of student records in instances of non-closure.

Indicator 3.6: RECORDKEEPING. All financial and programmatic records, supporting documents, statistical records, and other records of grantees and subgrantees related to the CSP grant funds are maintained and retained for grant monitoring and audit purposes.

Observations: In the 2009 monitoring report, the grantee fully met this indicator.

The CSO maintains electronic files that include all necessary documentation including the grant application, grant award notification, and annual performance reports. Timesheets are housed in the Leave and Accrual Tracking System (LATS) software system. The Business Office maintains the names of staff members who charge hours to the CSP grant. Subgrantee files housed at the SEA include a database in Access to track grantee information, grant amount, contract number, contract start and end dates, whether the subgrantee is eligible for payment, incentive type if awarded an incentive, Federal budget period (i.e., grant year), and amendment information. In addition, individual subgrantee files include folders for subgrant applications, budgets, contracts, and amendments, as well as desk audit records if one has been completed. These files are accessible to the CSO team and remote access is not available. Hard copies of grant files are maintained in the Grants Finance Office. When staff leave the CSO all files are maintained on the network drive, which is accessible to other members of the CSO, in order to ensure information is maintained.

Records maintained by the subgrantees that were visited were comprehensive and included many pieces of information. Hard copy documentation of grant applications, award notifications, approved budgets, annual reports, audit reports, FS form submissions, and documentation to support purchases including invoices, receipts, and credit card statements were available.

All records related to the CSP grant are retained at NYSED for at least six years after the date of the final grant requirement, as mandated by State policy. Electronic documents are housed on a network drive. Hard copy documents are housed in the Grants Finance Office. Similarly, subgrantees are expected to maintain records for six years and this was reported by the grantee and subgrantees.

Table 3.6: RECORDKEEPING.

EDGAR regulations require grantees to maintain:	Area of concern	Findings: Description of practices and any concerns related to how the SEA grantee maintains and retains its grant records.

Recordkeeping system and practices	☐ Yes ☒ No	SEA files include all necessary documents. Grant files are maintained electronically on a network drive. A network drive houses a file for each subgrantee that includes the charter application, budget, contracts, amendments, and, when applicable, desk audit findings.
Records retention policy and practices	☐ Yes ☒ No	New York State Archives has developed records management policies that require that records be kept for 6 years after the submission of a final report unless otherwise stated in the grant agreement. The Fiscal Oversight Guidebook for charter schools indicates that subgrantees should maintain supporting documentation for grants and grant contracts for at least 6 years after the last payment was made. Subgrantees reported adhering to this practice.

Sources: *Fiscal Oversight Guidebook; Records Retention and Disposition Web Page.*

Rating and Justification: 3 – Grantee fully meets the indicator. The State maintains and retains all required programmatic and financial records for the CSP grant.

Recommendations: None.

VI. LIST OF DOCUMENTS REVIEWED

- 2014 NYSED Charter School Application Kit
- 2014-16 Charter Schools Program Planning and Implementation Grant Application Template
- Charter School of Excellence Dissemination Grant Application
- Citizens of the World Charter School New York 1 Planning and Implementation Grant Application
- New Dawn Planning and Implementation Grant 2012-2013 Application for Continuation
- KIPP Tech Valley Dissemination Grant Application
- NYSED Charter School Office, Oversight and Monitoring of the Charter Schools Program's Planning and Implementation Grants to Meet Grant Goals and Objectives
- NYSED Charter School Office, FY12 Federal Charter Schools Program (CSP) Grant Orientation for New Recipients Webinar August 19, 2011
- NYSED Charter School Office, FY13 Federal Charter Schools Program (CSP) Grant Orientation for New Recipients Webinar December 6, 2012
- NYSED Charter School Office, FY13-14 Federal Charter Schools Program (CSP) Continuation Orientation Webinar July 18, 2013
- Email Correspondence "Dissemination Grant (Briefly) Featured on Front Pg. Of NY Times!" May 12, 2014
- Email Correspondence "Fiscal Controls and Integrity for Charters Follow-Up Materials" May 8, 2104
- Outreach Contact List
- Board of Regents Renewal Charter Agreement Template
- NYSED Full Site Visit Report 2013-2014 Template
- Guidelines for Check-In Site Visits 092013
- NYSED Charter Renewal Site Visit Protocol (Performance Framework Version) 2013-2014
- Charter Dissemination Grant Meeting Agendas
- Evaluation Guidance
- Evaluation Matrix: New York Charter School Dissemination Program July 1, 2013-July 31, 2015
- Email Correspondence "Updated Risk Assessment for CSP desk audits" March 3, 2014
- CSP Dissemination 2013-2014 Monitoring Site Visits

- 2013-15 Public Charter Schools Dissemination Grant Application Proposal Evaluation Rubric
- Online Toolkit for the 2013-2016 New York Charter School Dissemination Program Awardees' Toolkit
- Fiscal Oversight Guidebook
- Charter Schools Audit Guide
- CSP Grant Management Guidance and Procedures: Draft Version
- Closing Procedures Guide and Checklist for New York State Charter Schools Authorized by the Board of Regents
- Guidance RE: Adjustments to 2013-14 (and beyond) Title I, Part A Allocations for Charter School LEAs with Significant Enrollment Expansion (scanned document)
- New Discretionary Thresholds- State Finance Law Amendment
- CSP Budget to Actual Spreadsheet
    - Original file name- CSP pipeline planning SD (In folder 3.2a)
- Business Office CSP Budget to Actual Spreadsheet
    - Original file name- EMSC CofA 1314 Charter BG VMK(In folder 3.2a)
- Fiscal Oversight Guidebook Webinar
- Internal Controls Webinar
- 2014-16 CSP Initial Application Webinar
- NYS Charter Schools Program (CSP) Grants Web Page
    - (http://www.p12.nysed.gov/psc/grants.html)
- Special Education Budget and Finance Web Page
    - (www.p12.nysed.gov/specialed/finance/2013-14-IDEAapplicationMemo.htm)
- Records Retention and Disposition Web Page
    - (http://www.archives.nysed.gov/a/records/mr_retention.shtml)
- Fiscal Guidelines for Federal and State Grants Web Page
    - (http://www.oms.nysed.gov/cafe/guidance/guidelines.html)
- Budgets and on-site accounting records of visited Planning and Implementation grantees (Urban Dove Team Charter School; New Dawn Charter High School; Citizens of the World I Williamsburg; Math, Engineering, and Science Academy Charter High School; Democracy Prep Endurance Charter School; Icahn Charter School #7; South Bronx Classical Charter School II); Budgets and on-site accounting records of visited Dissemination subgrantees (New York Center for Autism; KIPP Tech Valley Charter School)

VII. APPENDICES

Appendix 1: Charter Schools Audit Guide

Appendix 2: 2013 Composite Scores for Charter Schools

Appendix 3: Risk Assessment for CSP Desk Audits

Appendix 4: Fiscal Oversight Guidebook

Appendix 5: CSP Grant Management Guidance and Procedures: Draft Version

Appendix 8

NY Response, additional evidence and documentation

CHARTER AGREEMENT
EXHIBIT D – Goals and Conditions

SCHOOL NAME: [charter school name]

NYC DOE Performance Goals 2014-2015

Introduction
The New York Charter Schools Act enables the creation of public charter schools, which operate independently of existing schools and districts and are publicly funded. Charter schools are granted greater flexibilities than traditional public schools in return for accountability.

The Charter Schools Act states that charter schools shall be held to "performance-based" accountability systems and must meet measurable student achievement results. As such, the New York City Department of Education (NYC DOE) has high standards in evaluating the accountability plans (and, hence, goals) of proposed charter schools. Further, for charter schools operating in New York City, as more than five percent of public school students are enrolled in public charter schools citywide, charter schools are held to a significant educational benefit standard. This is reflected in the goals established by the NYC DOE for Chancellor-authorized charter schools.

The NYC DOE has articulated specific educational and organizational goals (NYC DOE goals) that all charter schools authorized by the NYC DOE Chancellor must include in their school goals and meet over the charter term. Many charter schools also elect to supplement the goals beyond what the NYC DOE requires because this allows the school's accountability plan to more meaningfully reflect the programmatic nature and culture of the school. Performance goals proposed by a school must be measurable and externally verifiable, and should be designed to measure distinct elements of the school's program. As authorizer, the NYC DOE approves these supplemental goals and prior to approval will review to ensure that the goals as presented are measurable and objective.

Your accountability plan, including the benchmarks specified within the NYC DOE goals and the school's individualized goals, will guide your school in self-evaluation as you serve students on an ongoing basis. Furthermore, your accountability plan will guide NYC DOE in its evaluation of your school performance across performance and compliance standards as developed in the NYC DOE Charter School Accountability Framework. The NYC DOE's review will culminate at the school's renewal, during which a school's achievement towards the goals outlined in its accountability plan will be evaluated and considered as part of the NYC DOE's determination whether to recommend that the Board of Regents renew the charter and grant authorization for the school to continue to operate and for what length of time.

While the NYC DOE will work with each school to refine these goals after renewal as warranted, **note that changes to the accountability plan will constitute a revision to the charter.**

High Academic Attainment and Improvement
Expectation: Students' academic performance meets or exceeds local, state, and national standards.

Absolute Performance

- For each year of the school's next charter term, the school will show academic performance with a percent of students proficient at or above Level 3 that meets or exceeds the percent proficient of the Community School District (CSD) of location and also meets or exceeds the citywide percent proficient on the New York State ELA examination. *(Relevant for schools serving grades 3-8.)*

- For each year of the school's next charter term, the school will show academic performance with a percent of students proficient at or above Level 3 that meets or exceeds the percent proficient of the Community School District (CSD) of location and also meets or exceeds the citywide percent proficient on the New York State math examination. *(Relevant for schools serving grades 3-8.)*

- Each year, at least 75 percent of students in the high school accountability cohort passing an English Regents exam will have a score of 75 or above by the end of their fourth year. *(Relevant to school serving grades 9-12.)*

- Each year, at least 75 percent of students in the high school accountability cohort passing a math Regents exam will have a score of 75 or above by the end of their fourth year. *(Relevant to school serving grades 9-12.)*

Value-Add/Progress

- For each year of the school's next charter term, each grade-level cohort will demonstrate growth with a reduction by a half the gap between the percent at or above Level 3 on the previous year's NYS ELA exam (baseline) and the CSD or citywide percent (whichever is higher) of students proficient at or above Level 3 on the current year's State ELA exam. For schools in which the number of students scoring above proficiency in a grade-level cohort exceeded the CSD or citywide percent proficient (whichever is higher) on the previous year's ELA exam, the school is expected to demonstrate growth comparable to the CSD in the current year *(relevant for schools serving grades 3-8).*
- For each year of the school's next charter term, each grade-level cohort will demonstrate growth with a reduction by a half the gap between the percent at or above Level 3 on the previous year's NYS math exam (baseline) and the CSD or citywide percent (whichever is higher) of students proficient at or above Level 3 on the current year's State math exam. For schools in which the number of students scoring above proficiency in a grade-level cohort exceeded the CSD or citywide percent proficient (whichever is higher) on the previous year's math exam, the school is expected to demonstrate growth comparable to the CSD in the current year *(relevant for schools serving grades 3-8).*

High School and Post-Secondary Success Goals

Goals for performance on English and math Regents as well as graduation goals are all required. Schools should also design a different goal that will more appropriately measure the effectiveness of the school's specific educational program.

- For each year of the next charter term, the school will perform at the 60th percentile or above compared with citywide averages for its 4-year graduation rate and in the 60th percentile or above compared with citywide averages for its 6-year graduation rate.

- For each year of the next charter term, the school will show progress towards having 75% of students enrolled in each grade 9-11 accumulate 10 or more credits towards graduation. The school will be accountable for all credits accumulated by students who were continuously enrolled in the school including students who have dropped out or enrolled in an accredited GED program, however, excluding the credits accumulated by students who have transferred from or to another school, were incarcerated, left the country, or died during the school year. The school will report this each September by submitting a report of student credit accumulation from the previous school year for purposes of the NYC DOE School Quality Reports.

Each year, the school will demonstrate the preparation of its students for post-secondary success through at least one measure of its own design. Such measures might be based on:

- Each year, the average performance of students in the 12th grade will exceed the state average on the SAT or ACT tests in reading and mathematics. It is expected that the participation rate for this test will be 75% or greater.
- Performance on AP, IB, or SAT II exams
  - Example: 100% of students enrolled in an AP course will take the AP test and 50% of those students will attain a score of 3 or higher.
- College credits earned during high school
  - Example: 80% of students enrolled in classes designed towards college accreditation will receive earn the minimum amount of college credits.
- Attainment of industry certification or licensing in a Career and Technical Education (CTE) program
  - Example: 80% of students enrolled in Career and Technical Education (CTE) programs will receive a license or certificate from the program.
- Each year (after the first class has graduated), at least 75% of students will successfully complete their first semester of college by passing all classes in which they are enrolled.

  (Schools that adopt this measure must articulate plans and capacity for measuring success beyond graduation. Examples of this include incentives for having students send copies of their transcripts at the end of their first semester in college, asking students to sign a waiver to have transcripts sent back to the school, or using a national database for college students to track student progress through college.)

Please record this school designed goal in the “school designed goals” section of this exhibit, page 6.

Responsive Educational Program and Environment
Expectation: A quality educational program enables all students to achieve academically and socially.

Student Engagement

- Each year, the school will have an average daily student attendance rate of at least 95 percent.

***This will be measured by school reported data from an attendance tracking system such as ATS on the Annual Report submitted August 1. The figure will be calculated by:**

$$\frac{\text{sum of the total number of days absent for each child in the school}}{\text{total number of possible school days} \times \text{(total number of students)}}$$

- Each year, 95 percent of all students enrolled on the last day of the school year will return the following school year.

Responsible School Leadership, Governance and Management
Expectation: Leadership furthers the school's mission, program and goals and is strategic to ensure adequacy, alignment and coherence of actions.

Staff Retention

- Each year, 90 percent of all instructional staff employed during the prior school year will return and/or be asked to return the following school year.

Financial Sustainability and Internal Controls
Expectation: The school is a well-run organization and capable of achieving long-term success.

Financial Viability

- Each year, the school will operate on a balanced budget[1] and maintain a stable cash flow.

Strong Culture and Supportive Relationships
Expectation: There is high social trust among the school community and culture of excellence.

Parent Satisfaction

- In each year of the charter term, parents will express satisfaction with the school's program, based on the NYC DOE School Survey. On key questions as identified in the NYC DOE Charter Schools Accountability Handbook, the school will have a percentage of parents that agree or strongly agree that meets or exceeds citywide averages. The school will only have met this goal if 50% or more parents participate in the survey.

Staff Satisfaction

- In each year of the charter term, staff will express satisfaction with the school's program, based on the NYC DOE School Survey. On key questions as identified in the NYC DOE Charter Schools Accountability Handbook, the school will have a percentage of staff that agree or strongly agree that meets or exceeds citywide averages. The school will only have met this goal if 50% or more staff participate in the survey.

Student Satisfaction

- In each year of the charter term, students will express satisfaction with the school's program, based on the NYC DOE School Survey. On key questions as identified in the NYC DOE Charter Schools Accountability Handbook, the school will have a percentage of students that agree or strongly agree that meets or exceeds citywide averages. The school will only have met this goal if 50% or more students participate in the survey. (For grades 6-12 only.)

[1] A budget will be considered "balanced" if revenues equal or exceed expenditures.

School Designed Goals
Expectation: The school will design, measure and monitor school-specific goals for academic, operational and fiscal performance as well as compliance with their charter. There is no minimum or maximum number of goals however the NYC DOE has the right to approve or deny goals or request that the charter school amend goals as necessary.

Alternative/Internal Assessment Indicators[2]

- In each year of the charter term, _____
- In each year of the charter term, _____

School-Specific Educational Indicators[3]

- In each year of the charter term, _____
- In each year of the charter term, _____

School-Specific Non-Academic Indicators[4]

- Each year, _____
- Each year, _____

[2] Schools may voluntarily include alternative/internal indicators by which their performance will be measured. Such measures must be externally verifiable, for example, portfolio assessments by external community jury.
[3] Schools may voluntarily include school-specific educational indicators by with their performance will be measured. Such measures must be externally verifiable and may include measures such as performance on nationally-normed assessments or college acceptance rates.
[4] Schools may voluntarily include school-specific non-educational indicators by with their performance will be measured. Such measures must be externally verifiable and may include indicators such as civic involvement of students and professional growth of teachers.

SCHOOL NAME: [charter school name]

Charter School Performance Conditions

When the NYC DOE identifies performance concerns at the time of renewal of a Chancellor-authorized charter school, a school may be granted a renewal with conditions related to these areas of concern. Conditions may be assessed for academic, fiscal or operational performance or for compliance-related concerns. In these instances, the NYC DOE looks at the examples of evidence linked to the indicators for each essential question in the NYC DOE Charter School Accountability Framework to make a judgment on the school's capacity for consistent improvement; conditions are aligned to these indicators to create performance expectations during the charter term which will guide the school to consistent improvement. If these conditions are not met in the early years of the next charter term or in the timeline established within the condition itself, this could result in probation and lead to revocation of the charter by the NYC DOE if not successfully addressed.

Academic Condition(s)

-

Financial Condition(s)

-

Operational or Governance Condition(s)

-

Compliance Condition(s)

-

Middle Village Preparatory Charter School

Accountability Plan
for the Accountability Period 2013- 14 TO 2016-17

ACADEMIC GOALS

GOAL I: ENGLISH LANGUAGE ARTS

Goal: Middle Village Preparatory Charter School students will demonstrate mastery of New York State Learning Standards in English Language Arts.

Absolute Measures

Elementary/Middle School

- Each year, 75 percent of all tested students who are enrolled in at least their second year will perform at or above proficiency on the New York State English language arts exam.

- Each year, the school's aggregate Performance Level Index (PLI)[1] on the state English language arts exam will meet that year's Annual Measurable Objective (AMO) set forth in the state's NCLB accountability system.

Comparative Measures

Elementary/Middle School

- Each year, the percent of all tested students who are enrolled in at least their second year and performing at or above proficiency on the state English language arts exam will be greater than that of students in the same tested grades in the local school district.

- Each year, the school will exceed its predicted level of performance on the state English language arts exam by an Effect Size of at least 0.3 (performing higher than expected to a small degree) according to a regression analysis controlling for economically disadvantaged students among all public schools in New York State.

Growth Measures

[1] In contrast to SED's Performance Level, the PLI does not account for year-to-year growth toward proficiency.

Elementary/Middle School

- Each year, under the state's Growth Model the school's mean unadjusted growth percentile in English language arts for all tested students in grades 4-8 will be above the state's unadjusted median growth percentile.

- Each year, using The Terra Nova Exam, all grade-level cohorts of students (in grades 6-8) will reduce by one-half the gap between their average NCE in the previous year and an NCE of 50 in the current year. If a grade-level cohort exceeds and NCE of 50 in the previous year, the cohort is expected to show a positive gain in the current year.

GOAL II: MATHEMATICS

Goal: Middle Village Preparatory Charter School students will demonstrate mastery of New York State Learning Standards in Mathematics.

Absolute Measures

Elementary/Middle School

- Each year, 75 percent of all tested students who are enrolled in at least their second year will perform at or above proficiency on the New York State mathematics exam.

- Each year, the school's aggregate Performance Index (PLI)[2] on the state mathematics exam will meet that year's Annual Measurable Objective (AMO) set forth in the state's NCLB accountability system.

Comparative Measures

Elementary/Middle School

- Each year, the percent of all tested students who are enrolled in at least their second year and performing at or above proficiency on the state mathematics exam will be greater than that of students in the same tested grades in the local school district.

- Each year, the school will exceed its predicted level of performance on the state mathematics exam by an Effect Size of at least 0.3 (performing higher than expected to a small degree) according to a regression analysis controlling for economically disadvantaged students among all public schools in New York State.

[2] In contrast to SED's Performance Level, the PLI does not account for year-to-year growth toward proficiency.

Growth Measures

Elementary/Middle School

- Each year, under the state's Growth Model the school's mean unadjusted growth percentile in mathematics for all tested students in grades 4-8 will be above the state's unadjusted median growth percentile.

- Each year, using The Terra Nova Exam, all grade-level cohorts of students (in grades 6-8) will reduce by one-half the gap between their average NCE in the previous year and an NCE of 50 in the current year. If a grade-level cohort exceeds an NCE of 50 in the previous year, the cohort is expected to show a positive gain in the current year.

GOAL III: SCIENCE

Goal: Middle Village Preparatory Charter School students will demonstrate mastery of New York State Learning Standards in Science.

Absolute Measures

Elementary/Middle School

- Each year, 75 percent of all tested students who are enrolled in at least their second year will perform at or above proficiency on the New York State science exam.

Comparative Measures

Elementary/Middle School

- Each year, the percent of all tested students who are enrolled in at least their second year and performing at or above proficiency on a state science exam will be greater than that of students in the same tested grades in the local school district.

GOAL V: NCLB

Goal: The school will make Adequate Yearly Progress.

Absolute Measure

- Under the state's NCLB accountability system, the school is in good standing: the state has not identified the school as a Focus School nor determined that it has met the criteria to be identified as a local assistance plan school.

GOAL VIII: OPTIONAL ACADEMIC GOAL(S)

Goal: Middle Village Preparatory Charter School students will meet high expectations for promotion.

- At least 80% of MVPCS students will annually meet rigorous promotion standards and move to the next grade.

ORGANIZATIONAL AND OTHER NON-ACADEMIC GOALS

GOAL I: OPTIONAL NON-ACADEMIC STUDENT GOAL(S)

Goal: Middle Village Preparatory students will develop a college-going mindset.

- All MVPCS students will annually visit at least one college each year.

GOAL II: OPTIONAL ORGANIZATIONAL GOAL(S)

Goal: Middle Village Preparatory Charter School will be a high-functioning organization.

- All staff will be formally evaluated no less than once per year.
- MVP will annually set aside at least $25,000 in reserves for expenses involving the closing of MVP Charter due to non-renewal of its' Charter.

Icahn Charter School 7 Charter School

Accountability Plan
for the Accountability Period 2013-14 TO 2016- 17

ACADEMIC GOALS

GOAL I: ENGLISH LANGUAGE ARTS

Goal: Students will become proficient readers of the English Language

Absolute Measures

- Each year, 75 percent of all tested students who are enrolled in at least their second year will perform at proficiency on the New York State English language arts exam for grades 3-8.

- Each year, the school's aggregate Performance Level Index (PLI)[1] on the state English language arts exam will meet that year's Annual Measurable Objective (AMO) set forth in the state's NCLB accountability system.

Comparative Measures

- Each year, the percent of all tested students who are enrolled in at least their second year and performing at proficiency on the state English language arts exam will be greater than that of students in the same tested grades in the local school district.

- Each year, the school will exceed its predicted level of performance on the state English language arts exam by an Effect Size of 0.3 or above (performing higher than expected to a small degree) according to a regression analysis controlling for economically disadvantaged students among all public schools in New York State.

Growth Measure

- Each year, under the state's Growth Model the school's mean unadjusted growth percentile in English language arts for all tested students in grades 4-8 will be above the state's unadjusted median growth percentile.

GOAL II: MATHEMATICS

Goal: Students will demonstrate steady progress in the understanding and application of mathematical skills and concepts

Absolute Measures

- Each year, 75 percent of all tested students who are enrolled in at least their second year will perform at proficiency on the New York State mathematics exam for grades 3-8.

- Each year, the school's aggregate Performance Level Index (PLI)[2] on the state mathematics exam will meet that year's Annual Measurable Objective (AMO) set forth in the state's NCLB accountability system.

Comparative Measures

- Each year, the percent of all tested students who are enrolled in at least their second year and performing at proficiency on the state mathematics exam will be greater than that of students in the same tested grades in the local school district.

- Each year, the school will *exceed* its predicted level of performance on the state mathematics exam by an Effect Size of 0.3 or above (performing higher than expected to a small degree) according to a regression analysis controlling for economically disadvantaged students among all public schools in New York State.

Growth Measure

- Each year, under the state's Growth Model the school's mean unadjusted growth percentile in mathematics for all tested students in grades 4-8 will be above the state's unadjusted median growth percentile.

GOAL III: SCIENCE

Goal: Students will demonstrate competency in the understanding and application of scientific reasoning.

Absolute Measures

- Each year, 75 percent of all tested students who are enrolled in at least their second year will perform at proficiency on the New York State science exam.

Comparative Measures

- Each year, the percent of all tested students who are enrolled in at least their second year and performing at or above proficiency on a state science exam will be greater than that of students in the same tested grades in the local school district.

GOAL IV: NCLB

Goal: The school will make Adequate Yearly Progress.

Absolute Measure

- Under the state's NCLB accountability system, the school is in good standing: the state has not identified the school as a Focus School nor determined that it has met the criteria to be identified as a local assistance plan school.

Green Tech High Charter School

Accountability Plan
for the Accountability Period 2012-13 TO 2014-15

ACADEMIC GOALS

GOAL I: ENGLISH LANGUAGE ARTS

Goal: Green Tech High Charter School students will become proficient readers and writers of the English language.

Absolute Measures

High School

- Each year, 65 percent of students in the high school Accountability Cohort will meet the college and career ready standard (currently scoring 75 on the New York State Regents English exam) by the completion of their fourth year in the cohort.

- Each year, 65 percent of students in the high school Accountability Cohort who did not score proficient on their New York State 8th grade English language arts exam will meet the college and career ready standard (currently scoring 75 on the New York State Regents English exam) by the completion of their fourth year in the cohort.

- Each year, the Accountability Performance Level (APL)[1] on the Regents English exam of students completing their fourth year in the Accountability Cohort will meet the Annual Measurable Objective (AMO) set forth in the state's NCLB accountability system.

Comparative Measures

- Each year, students in the high school *Total Cohort* will exceed the predicted pass rate on the Regents English exam by an Effect Size of 0.3 or above (performing higher than expected to a small degree) according to a regression analysis controlling for economically disadvantaged students among all high schools in New York State.

[1] The APL for Regents exams is based on the college and career ready standard. In English, 0 to 64 is Level 1, 65 to 74 is Level 2, 75 to 100 Levels 3&4. The APL is the sum of the percent of students in an Accountability Cohort at Levels 2, 3 and 4 plus the percent at Levels 3&4.

- Each year, the Accountability Performance Level (APL) in English of students in the fourth year of their high school Accountability Cohort will exceed the APL of comparable students from the local school district.

Growth Measures

- Each year, under the state's high school Growth Model (under development) the relative growth of selected students will exceed the state's median growth.

GOAL II: MATHEMATICS

Goal: Green Tech High Charter School students will become proficient in the application of mathematical skills and concepts.

Absolute Measures

- Each year, 65 percent of students in the high school Accountability Cohort will meet the college and career ready standard (currently scoring 80 on a New York State Regents math exam) by the completion of their fourth year in the cohort.

- Each year, 65 percent of students in the high school Accountability Cohort who did not score proficient on their New York State 8th grade math exam will meet the college and career ready standard (currently scoring 80 on a New York State Regents math exam) by the completion of their fourth year in the cohort.

- Each year, Accountability Performance Level (APL)[2] on the Regents math exam of students completing their fourth year in the Accountability Cohort will meet the Annual Measurable Objective (AMO) set forth in the state's NCLB accountability system.

Comparative Measures

- Each year, students in the high school *Total Cohort* will exceed the predicted pass rate on a Regents mathematics exam by an Effect Size of 0.3 or above (performing higher than expected to a small degree) according to a regression analysis controlling for economically disadvantaged students among all high schools in New York State.

[2] The APL for Regents exams is based on the college and career ready standard. In math, 0 to 64 is Level 1, 65 to 79 is Level 2, 80 to 100 Levels 3&4. The APL is the sum of the percent of students in an Accountability Cohort at Levels 2, 3 and 4 plus the percent at Levels 3&4.

- Each year, the Accountability Performance Level (APL) in mathematics of students in the fourth year of their high school Accountability Cohort will exceed the APL of comparable students from the local school district.

Growth Measures

- Each year, under the state's high school Growth Model (under development) the relative growth of selected students will exceed the state's median growth.

GOAL III: SCIENCE

Goal: Green Tech High Charter School students will demonstrate competency in the understanding and application of scientific reasoning.

Absolute Measures

- Each year, 75 percent of students in the high school Total Cohort will score at least 65 on a New York State Regents science exam by the completion of their fourth year in the cohort.

Comparative Measures

- Each year, the percent of students in the high school Total Cohort passing a Regents science exam with a score of 65 or above after their fourth year will exceed that of the students in the high school Accountability Cohort from the local school district.

GOAL IV: SOCIAL STUDIES

Goal: Green Tech High Charter School students will understand, analyze and evaluate history and geography.

Absolute Measures

- Each year, 75 percent of students in the high school Total Cohort will score at least 65 on the New York State Regents U.S. History exam by the completion of their fourth year in the cohort.

- Each year, 75 percent of students in the high school Total Cohort will score at least 65 on the New York State Regents Global History exam by the completion of their fourth year in the cohort.

Comparative Measures

- Each year, the percent of students in the high school Total Cohort passing a Regents U.S. History exam with a score of 65 or above after their fourth year will exceed that of the students in the high school Total Cohort from the local school district.

- Each year, the percent of students in the high school Total Cohort passing a Regents Global History exam with a score of 65 or above after their fourth year will exceed that of the students in the high school Total Cohort from the local school district.

GOAL V: NCLB

Goal: The school will make Adequate Yearly Progress.

Absolute Measure

- Under the state's NCLB accountability system, the school is in good standing: the state has not identified the school as a Focus School nor determined that it has met the criteria to be identified as a local assistance plan school.

GOAL VI: HIGH SCHOOL GRADUATION

Goal: Green Tech High Charter School will maintain high graduation rates each year.

Absolute Measure

- Each year, 75 percent of students in first and second year high school Total Graduation Cohorts will earn at least ten credits (if 44 needed for graduation) or five credits (if 22 needed for graduation) each year.

- Each year, 75 percent of students in the second year high school Total Graduation Cohort will score at proficient on at least three different New York State Regents exams required for graduation.

- Each year, 75 percent of students in the fourth year high school Total Graduation Cohort and 95 percent of students in the fifth year high school Total Graduation Cohort will graduate.

Comparative Measure

- Each year, the percent of students in the fourth year high school Total Graduation Cohort graduating will exceed that of the cohort from the local school district.

GOAL VII: COLLEGE PREPARATION (only for college prep high schools)

Goal: All graduating Green Tech High Charter School students will be prepared for higher education or careers.

- Each year, the average performance of students in the 10th grade will exceed the state average on the PSAT tests in Critical Reading and Mathematics.

- Each year, the average performance of students in the 12th grade will exceed the state average on the SAT or ACT tests in reading and mathematics.

- The percent of graduating students who meet the state's aspirational performance measure (APM), currently defined as the percentage of students in a cohort who graduate with a score of 80 or better on a math Regents exam and 75 or better on the English Regents exam, will exceed the statewide average.

- The percent of graduating students will graduate with a Regents diploma with advanced designation will exceed the local district.

- Each year, 75 percent of graduating students will demonstrate their preparation for college by passing an Advanced Placement AP) exam or a College Level Examination Program (CLEP exam), or by passing a college level course.

- Each year, 75 percent of graduating students will matriculate in a college or university in the year after graduation.

EXHIBIT 13

Accountability Plan

Excellence Boys Charter School

Accountability Plan
for the Accountability Period 2013-14 TO 2017-18

ACADEMIC GOALS

GOAL I: ENGLISH LANGUAGE ARTS

Goal: Students will be proficient readers and writers of the English language.

Absolute Measures

Elementary/Middle School

- Each year, 75 percent of all tested students who are enrolled in at least their second year will perform at proficiency 3 on the New York State English language arts exam for grades 3-8.

- Each year, the school's aggregate Performance Level Index (PLI)[1] on the state English language arts exam will meet that year's Annual Measurable Objective (AMO) set forth in the state's NCLB accountability system.

High School

- Each year, 65 percent of students in the high school Accountability Cohort will meet the college and career ready standard (currently scoring 75 on the New York State Regents English exam) by the completion of their fourth year in the cohort.

- Each year, 65 percent of students in the high school Accountability Cohort who did not score proficient on their New York State 8th grade English language arts exam will meet the college and career ready standard (currently scoring 75 on the New York State Regents English exam) by the completion of their fourth year in the cohort.

- Each year, the Accountability Performance Level (APL)[2] on the Regents English exam of students completing their fourth year in the Accountability Cohort will meet the Annual Measurable Objective (AMO) set forth in the state's NCLB accountability system.

[1] In contrast to SED's Performance Index, the PLI does not account for year-to-year growth toward proficiency.

Comparative Measures

- Each year, the percent of all tested students who are enrolled in at least their second year and at proficiency on the state English language arts exam will be greater than that of students in the same tested grades in the local school district.

- Each year, the school will exceed its predicted level of performance on the state English language arts exam by at least a small Effect Size of 0.3 (performing higher than expected to a small degree) according to a regression analysis controlling for economically disadvantaged students among all public schools in New York State.

High School

- Each year, students in the high school *Total Cohort* will exceed the predicted pass rate on the Regents English exam by an Effect Size of 0.3 or above (performing higher than expected to a small degree) according to a regression analysis controlling for economically disadvantaged students among all high schools in New York State.

- Each year, the Accountability Performance Level (APL) in English of students in the fourth year of their high school Accountability Cohort will exceed the APL of comparable students from the local school district.

Growth Measures

Elementary/Middle School

- Each year, under the state's Growth Model the school's mean unadjusted growth percentile in English language arts for all tested students in grades 3-8 will be above the state's unadjusted median growth percentile.

High School

- Each year, under the state's high school Growth Model (under development) the relative growth of selected students will exceed the state's median growth.

[2] The APL for Regents exams is based on the college and career ready standard. In English, 0 to 64 is Level 1, 65 to 74 is Level 2, 75 to 100 Levels 3&4.. The APL is the sum of the percent of students in an Accountability Cohort at Levels 2, 3 and 4 plus the percent at Levels 3&4.

GOAL II: MATHEMATICS

Goal: Students will demonstrate competency in the understanding and application of mathematical computation and problem solving.

Absolute Measures

Elementary/Middle School

- Each year, 75 percent of all tested students who are enrolled in at least their second year will perform at proficiency on the New York State mathematics exam for grades 3-8.

- Each year, the school's aggregate Performance Level Index (PLI)[3] on the state mathematics exam will meet that year's Annual Measurable Objective (AMO) set forth in the state's NCLB accountability system.

High School

- Each year, 65 percent of students in the high school Accountability Cohort will meet the college and career ready standard (currently scoring 80 on a New York State Regents mathematics exam) by the completion of their fourth year in the cohort.

- Each year, 65 percent of students in the high school Accountability Cohort who did not score proficient on their New York State 8th grade math exam will meet the college and career ready standard (currently scoring 80 on a New York State Regents math exam) by the completion of their fourth year in the cohort.

- Each year, the Accountability Performance Level (APL)[4] on the Regents math exam of students completing their fourth year in the Accountability Cohort will meet the Annual Measurable Objective (AMO) set forth in the state's NCLB accountability system.

[3] In contrast to SED's Performance Index, the PLI does not account for year-to-year growth toward proficiency.

[4] The APL for Regents exams is based on the college and career ready standard. In math, 0 to 64 is Level 1, 65 to 79 is Level 2, 80 to 100 Levels 3&4. The APL is the sum of the percent of students in an Accountability Cohort at Levels 2, 3 and 4 plus the percent at Levels 3&4.

Comparative Measures

Elementary/Middle School

- Each year, the percent of all tested students who are enrolled in at least their second year and performing at proficiency on the state mathematics exam will be greater than that of students in the same tested grades in the local school district.

- Each year, the school will exceed its predicted level of performance on the state mathematics exam by at least an Effect Size of 0.3 or above (performing higher than expected to a small degree) according to a regression analysis controlling for economically disadvantaged students among all public schools in New York State.

High School

- Each year, students in the high school *Total Cohort* will exceed the predicted pass rate on a Regents mathematics exam by an Effect Size of 0.3 or above (performing higher than expected to a small degree) according to a regression analysis controlling for economically disadvantaged students among all high schools in New York State.

- Each year, the Accountability Performance Level (APL) in mathematics of students in the fourth year of their high school Accountability Cohort will exceed the APL of comparable students from the local school district.

Growth Measures

Elementary/Middle School

- Each year, under the state's Growth Model the school's mean unadjusted growth percentile in mathematics for all tested students in grades 3-8 will be above the state's unadjusted median growth percentile.

High School

- Each year, under the state's high school Growth Model (under development) the relative growth of selected students will exceed the state's median growth.

<u>GOAL III: SCIENCE</u>

Goal: Students will demonstrate proficiency in the understanding and application of scientific principles.

Absolute Measures

Elementary/Middle School

- Each year, 75 percent of all tested students who are enrolled in at least their second year will perform at proficiency on the New York State science exam.

High School

- Each year, 75 percent of students in the high school Total Cohort will score at least 65 on a New York State Regents Science exam by the completion of their fourth year in the cohort.

Comparative Measures

Elementary/Middle School

- Each year, the percent of all tested students who are enrolled in at least their second year and performing at or above proficiency on a state science exam will be greater than that of students in the same tested grades in the local school district.

High School

- Each year, the percent of students in the high school Total Cohort passing a Regents science exam with a score of 65 or above after their fourth year will exceed that of the students in the high school Accountability Cohort from the local school district.

GOAL IV: SOCIAL STUDIES

Goal: Students will demonstrate an understanding of key geographical, economic, and governmental concepts, as well as major historical ideas and developments in the United States, New York and the world.

Absolute Measures

High School

- Each year, 75 percent of students in the high school Total Cohort will score at least 65 on the New York State Regents U.S. History exam by the completion of their fourth year in the cohort.

- Each year, 75 percent of students in the high school Total Cohort will score at least 65 on the New York State Regents Global History exam by the completion of their fourth year in the cohort.

Comparative Measures

High School

- Each year, the percent of students in the high school Total Cohort passing a Regents U.S. History exam with a score of 65 or above after their fourth year will exceed that of the students in the high school Accountability Cohort from the local school district.

- Each year, the percent of students in the high school Accountability Cohort passing the New York State Regents Global History exam with a score of 65 or above after their fourth year will exceed that of the students in the high school Total Cohort from the local school district.

GOAL V: NCLB

Goal: The school will make Adequate Yearly Progress.

Absolute Measure

- Under the state's NCLB accountability system, the school is in good standing: the state has not identified the school as a Focus School nor determined that it has met the criteria to be identified as a local assistance plan school.

GOAL VI: HIGH SCHOOL GRADUATION

Goal: Students will graduate from high school.

Absolute Measure

- Each year, 75 percent of students in first and second year high school Total Graduation Cohorts will earn at least ten credits (if 44 needed for graduation) or five credits (if 22 needed for graduation) each year.

- Each year, 75 percent of students in the second year high school Total Graduation Cohort will score at proficient on at least three different New York State Regents exams required for graduation.

- Each year, 75 percent of students in the fourth year high school Total Graduation Cohort and 95 percent of students in the fifth year high school Total Graduation Cohort will graduate.

Comparative Measure

- Each year, the percent of students in the fourth year high school Total Graduation Cohort graduating will exceed that of the cohort from the local school district.

GOAL VII: COLLEGE PREP

Goal: Students will be prepared to enter, succeed in, and graduate from college.

- Each year, the average performance of students in the 10th grade will exceed the state average on the PSAT tests in Critical Reading and Mathematics.

- Each year, the average performance of students in the 12th grade will exceed the state average on the SAT or the ACT tests in reading and mathematics.

- The percent of graduating students who meet the state's aspirational performance measure (APM), currently defined as the percentage of students in a cohort who

graduate with a score of 80 or better on a math Regents exam and 75 or better on the English Regents exam, will exceed the statewide average.

- Each year, the percent of students graduating with a Regents diploma with advanced designation will exceed that of the local school district.

- Each year, 75 percent of graduating students will demonstrate their preparation for college by passing an Advance Placement (AP) exam or a College Level Examination Program (CLEP exam), or by passing a college level course.

- Each year, 75 percent of graduating students will matriculate in a college or university in the year after graduation. .

Charter Schools Institute
The State University of New York

Guidelines for Creating an Accountability Plan

For Charter Schools Authorized by the Board of Trustees of the State University of New York

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Updated: December 2010

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I. OVERVIEW

As set forth in the *Practices, Policies and Procedures for the Renewal of Charter Schools Authorized by the State University Board of Trustees*, the single most important factor that the Charter Schools Institute and the Board of Trustees of the State University of New York consider in making renewal determinations is the school's record in generating successful student achievement outcomes. Whatever grade levels a school is providing, the expectation is that most, if not all, of the students will leave the school fully prepared and educated for the next step in their academic careers—middle school, high school or college.

In order to determine whether a school has met that high standard, each school that the State University Trustees authorizes is required to enter into a performance agreement. This agreement's primary purpose is to lay out the specific student achievement goals that a school agrees to meet and the specific outcome measures that define what constitutes meeting these goals. This agreement, known as the "Accountability Plan," becomes part of the school's charter. Under the State University's accountability system, schools are required to report their yearly progress in meeting the goals contained in their Accountability Plan through an annual Accountability Plan Progress Report[1] and, even more importantly, when applying for charter renewal.

As New York State public schools, charter schools are held accountable for the same outcomes as other public schools, namely performance on state exams. With the advent of the No Child Left Behind (NCLB) legislation, these accountability measures are even more important since schools are explicitly expected to meet state performance standards as measured by the state exams. Further, in New York State the elementary and middle school examinations are aligned with the high school Regents examinations; thus, achievement on the grade 3-8 examinations provides a benchmark for whether students are on track for passing the Regents examinations, which are required for high school graduation. As such, the Institute views performance on the state exams, especially in English language arts and mathematics, as <u>the most important</u> indicator of whether a school has improved student learning and achievement, a stipulation of the charter school law.

In establishing high standards for renewal, the Institute requires that the Accountability Plans for all SUNY authorized charter schools contain a common set of goals, along with specific measures, that set the same criteria for success for each school. These *required* outcome measures with specified levels of student performance represent the Institute's expectations for student learning and achievement at the time of renewal. Schools may also choose to include in their Accountability Plan optional academic as well as organizational and other non-academic goals and measures.

This document provides detailed instructions on how and when a school should formulate its plan and what specifically must be included in it. As will become obvious, some of the guidance is quite technical given that the Accountability Plan primarily concerns student assessment data. Charter school boards of trustees and school leaders need to thoroughly understand the goals and measures since they will be responsible for collecting and analyzing assessment data and reporting the results.

An Accountability Plan template is included in this document to assist schools in drawing up their plans. The template includes all of the required outcome measures as well as the opportunity to add optional goals and measures.

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[1] For information regarding the preparation of the annual Accountability Plan Progress Report, please see Guidelines for Creating an Accountability Plan Progress Report, which are available at www.newyorkcharters.org.

II. GENERAL CONCEPTS: GOALS AND OUTCOME MEASURES

Before discussing the Accountability Plan's sections in greater detail, it is useful to identify the general characteristics of and differences between *goals* and *outcome measures*.

Goals

Goals are general, declarative statements about long-term expectations for the school. They follow from the school's mission statement, as well as the programmatic and organizational design elements presented in the Charter Agreement. To develop an Accountability Plan, schools should begin by contemplating what success will look like: How will school leaders know if the school has succeeded? What will students know and be able to do? What will parents say about the program? Each goal is tied to a specific set of measurable outcomes, which, taken together, indicate the extent to which a goal has been achieved.

Examples of Goals

- Students will be proficient readers and writers of the English language.
- Students will demonstrate competency in the understanding and application of mathematical computation and problem solving.
- Students will be prepared to succeed in college.
- The school will be a strong, viable organization that carries out sound financial practices.
- Parents will be satisfied with the academic program and learning environment.

Outcome Measures

Holding schools accountable for what actions they take (inputs) as opposed to what they actually achieve (outcomes) is part and parcel of the problem with ineffective schools. Thus, SUNY Accountability Plans are built upon outcome measures that focus on student achievement *as a result* of the school's programmatic and organizational practices. Outcome measures do not describe how much time students have spent reading, how much money was spent on reading programs, or even what students read (all input measures) but rather assess an end product; for example, how much students improved in their ability to read.

For each goal in the Accountability Plan there must be at least one outcome measure which specifies what is necessary to achieve that particular goal. Each outcome measure includes: an expected level of performance for students to achieve; the assessment tool to determine the performance; when and to whom it will be administered (e.g., students in particular grade levels, etc.); and who will administer and score the assessment (if it is not a standardized test). A well-conceived outcome measure should specify a timeframe or target date for achievement. It may contain a long-term objective that the school expects to achieve by renewal, along with annual benchmarks that will enable the school and its stakeholders to monitor and assess progress during the entire charter period.

There are three types of outcome measures used in the Accountability Plan: Absolute, Comparative and Growth.

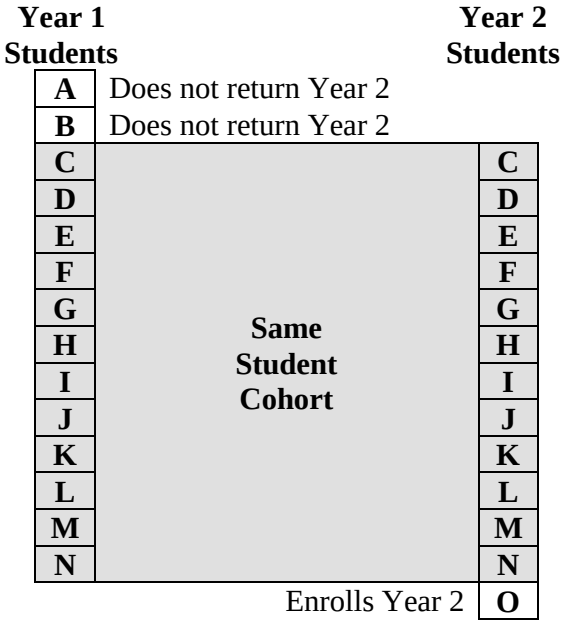
- **Absolute** measures use fixed criteria against which the school's performance is measured. These measures are based on absolute standards, that is, mastery at a specified level of skill and knowledge on state examinations. Students show proficiency by performing at a given, pre-determined level. To the extent that the school's mission is to prepare students for success in middle school, high school and beyond, a large percent of students taking these assessments are expected to show proficiency in order for the school to be deemed successful in preparing students for future educational achievement. As all subject area assessments are aligned, scoring at the proficient level (passing) on the elementary and middle school examinations is an indicator that a student is likely to pass the Regents examinations in high school. For this reason, all SUNY authorized charter schools are required to set the criterion for success at *75 percent* of students at or above proficiency on all of the state examinations.

- **Comparative** measures weigh the school's performance against that of other selected schools, the local school district, state, nation or other student populations. In addition to examining academic goals in terms of absolute student achievement, SUNY authorized charter schools must also compare their students' performance on the state examinations to that of the school district that students would likely attend if they were not enrolled in the charter school (usually the district of location), as well as to those of comparable schools based on demographic factors.

- **Growth** measures examine progress towards an absolute target based on year-to-year growth of the same students. Unlike the absolute measure of proficiency, the growth outcome measure is intended to chart student progress attributable to the impact of a school's instructional program. To determine student progress, the outcome is expressed as the year-to-year difference between pre-test and post-test scores of the *same* students. Since growth measures compare a school's students to themselves at an earlier point in time, they factor out demographic issues that influence performance, making growth measures particularly useful for schools serving at-risk students.

  To show growth requires giving a test on two occasions and looking at the progress of *the same group* (or cohort) of students from one administration of the test to another. The illustration below shows 14 students (Students A-N) taking a pre-test in Year 1 and 13 students (Students C-O) taking a post-test in Year 2. Two students, Students A and B, did not return for the second year and a new student, Student O, enrolled in the second year. The 12 students who took tests both years, i.e. Students C-N, comprise the *same student cohort*.

Illustration of a Student Cohort



For the growth measure, test results indicate whether the school's instructional program was effective in enabling student cohorts to reduce substantially the difference between their baseline scores of the previous year and the desired level of performance. The growth outcome should show that the instructional program has added sufficient value to their year-to-year progress to put them/keep them on track to attaining the desired absolute achievement level by the time they graduate.

A well-defined outcome measure must be specific, clearly and concisely stated, and easily understood. Academic subject measures should be tied to academic standards that specify what students should know and be able to do in a subject or content area at a specified grade or other grouping level. Furthermore, they should be developed with solid knowledge of students' baseline achievement levels.

Examples of Outcome Measures

- **Absolute**: Each year, 75 percent of all tested students who are enrolled in at least their second year will perform at or above Level 3 on the New York State Science exam.
- **Comparative**: Each year, the percent of students in the high school accountability cohort passing the English Regents exam with a score of 65 or above will exceed that of the cohort of all students from the local school district.
- **Growth**: Each year, each grade-level cohort of students will reduce by one-half the gap between the percent at or above Level 3 on the previous year's state mathematics exam and 75 percent at or above Level 3 on the current year's exam.

III. REQUIRED ACADEMIC GOALS AND OUTCOME MEASURES

A charter requires that not only teachers improve learning, but also the ability to demonstrate objectively that they are doing so. Thus, academic progress must be measured precisely and extensively. The Accountability Plan should lead with goals, outcome measures and assessments that will demonstrate achievement of academic success. The burden of proof is on the school.

Keep in mind that according to a school's charter, its educational programs must allow students to meet or exceed state performance standards.[2] Since state examinations are directly aligned with state standards, they provide the most compelling evidence and are therefore required components of the Plan. To the extent that school-developed assessments have been rigorously developed and scored and are aligned with state performance standards, the Institute will consider this evidence along with state assessment results in determining if the school has improved student learning and achievement. Again, the burden is on the school to demonstrate that other assessment measures also provide notable evidence of achievement.

All Accountability Plans must include four academic goals that address the three major academic subjects of English language arts, mathematics, and science as well as the requirements of the state's accountability system under the federal No Child Left Behind (NCLB) law.[3] All charter high schools must also include in their Accountability Plan a social studies goal and a graduation goal that addresses progress toward and the successful completion of high school. In addition, charter high schools with a college preparatory mission must include a college prep goal.

Schools may also choose to add optional measures to these goals; however, supplemental measures will not supplant or dilute the Institute's consideration of the required measures in its evaluation of the goals. In addition, schools may add optional academic goals or non-academic goals such as character development or citizenship, student behavior and attendance, parent satisfaction, etc. All optional goals must have at least one distinct outcome measure that indicates specifically what is required for that goal to be achieved. (See Section IV for a more extensive discussion of optional goals and outcome measures.)

School Levels

- **Elementary/Middle Schools:** For each of the four academic goals there are required outcome measures based on the results of state examinations that are administered to all public school students. English language arts and mathematics are the most important subjects and are tested every year between 3rd and 8th grade. There are five required outcome measures for each of these two subjects; in addition to absolute and comparative outcome measures, a growth outcome measure is also included. For elementary schools, there is also a required growth measure for students in grades K-3 in both subjects based on results of a national norm-referenced assessment. Science is tested in the 4th and 8th

[2] Currently, meeting the state's performance standard is defined by achieving a "Level 3" on the state exam; therefore, in this document achieving a "Level 3" and achieving proficiency are both used to denote meeting state performance standards. Notwithstanding the performance standard, the state testing program for grades 3 - 8 is itself currently in flux, with changing expectations for meeting the proficiency standard. Therefore, while "Level 3" is used as the standard schools are held to throughout this document, a scale score equivalent may be used in its place at the Institute's discretion to ensure that schools are held to a consistent standard over time.

[3] A social studies goal for Kindergarten to 8th grade schools is not required, because the Regents have eliminated the state social studies exam for 5th and 8th grade. While the exam is no longer administered, charter schools are expected to continue to provide strong programs in social studies both for the value of having a well-rounded education and to prepare students for the high school Regents. A school may wish to include social studies as an optional goal. (See below.)

grades and has two required outcome measures: one absolute and one comparative. Finally, there is one required absolute outcome measure based on the state's NCLB accountability system.

Summary of Required Goals and Outcome Measures for Elementary/Middle (K-8) Schools

GOAL	Required Outcome Measures				
	Absolute[4]		Comparative		Growth[5]
	75 percent proficient on state exams	Performance Index (PI) meets Annual Measurable Objective (AMO)	Percent proficient greater than that of local school district	School exceeds its predicted level of performance compared to similar schools by small Effect Size	Each grade-level cohort reduces by half the gap between previous year's percent at Levels 3 & 4 and 75 percent
English Language Arts	✦	✦	✦	✦	✦
Mathematics	✦	✦	✦	✦	✦
Science	✦		✦		
NCLB	School is deemed in "Good Standing" under state's NCLB accountability system				

- **High Schools:** Accountability Plans for charter high schools include the same academic subject goals as elementary and middle schools, i.e., English language arts, mathematics, and science, with the addition of social studies, as well as an NCLB goal, with required measures based on state assessments. Charter high school students must take Regents exams and schools are held accountable for student performance on these assessments. In addition, high school Accountability Plans must have a graduation goal and those high schools with a college preparatory mission must also have a college prep goal.

  High school accountability in academic subjects is based on the performance of a High School Accountability Cohort, which is generally defined as a group of students who are enrolled in a high school in a given year and who all entered the ninth grade at the same time. The definition centers on the number of years since the members of the group began the ninth grade, not the grade in which they are currently enrolled. Students who left the school prior to the current year for any reason are removed from the Accountability Cohort; on the other hand, students who enrolled in the school *after* the ninth grade are still grouped with their peers who began the ninth grade at the same time.

[4] As described in the previous footnote, the state testing program for grades 3-8 is currently in flux with a changing standard for proficiency. Therefore, while "Level 3" is used as the standard schools are held to throughout this document, a scale score equivalent may be used in its place at the Institute's discretion to ensure that schools are held to a consistent standard over time.
[5] In addition to state test results, all elementary schools are required to include a growth measure based on a national norm-referenced test in both English language arts and mathematics for students in grades K-3.

The state's Accountability Cohort consists specifically of students who are in their fourth year of high school after having entered the ninth grade. For example, the 2004 state Accountability Cohort is comprised of students who entered the 9th grade in the 2004-05 school year, were enrolled in the school on the state's annual enrollment-determination day (BEDS day) in the 2007-08 school year, and either remained in the school for the rest of the year or left for an acceptable reason. While most of the students would be in the 12th grade, some may be in the 11th grade and a few perhaps in the 10th grade, but they are all still members of the same cohort. (See New York State Education Department's website for their accountability rules and cohort definitions at: http://www.emsc.nysed.gov/irts/accountability/home.shtml.)

High school graduation accountability is based on the performance of a High School Graduation Cohort. Because the state narrowly prescribes the requirements, SUNY's Accountability Plan follows the state's definition.

Like the Accountability Cohort, students are included in the Graduation Cohort based on the year they first enter the 9th grade. However, students who have spent at least five months in the school after entering the 9th grade are part of the Graduation Cohort unless they transfer to another diploma-granting program. A student is included in the school's Graduation Cohort if the student's reason for discharge is *not* transfer to another New York State district or school, death, transfer by court order, or left the U.S.

Because many measures based on cohorts only apply to students at the time of graduation, i.e., four years after they entered the 9th grade, and the Institute would not have had time to evaluate them for renewal prior to the end of an initial charter period, additional required measures are included that serve as leading indicators, showing how well students are performing as they progress through high school.

Thus, the graduation goal includes measures that focus on students in Graduation Cohorts' passing core classes and being promoted to the next grade each year, as well as steady progress in passing the Regents exams required for graduation.

Finally, for those charter high schools that have a college preparatory mission, a supplemental goal is required. It focuses on how well the school will prepare students for admission to, and success in, college. In addition to prescribed measures, college prep schools are asked to develop at least two of their own measures that reflect their school's mission and program.

Summary of Required Goals and Outcome Measures for High Schools

GOAL	Required Outcome Measures				
	Absolute			Comparative	Growth[6]
	75 percent proficient on Regents exams after four years	75 percent of students who were not proficient in 8th grade proficient on Regents exams after four years	Performance Index (PI) meets Annual Measurable Objective (AMO)	Percent proficient after four years greater than that of local school district	Each grade-level cohort reduces by half the gap between the previous year's average NCE and 50 NCE
English Language Arts	✦	✦	✦	✦	✦
Mathematics	✦	✦	✦	✦	✦
Science	✦			✦	
Social Studies	✦			✦	
Graduation	- 75 percent of students in each high school graduation cohort will pass their core academic subjects by the end of August and be promoted to the next grade. - 75 percent of students in the high school graduation cohort will pass at least three different New York State Regents exams required for graduation by the completion of their second year in the cohort. - 75 percent of students in the high school graduation cohort will graduate after the completion of their fourth year in the cohort. - 95 percent of students in the high school graduation cohort will graduate after the completion of their fifth year in the cohort				
College Prep **(only for college prep schools)**	- The average performance of students in the 10th grade will perform above the state average on the PSAT tests in Critical Reading and Mathematics. - The average performance of students in the 12th grade will perform above the state average on the SAT or the ACT test in reading and mathematics. - The school will demonstrate preparation of its students for college through at least one optional measure of its own design. - The school will demonstrate college attendance or achievement through at least one measure of its own design.				
NCLB	School is deemed in "Good Standing" under state's NCLB accountability system				

[6] This measure only applies to schools that administer norm-referenced exams to their high school students in consecutive years.

IV. EXPLANATION OF REQUIRED MEASURES

Elementary/Middle School Academic Subject Measures

- *Absolute Measure: Each year, 75 percent of all tested students who are enrolled in at least their second year will perform at or above Level 3 on the New York State examination.*

  This measure applies to all three major subjects: English language arts, mathematics and science. The State Education Department reports results as performance levels, which are determined by scale score ranges. Level 3 is deemed to be *proficient* and Level 4 is *advanced*; thus, 75 percent of students in all tested grades combined must perform at or above proficiency to meet this measure. In order to account for the effect of the school's program on individual achievement, students who have only recently enrolled at the school are not included in the sample; only students who are enrolled in at least their second year at the school are considered in this measure. Students are deemed to be enrolled in at least their second year if they were enrolled at the school prior to the State Education Department's Basic Education Data System reporting day (BEDS Day), the first Wednesday in October, of the previous school year.

- *Absolute Measure: Each year, the school's aggregate Performance Index on the state exam will meet the Annual Measurable Objective set forth in the state's NCLB accountability system.*

  This measure applies only to English language arts and mathematics. Under the current federal elementary and secondary education law, the No Child Left Behind Act, public schools are expected to enable all students to meet state performance standards by the year 2014. In New York State, NCLB school performance goals are met by showing that an absolute proportion of a school's students who have taken the English language arts and mathematics state tests have scored at the partially proficient, proficient, or advanced performance levels (Levels 2, 3 or 4). The percentage of students at each of these three levels is used to calculate a Performance Index (PI) and determine if the school has met the Annual Measurable Objective (AMO) set each year by the state's NCLB accountability system. The PI is the sum of the percent of students in all tested grades combined at Levels 2, 3 and 4 plus the percent of students at Levels 3 and 4. For the 2007-08 school year the AMO for schools with grades 3-8 is 133 in English language arts and 102 in mathematics. Schools that meet the AMO are deemed to have met this outcome measure.

Example of How to Calculate a Performance Index

Level 1	Level 2	Level 3	Level 4
10%	25%	60%	5%
Level 2 + Level 3 + Level 4 = 90 + Level 3 + Level 4 = 65 **PI = 155**			

- *Comparative Measure: Each year, the percent of all tested students who are enrolled in at least their second year and performing at or above Level 3 on the state exam will be greater than that of students in the same tested grades in the local school district.*

  This measure applies to all three major subjects: English language arts, mathematics and science. To demonstrate that a charter school is providing a superior educational alternative to that of the local school district, this measure indicates that on state tests the school as a whole *outperforms* the district of location. The performance of all tested students in the charter school is compared to that of all students in the same tested grades in the district. For example, a charter school serving students in the first through fifth grades would compare the aggregate performance of its students in the third through fifth grades (state tests are not administered prior to 3rd grade) on the state English language arts exam to the aggregate performance of the third through fifth grade students in the local district.

  In comparing the effect of the school's program to that of the district, students who have only recently enrolled at the charter school are not included. Rather, to ensure comparability and generate as large a sample as possible, the school is required to include students *in at least their second year;* that is, students who enrolled by BEDS day of the previous school year. Consequently, schools that start with middle school grades (e.g. schools serving grades five through eight) would not include students in their lowest grade in the analysis since students in that grade would have been enrolled in only their first year. The exception would be students who are repeating the lowest grade and are therefore in their second year.

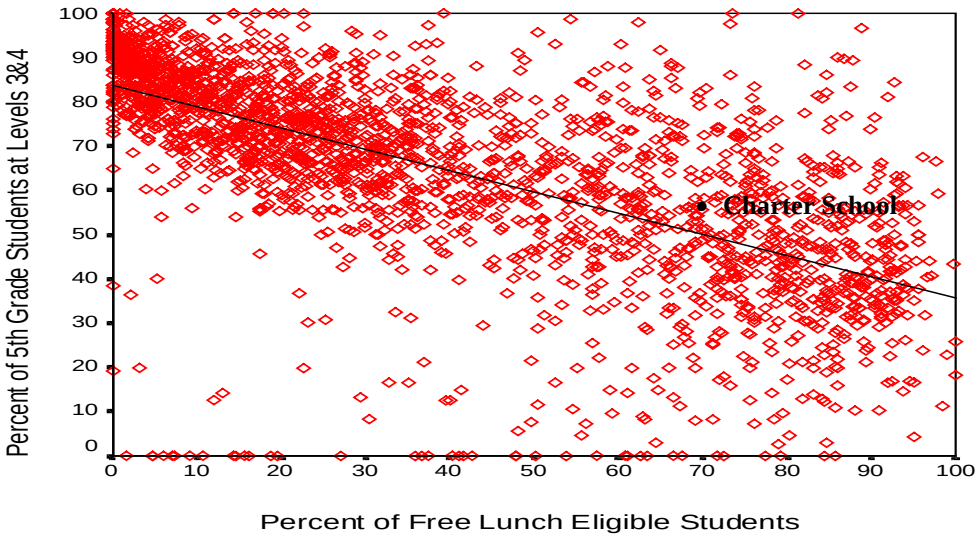
- *Comparative Measure: Each year, the school will exceed its predicted level of performance on the state exam by at least a small Effect Size (performing higher than expected to a small degree) according to a regression analysis that controls for students eligible for free lunch among all public schools in New York State.*

  This measure applies only to English language arts and mathematics. Poverty, based on the universally available percent of students receiving free lunch, has consistently proven to be one of the most significant demographic indicators of student performance. As such, school performance is examined in terms of the performance of all other public schools in the state with a similar level of poverty. In order to determine if schools are meeting this measure, the Charter Schools Institute conducts a regression analysis that yields a predicted percent of students scoring at Levels 3 and 4 based on the grade-specific test performance and free-lunch statistics of all New York State public schools. (Note: Although Free and Reduced Lunch statistics are often used as shorthand to describe a school's poverty level, the Institute uses only the Free Lunch statistic in its regression analysis.)

  The results for each grade can be represented with a scatter plot graph where all New York State public schools are shown as dots on a graph whose axes are percent of students at Levels 3 and 4 on an exam and percent of free-lunch-eligible students. Given the distribution of schools on the graph, the analysis generates a line which represents the predicted level of performance for all schools given their percent of free-lunch-eligible students. A separate analysis is conducted for each tested grade in English language arts and math.

As an example, a 5th grade English language arts regression analysis is presented below. The scatter plot shows the distribution of all public schools in New York State by English language arts score and percent of free-lunch-eligible students. The solid line shows schools' predicted performance with a given percent of free-lunch-eligible students. The further above the line a school is located, the better its results compared to what is predicted by the regression analysis. In the example below a charter school with approximately 70 percent of students eligible for free lunch is performing better than predicted.

An Example: 5th Grade English Language Arts



The Institute presents the results for each school in a Comparative Performance Analysis report that displays a table in which a school's actual and predicted level of performance in each tested grade and overall are compared. An Effect Size is the degree of difference between a school's attained and predicted performance in each grade, relative to other schools with similar free-lunch statistics (the difference between attained and predicted outcome divided by the standard deviation). To meet the Accountability Plan measure, a school's result must show a meaningful overall Effect Size, defined as 0.3 or greater, which means a higher than expected level of performance to at least a small degree, when the results of all the individual grades are combined.

- *Growth Measure: Each year, each grade-level cohort of students will reduce by one-half the gap between the percent at or above Level 3 on the previous year's state exam and 75 percent at or above Level 3 on the current year's state exam. If a grade-level cohort exceeds 75 percent at or above Level 3 in the previous year, the cohort is expected to show a positive gain in the current year.*

  Each year, each cohort (in grades four through eight) is expected to reduce the gap between its baseline performance and the desired absolute level (75 percent of students at or above proficiency) by one-half. For example, if 55 percent of the fourth grade cohort scored at or above Level 3 in 2006, then 65 percent of the *same* students would be expected to score at or above Level 3 in 2007, so as to reduce the gap by one-half

between their baseline score of 55 percent and the desired level of 75 percent (i.e., 55 + ½ [75-55]). Similarly, a separate target is set for each grade depending on its prior year performance. Again, according to the measure each grade-level cohort is expected to meet its respective target.

- *Growth Measure: Each year, on a national norm-referenced assessment, all grade-level cohorts of students (in grades K-3) will reduce by one half the gap between their average NCE in the previous year and an NCE of 50 in the current year. If a grade-level cohort exceeds an NCE of 50 in the previous year, the cohort is expected to show a positive gain in the current year.*

  This measure applies only to English language arts and mathematics. It is applicable to elementary schools as a means of measuring student progress prior to the start of the state testing program in grade 3. As with the other growth measure, same-student cohorts are examined to determine whether there is substantial growth to standard, in this case an NCE of 50 (meaning grade-level) in the current year.[7] Schools are given the discretion to choose a national norm-referenced test, such as TerraNova, Stanford, NWEA, or ITBS. Note that this is a new measure effective as part of the May 2010 update to this guidance.

High School Academic Subject Measures

- *Absolute Measure: Each year, 75 percent of students in the high school Accountability Cohort will score at least 65 on the New York State Regents exam by the completion of their fourth year in the cohort.*

  This measure applies to all four major subjects: English language arts, mathematics, science and social studies. On the Regents exams students must achieve a passing score of 65 or above to be deemed proficient. Thus, like with the elementary and middle school exams, the expectation for SUNY authorized charter schools is that 75 percent of students will score at the proficient level on their Regents exams in the four core subjects. For English language arts, students must pass the English Regents exam and for mathematics, one of the Regents mathematics exams. In science, students are expected to pass at least one of the state's science Regents exams in Living Environment, Earth Science, Chemistry, or Physics. In social studies, students are expected to pass both the U.S. History and Global History Regents exams. As noted above, the Accountability Cohort examines all students four years after they entered the 9th grade. Students have until the end of the summer of their fourth year to pass the respective Regents exams.

- *Absolute Measure: Each year, 75 percent of students in the high school Accountability Cohort who scored at Level 1 or 2 on their New York State 8th grade exam will score at least 65 on the New York State Regents exam by the completion of their fourth year in the cohort.*

[7] In the case of norm-referenced tests, progress, expressed in Normal Curve Equivalents (NCE) scores, is measured as a gain in the relative rank of students in relation to a national sample. A cohort of students maintaining the same NCE score means remaining in the same relative position or making the same year-to-year progress as students with similar scores in the national sample. A cohort of students showing an increase in percentile rank or NCE score means that it has made greater progress than expected by virtue of moving to a higher relative position compared to the national sample. No gain (i.e., zero change) in NCEs means making no more progress than expected compared to the national sample. An increase of 3 or 4 NCEs means showing greater progress than expected compared to the national sample. This degree of progress, however, does not in itself indicate that students continuing on this trajectory are likely to pass the Regents and graduate from high school.

This measure applies only to English language arts and mathematics. As with all students, those who enter high school with a record of low performance on the either of the 8th grade state exams are still expected to pass the respective Regents exams four years after they enter the 9th grade. Schools are expected to obtain the 8th grade data, track their students and disaggregate results based on 8th grade performance.

- *Absolute Measure: Each year, the Performance Index on the State exam of students completing their fourth year in the Accountability Cohort will meet the Annual Measurable Objective set forth in the state's NCLB accountability system.*

  This measure applies only to English language arts and mathematics. The Performance Index for Regents exams is computed in a manner similar to that for elementary and middle school exams. The Regents exams are scored on a scale from 0 to 100; 0 to 54 is Level 1, 55 to 64 is Level 2, 65 to 84 is Level 3, and 85 to 100 is Level 4. The Performance Index is the sum of the percent of students in an Accountability Cohort at Levels 2, 3 and 4 plus the percent at Levels 3 and 4.

- *Comparative Measure: Each year, the percent of students in the high school Accountability Cohort who have passed the Regents Exam during the previous four years with a score of 65 or above will exceed that of the comparable cohort of all students from the local school district.*

  Charter high schools are expected to exceed the performance of their local district in the Regents exams for all four major subjects: English language arts, mathematics, science, and social studies.

- *Growth Measure: Each year, the group of students in their second year of the high school Accountability Cohort who have taken a norm-referenced test for two years will reduce by one-half the difference between their previous year's average NCE and an NCE of 50. Groups that already achieved an NCE of 50 in the previous year will show an increase in their average NCE.*

  The Institute expects schools which begin operation starting with a 9th grade to use a norm-referenced assessments, such as Terra Nova, Stanford 10, NWEA MAP or ITBS, in order to demonstrate growth in the lower high school grades and progress towards the ultimate objective of graduation. Depending on the assessments used, this measure could address reading, mathematics or both. As with the growth measures for elementary and middle schools, same student cohorts are examined to determine whether the average NCE has risen by half the distance from the previous year's average to 50 NCE in the current year. [8] Some schools may have multiple cohorts, e.g. growth from 8th to 9th grade, 9th to 10th grade and/or 10th to 11th grade, and each cohort would be expected to achieve its target for this measure to be met.

[8] In the case of norm-referenced tests, progress, expressed in Normal Curve Equivalents (NCE) scores, is measured as a gain in the relative rank of students in relation to a national sample. A cohort of students maintaining the same NCE score means remaining in the same relative position or making the same year-to-year progress as students with similar scores in the national sample. A cohort of students showing an increase in percentile rank or NCE score means that it has made greater progress than expected by virtue of moving to a higher relative position compared to the national sample. No gain (i.e., zero change) in NCEs means making no more progress than expected compared to the national sample. An increase of 3 or 4 NCEs means showing greater progress than expected compared to the national sample. This degree of progress, however, does not in itself indicate that students continuing on this trajectory are likely to pass the Regents and graduate from high school.

High School Graduation Measures

- *Absolute Measure: Each year, 75 percent of students in each high school Graduation Cohort will pass their core academic subjects by the end of August and be promoted to the next grade.*

  This is a leading indicator of adequate progress towards the requirements of graduation, namely consistent promotion from one grade to the next. Core academic subjects are English language arts, mathematics, science and social studies.

- *Absolute Measure: Each year, 75 percent of students in the high school Graduation Cohort will score at least 65 on at least three different New York State Regents exams required for graduation by the completion of their second year in the cohort.*

  This is also a leading indicator of adequate progress towards the requirements of graduation, namely the timely completion of Regents exams in order to graduate. Thus, after two years students should have passed exams in three of the following areas: English, mathematics, science, U.S. history and global history. Students have until the end of the summer of their second year to pass the three Regents.

- *Absolute Measure: Each year, 75 percent of students in the high school Graduation Cohort will graduate after the completion of their fourth year in the cohort.*

  The ultimate purpose of a high school is to graduate its students. The Graduation Cohort examines students who entered the 9th grade four years prior, spent at least five months enrolled in the school, and earned a high school diploma on or before August 31st of their senior year. While each charter high school may have its own graduation requirements, at a minimum, students are expected to pass five Regents exams, one each in English, mathematics, and science, as well as the U.S. history and global history exams as required for earning a high school diploma.

- *Absolute Measure: Each year, 95 percent of students in the high school Graduation Cohort will graduate after the completion of their fifth year in the cohort.*

  The Institute recognizes that not all students will complete high school within the four years required by the state's NCLB accountability system. Thus, with this measure, credit is also given for schools' graduating students in five years.

High School College Prep Measures

- *Each year, the average performance of students in the 10th grade will exceed the state average on the PSAT tests in Critical Reading and Mathematics. (applies only to college prep high schools)*

  Students who aspire to attend college will need experience with college entrance exams, and the PSAT is a leading indicator of performance on such exams. Given that it is also a requirement for earning a National Merit Scholarship, it is deemed an important exam for all college-bound students. The expectation is that the average performance of 10th grade students in both Critical Reading and Mathematics will exceed that of 10th grade students in New York State.

- *Each year, the average performance of students in the 12th grade will exceed the state average on the SAT or the ACT test in reading and mathematics. (applies only to college prep high schools)*

  The SAT and ACT serve as an indicator of a student's preparation to succeed in college. The average performance of seniors in reading and mathematics (on either exam) is expected to exceed the state average on the respective exam. For students who take the exams multiple times, the highest score may be used in calculating the 12th grade average.

- *Each year, the school will demonstrate preparation of its students for college through at least one measure of its own design. (applies only to college prep high schools)*

  Schools that have explicit college prep missions will be expected to devise a rigorous measure (in consultation with the Institute) that demonstrates that their students are being adequately prepared to enter college. Schools have different definitions of "college prep" education; thus, schools may tailor this measure to their own program. The Institute expects the measure to focus on outcomes, not inputs, and might involve the earning of college credits during high school, performance on AP, IB or SAT 2 exams, or attainment of Advanced Regents Diplomas or Diplomas with Honors. The measure should demonstrate that students have acquired a level of achievement above the minimum graduation requirements that is valued by college admissions officers.

- *Each year, the school will demonstrate college attendance or achievement through at least one measure of its own design. (applies only to college prep high schools)*

  The ultimate measure of whether a college prep high school has lived up to its mission is whether students actually enroll and succeed in college. Schools must devise, in consultation with the Institute, a rigorous measure that examines college attendance or achievement. For example, schools may wish to set a target for the percentage of students who matriculate to college or the percentage of students who successfully complete their first year of college.

NCLB Goal and Measure

In addition to the goals in the four academic subject areas, Accountability Plans for all schools must also include a goal addressing the requirements of the federal NCLB legislation. Since *all* students are expected to meet the state's performance standards, the federal statute stipulates that various sub-populations and demographic categories of students among all tested students must meet the state standard in and of themselves aside from the overall school results. As New York State, like all states, is required to establish a specific system for making these determinations for its public schools, charter schools do not have latitude in establishing their own performance levels or criteria of success for meeting the NCLB accountability requirements. Therefore, the Institute requires that NCLB accountability be included as an additional goal and absolute outcome measure in a school's Accountability Plan. Additional information can be found on the State Education Department's website: http://www.emsc.nysed.gov/irts/accountability/home.shtml.

- *Absolute Measure: Under the state's NCLB accountability system, the school's Accountability Status will be "Good Standing" each year.*

Each year the state issues School Report Cards which indicate each school's accountability status. For a school's status to be "Good Standing" it must not have failed to make Adequate Yearly Progress (AYP) for two consecutive years.

V. OPTIONAL GOALS AND MEASURES

Optional Academic, Organizational and Other Non-Academic Goals

Schools may, at their discretion, include optional academic, organizational and other non-academic goals in their Accountability Plan for a variety of reasons, including the following: to highlight priorities in the school mission, to demonstrate the effectiveness of specific aspects of the instructional program, to help in monitoring effective program implementation, or to support school improvement efforts. In making the determination of whether to incorporate a particular optional goal into the Accountability Plan, please note the following:

- Simply including a particular optional goal in the plan does not necessarily elevate its importance in the Institute's evaluation of the school's success, academically, organizationally or fiscally; it may however provide additional evidence that the Institute can take into account where the goal is well-constructed and the evidence is compelling.
- Every goal that a school chooses to include in the Accountability Plan necessarily requires that the school gather data in determining the progress that it has made towards meeting that goal and report on it not only at renewal but every year in the annual Accountability Plan Progress Report.
- Not including a goal in its Accountability Plan does not preclude a school from setting internal goals and measures, gathering data on those goals and then deciding to include the results as additional evidence in Accountability Plan Progress Reports and upon renewal—or intermittently and more informally in reports to the school's board, parents, the larger community, etc.

Optional Academic Outcome Measures

To the extent that assessments other than the state exams have been rigorously developed and scored, are aligned with state performance standards, and have demonstrated meaningful progress, the Institute will consider this evidence along with state exams in determining if the school has improved student learning and achievement. The burden is on the school to demonstrate that these other assessment measures also provide notable evidence of achievement. For the purpose of developing an Accountability Plan and considering which assessment instruments to include in the outcome measures, it is useful to distinguish between standardized tests and locally scored assessments.

Standardized Tests: Standardized tests are typically nationally normed tests, which are usually not directly aligned with state performance standards. They provide a comparative measure of student performance (i.e., percentile rank or NCE score compared to a national sample) rather than an indication of proficiency attainment. While 50 NCE is often referred to as "grade level performance," the median score of a national sample is not necessarily the equivalent of scoring at the proficient level on the criterion-referenced state exams. In general, standardized tests are efficient and inexpensive to score and yield objective, reliable quantitative results. Teachers do not

have to be trained in scoring the test and do not have to spend time on actually scoring papers. The school does not have to monitor the consistency of scoring. Also, the validity of the test is based on the extent to which it matches its own stated objectives or external standards. In addition to the accountability functions, grade-level results indicate if the instructional program is effective in each grade, and, by disaggregating the data, if special interventions have been effective. Like school-developed assessments, standardized tests can be useful tools for evaluating the effectiveness of the instructional program in enabling students to achieve on the state examinations. They can also allow a school to measure students' performance in subjects not covered by the state testing program, such a social studies and Spanish. If rigorously administered, they can provide additional evidence of student learning and achievement. On the other hand, because standardized tests are developed externally to the school, they may not reflect the school's day-to-day instruction and may only be indicative of a broad level of student skill and knowledge.

Internal, school-developed Assessments: Schools may also consider using internally-developed assessment tools to gauge progress and success. If evidence of student performance is based on internal assessments created by teachers and/or other school staff, the Accountability Plan should include the rubrics or scoring instruments. In addition, when reporting on student performance based on these internal measures, a discussion should be included on scoring methods so as to ensure reliability, as well as on the extent to which internal staff judgment of student performance addresses state performance standards, again to ensure validity. The Institute encourages schools to consider carefully the decision to include optional goals and measures based on internal assessments in their Accountability Plan. Charter schools often find that designing such measures and making them valid and reliable is not easy; moreover, implementing them is often time consuming and expensive. However, keep in mind that since rigorous internal assessment practices are essential to preparing students for meeting state performance standards, they are part and parcel of an effective instructional program. As such, the Institute includes use of internal assessments in its regular evaluation of schools.

As with the required outcome measures, optional outcome measures may be of any of the following types:

Absolute Outcome Measures: These measures would be based on assessments other than the state exams, which would typically be either externally-developed, published instruments, such as an individually-administered early childhood assessment such as the Dynamic Indicators of Basic Early Literacy Skills (DIBELS) or a standardized test such as Terra Nova or Stanford 10, or a school-developed instrument, such as portfolios.

Examples of Optional Absolute Measures

- Each year, 75 percent of students in grades 2-10 will perform at the proficient level on the ELA Terra Nova exam.
- Each year, 75 percent of students in grades 3-8 will perform at the proficient level on the social studies TerraNova exam.
- Each year, 85 percent of student-completed art portfolios will be deemed proficient by a panel of external experts using the school's portfolio rubric.
- Each year, 85 percent of all students will have developed a project for the spring science fair deemed to be *satisfactory* or *advanced* using the school's science fair project rubric.

Comparative Outcome Measures: In addition to the two required comparative measures, the school's performance may also be compared to the performance of other individual schools, districts, the state or nation. Schools may be selected because of their proximate location, reputation, similar demographics or program characteristics, as well as because they are schools that many students in the charter school would have otherwise attended.

Examples of Optional Comparative Measures

- Each year, the percent of students who are enrolled in at least their second year and scoring at or above Level 3 on the state English language arts exam will be greater than that of students in the same tested grade in the City Science and Math Magnet School.
- Each year, the percent of students who are enrolled in at least their second year and scoring at or above Level 3 on the state mathematics exam will be greater than that of Big City and Downtown Elementary Schools where most of the students would have attended.

Growth Outcome Measures: Schools may wish to administer norm-referenced tests in English language arts and mathematics in grades 4-8 in addition to the state examinations in order to provide additional evidence on the value that the instructional program adds to student learning. Such a growth measure would examine the extent to which each cohort's average Normal Curve Equivalent (NCE) has made meaningful progress toward reaching grade-level. The target would be to reduce the gap considerably between the prior year's average NCE and grade level, i.e. an NCE of 50.[9]

Example of Optional Growth Measures

- Each year, each cohort of students will halve the difference between their previous year's average NCE and 50 NCE. Cohorts that have already achieved an average NCE of 50 will show an increase in their average NCE.

Optional Organizational and Other Non-Academic Outcome Measures

As organizational goals are means toward enabling students to achieve academically and as schools are required to comply with legal requirements and to operate in a fiscally sound manner, organizational goals, including parent and student satisfaction, legal compliance, and fiscal soundness, are optional components of the Accountability Plan. Unique aspects of your non-academic program may also be included as optional measures.

Optional organizational and other non-academic outcome measures tend to be absolute measures. If a comparative measure is included, it is the school's responsibility to collect and analyze the

[9] In the case of norm-referenced tests, progress, expressed in Normal Curve Equivalents (NCE) scores, is measured as a gain in the relative rank of students in relation to a national sample. A cohort of students maintaining the same NCE score means remaining in the same relative position or making the same year-to-year progress as students with similar scores in the national sample. A cohort of students showing an increase in percentile rank or NCE score means that it has made greater progress than expected by virtue of moving to a higher relative position compared to the national sample. No gain (i.e., zero change) in NCEs means making no more progress than expected compared to the national sample. An increase of 3 or 4 NCEs means showing greater progress than expected compared to the national sample. This degree of progress, however, does not in itself indicate that students continuing on this trajectory are likely to pass the Regents and graduate from high school.

comparison data, which may be difficult to obtain. Make sure data will be available and accessible before including an optional comparative measure in the Accountability Plan.

Unique Program Elements: The Accountability Plan provides an opportunity to measure the results of special components of the school's program or mission. It offers the best opportunity to highlight the unique and unusual elements that the school adds to the broader education marketplace. This is especially important for elementary schools that include middle school preparation as part of their mission or middle schools that include high school preparation as part of their mission. If the school has a unique performing arts program, emphasizes citizenship training and community involvement, or has a special sports program that most other schools do not, a non-academic measure might address how much progress students are expected to make in those areas in addition to their academic progress. These measures can reinforce what is unique about the school.

Examples of Optional Non-Academic Measures

- Every teacher will have an individual professional development plan and demonstrate progress in at least five of seven domains.
- 95% of graduating 8th graders will complete high school within 4 years.
- Each year, 85 percent of students will complete 30 hours of community service.
- Students will demonstrate adherence to the core values as evidenced by 75 percent of visitors indicating positive student behavior on exit surveys.
- All teachers will participate in training in the use of technology and demonstrate technology integration into their instructional practice.

Organizational Outcomes

- **Parent and Student Satisfaction**: Parent and student satisfaction measures may be based on the results of an annual parent survey, or address such issues as the persistence with which parents continue to enroll their children or the annual student attendance rate. The criteria of success for these measures should be ambitious, but consistent with high-performing schools.

Examples of Satisfaction Measures

- Each year, parents will express satisfaction with the school's program, based on the school's Parent Survey in which at least two-thirds of *all* parents[10] provide a positive response to each of the survey items.
- Each year, 90 percent of all students enrolled during the course of the year return the following September.
- Each year, the school will have an average daily student attendance rate of at least 95 percent.

[10] *All* parents include those who do not respond to the survey.

- **Legal Compliance and Fiscal Soundness**: These measures are in the form of assurances to appear in annual Accountability Plan Progress Reports, indicating that the school is in legal compliance and is fiscally sound. The regular self-monitoring implicit in these assertions (see the Institute's Guidelines to the Accountability Plan Progress Report at: http://www.newyorkcharters.org/schoolsAccountability.htm) will help prepare the school for renewal and provide an opportunity to put on record, if needed, explanations for having been out of compliance in a specific area or for having faced specific fiscal challenges.

Examples of Compliance Measures

- Each year, the school will generally and substantially comply with all applicable federal and state laws, rules and regulations, and the provisions of its by-laws, Provisional Charter (certificate of incorporation) and Charter Agreement.
- Each year, the school will have in place and maintain effective systems, policies, procedures and other controls for ensuring that legal and charter requirements are met.
- Each year the school will maintain a relationship with independent legal counsel that reviews relevant policies, documents, and incidents and makes recommendations as needed, and in proportion to the legal expertise on the board of trustees, if any.
- Each year the school will take corrective action, if needed, in a timely manner to address any internal control or compliance deficiencies identified by its external auditor, SED, or the Institute.

VI. ACCOUNTABILITY PLAN DEVELOPMENT AND REVISION

As the Accountability Plan is a critical component of the charter, providing a formal blueprint for school performance leading up to renewal, finalizing the document is likely to take some time during which there will be discussions with the Institute, reviews of drafts among school stakeholders, and submission of a number of iterations of the plan to the Institute for its review.

Initial Accountability Plans

Applicants for schools who submit proposals through the Institute's January 2011Request for Proposals (RFP) and in any subsequent RFP cycles must include a draft Accountability Plan in their proposal with a final plan completed at the end of the first year of operation. Schools which have been chartered though the previous application process rather than through the RFP must also develop a final plan by the end of their first year of operation.

The timeline for drafting the initial Accountability Plans as part of the proposal for establishing the school is meant to encourage schools to begin addressing the challenges of measuring progress before the beginning of the school's operation, but it also recognizes that the plan's development may extend into the first year of operation. Schools are expected to abide by the following timeline.

Proposals Submitted in Response to the January 2011 RFP and Thereafter

February 28[11]	Proposals submitted through the January 2011 RFP process are due on February 28th and must include a draft Accountability Plan consisting at least of all required measures.
If Chartered, First Year of Operation	
March 15	Last day for the school to submit *draft* with any optional measures to the Institute.
May 15	Last day for the school to submit a *final* Accountability Plan to the Institute.

Chartered Schools Based on Applications or Proposals Submitted Before 2011

First Year of Operation	
March 15	Last day for the school to submit an initial *draft* Accountability Plan to the Institute.
May 15	Last day for the school to submit a *final* Accountability Plan to the Institute.

An Initial Accountability Plan will cover a school's first four years of operation (not including planning years if the school took them), which is known as the Accountability Period. Because the first renewal decision is made during the school's fifth year of operation, i.e. prior to the end of the first charter period, student performance results from that year are not included in the initial Accountability Period and are therefore not part of the charter renewal process. Should the school be renewed, however, results from that fifth year of operation will be considered in the subsequent Accountability Period which will be addressed by a subsequent Accountability Plan.

Subsequent Accountability Plans

As part of the renewal process, schools must submit a new proposed Accountability Plan as part of their renewal application. The Institute and the school will undertake the same iterative process described above to develop a new Accountability Plan that will be incorporated into the school's new charter should it be renewed. Again, the Accountability Period covered by this plan will include the last year of the previous charter period through the next-to-last year of the new charter period.

Examples of Subsequent Accountability Periods:

- If a school in its fifth year applies for renewal and receives a three-year renewal; its first subsequent accountability period covers the fifth through seventh years of operation, i.e., the last year of its first charter term and the first two years of its second charter term.
- If this school in its eighth year of operation and the last year of its subsequent

[11] 2011 deadline for submission of proposals.

three-year charter period again applies for renewal and this time receives a five year renewal, the new accountability period would cover the eighth through the twelfth years of operation, i.e., the last year of the three year charter period plus the next four years of the new charter term.

Sample School Accountability Plan Periods				
School Year	**Year of Operation**	**Renewal Decision**	**Charter Period**	**Accountability Period**
2007-08	**1**		**1**	**1**
2008-09	**2**			
2009-10	**3**			
2010-11	**4**			
2011-12	**5**	**3 Year**		**2**
2012-13	**6**		**2**	
2013-14	**7**			
2014-15	**8**	**5 Year**		**3**
2015-16	**9**		**3**	
2016-17	**10**			
2017-18	**11**			
2018-19	**12**			
2019-20	**13**			

VII. FINAL COMMENTS

The purpose of the Accountability Plan is to define with specificity the goals and outcome measures for the school and its students throughout the life of its charter. The annual Accountability Plan Progress Report will document the school's progress in meeting each of the goals included in the Plan. A school's progress in achieving the goals in the Plan will play a critical role in the renewal process.

While the Accountability Plan remains in effect for the duration of a school's charter, it may be amended upon request and with the Institute's permission. Such changes may require that the charter be revised (requiring in turn approval by the State University Trustees and the review and comment of the Board of Regents).

Appendix A

Charter Schools Institute
The State University of New York

Accountability Plan Template
SUNY Authorized Charter Schools

The following template contains all of the required subjects and outcome measures that must be included in an Accountability Plan. Sections highlighted in yellow indicate where to insert information to complete the Accountability Plan.

You may need to copy and insert additional optional goals and measures if you wish to include more in your plan than are provided in this template. In addition, **schools that do not have either elementary/middle grades or high school grades should remove one of the two sections** from throughout the template.

Fill in school name here Charter School

Accountability Plan
for the Accountability Period 20__- __ TO 20__- __

ACADEMIC GOALS

GOAL I: ENGLISH LANGUAGE ARTS

Goal: Write the English language arts goal here.

Absolute Measures

Elementary/Middle School

- Each year, 75 percent of all tested students who are enrolled in at least their second year will perform at or above Level 3 on the New York State English language arts exam.
- Each year, the school's aggregate Performance Index (PI) on the state English language arts exam will meet that year's Annual Measurable Objective (AMO) set forth in the state's NCLB accountability system.
- Write optional absolute measure(s) here.

High School

- Each year, 75 percent of students in the high school Accountability Cohort will score at least 65 on the New York State Regents English exam by the completion of their fourth year in the cohort.
- Each year, 75 percent of students in the high school Accountability Cohort who scored at Level 1 or 2 on their New York State 8th grade English language arts exam will score at least 65 on the New York State Regents English exam by the completion of their fourth year in the cohort.
- Each year, the Performance Index (PI) on the Regents English exam of students completing their fourth year in the Accountability Cohort will meet the Annual Measurable Objective (AMO) set forth in the state's NCLB accountability system.
- Write optional absolute measure(s) here.

Comparative Measures

Elementary/Middle School

- Each year, the percent of all tested students who are enrolled in at least their second year and performing at or above Level 3 on the state English language arts exam will be greater than that of students in the same tested grades in the local school district.

- Each year, the school will exceed its predicted level of performance on the state English language arts exam by at least a small Effect Size (performing higher than expected to a small degree) according to a regression analysis controlling for students eligible for free lunch among all public schools in New York State.

- Write optional comparative measure(s) here.

High School

- Each year, the percent of students in the high school Accountability Cohort passing the Regents English exam with a score of 65 or above after four years will exceed that of students in the high school Accountability Cohort from the local school district.

- Write optional comparative measure(s) here.

Growth Measures

Elementary/Middle School

- Each year, all grade-level cohorts of students will reduce by one-half the gap between the percent at or above Level 3 on the previous year's state English language arts exam and 75 percent at or above Level 3 on the current year's state English language arts exam. If a grade-level cohort exceeds 75 percent at or above Level 3 in the previous year, the cohort is expected to show a positive gain in the current year.

- Each year, on a national norm-referenced reading assessment, all grade-level cohorts of students (in grades K-3) will reduce by one-half the gap between their average NCE in the previous year and an NCE of 50 in the current year. If a grade-level cohort exceeds and NCE of 50 in the previous year, the cohort is expected to show a positive gain in the current year.

- Write optional absolute measure(s) here.

High School

- Each year, the group of students in their second year of high school who have taken a norm-referenced literacy test for two years will reduce by one-half the difference

between their previous year's average NCE and an NCE of 50. Groups that already achieved an NCE of 50 in the previous year will show an increase in their average NCE.

- Write optional absolute measure(s) here.

GOAL II: MATHEMATICS

Goal: Write the mathematics goal here.

Absolute Measures

Elementary/Middle School

- Each year, 75 percent of all tested students who are enrolled in at least their second year will perform at or above Level 3 on the New York State mathematics exam.
- Each year, the school's aggregate Performance Index (PI) on the state mathematics exam will meet that year's Annual Measurable Objective (AMO) set forth in the state's NCLB accountability system.
- Write optional absolute measure(s) here.

High School

- Each year, 75 percent of students in the high school Accountability Cohort will score at least 65 on a New York State Regents mathematics exam by the completion of their fourth year in the cohort.
- Each year, 75 percent of students in the high school Accountability Cohort who scored at Level 1 or 2 on their New York State 8th grade mathematics exam will score at least 65 on a New York State Regents mathematics exam by the completion of their fourth year in the cohort.
- Each year, the Performance Index (PI) on the Regents mathematics exams by students completing their fourth year in the Accountability Cohort will meet the Annual Measurable Objective (AMO) set forth in the state's NCLB accountability system.
- Write optional absolute measure(s) here.

Comparative Measures

Elementary/Middle School

- Each year, the percent of all tested students who are enrolled in at least their second year and performing at or above Level 3 on the state mathematics exam will be greater than that of students in the same tested grades in the local school district.

- Each year, the school will exceed its predicted level of performance on the state mathematics exam by at least a small Effect Size (performing higher than expected to a small degree) according to a regression analysis controlling for students eligible for free lunch among all public schools in New York State.

- Write optional comparative measure(s) here.

High School

- Each year, the percent of students in the high school Accountability Cohort passing a Regents mathematics exam with a score of 65 or above after their fourth year will exceed that of the students in the high school Accountability Cohort from the local school district.

- Write optional comparative measure(s) here.

Growth Measures

Elementary/Middle School

- Each year, all grade-level cohorts of students will reduce by one-half the gap between the percent at or above Level 3 on the previous year's state mathematics exam and 75 percent at or above Level 3 on the current year's state mathematics exam. If a grade-level cohort exceeds 75 percent at or above Level 3 in the previous year, the cohort is expected to show a positive gain in the current year.

- Each year, on a national norm-referenced mathematics assessment, all grade-level cohorts of students (in grades K-3) will reduce by one-half the gap between their average NCE in the previous year and an NCE of 50 in the current year. If a grade-level cohort exceeds an NCE of 50 in the previous year, the cohort is expected to show a positive gain in the current year.

- Write optional absolute measure(s) here.

High School

- Each year, the group of students in their second year of high school who have taken a norm-referenced mathematics test for two years will reduce by one-half the difference between their previous year's average NCE and an NCE of 50. Groups that already achieved an NCE of 50 in the previous year will show an increase in their average NCE.

- Write optional absolute measure(s) here.

GOAL III: SCIENCE

Goal: Write the science goal here.

Absolute Measures

Elementary/Middle School

- Each year, 75 percent of all tested students who are enrolled in at least their second year will perform at or above Level 3 on the New York State science exam.
- Write optional absolute measure(s) here.

High School

- Each year, 75 percent of students in the high school Accountability Cohort will score at least 65 on a New York State Regents Science exam by the completion of their fourth year in the cohort.
- Write optional absolute measure(s) here.

Comparative Measures

Elementary/Middle School

- Each year, the percent of all tested students who are enrolled in at least their second year and performing at or above Level 3 on a state science exam will be greater than that of students in the same tested grades in the local school district.
- Write optional comparative measure(s) here.

High School

- Each year, the percent of students in the high school Accountability Cohort passing a Regents Science exam with a score of 65 or above after their fourth year will exceed that of the students in the high school Accountability Cohort from the local school district.
- Write optional comparative measure(s) here.

GOAL IV: SOCIAL STUDIES

Goal: Write the social studies goal here.

Absolute Measures

High School

- Each year, 75 percent of students in the high school Accountability Cohort will score at least 65 on the New York State Regents U.S. History exam by the completion of their fourth year in the cohort.

- Each year, 75 percent of students in the high school Accountability Cohort will score at least 65 on the New York State Regents Global History exam by the completion of their fourth year in the cohort.

- Write optional absolute measure(s) here.

Comparative Measures

High School

- Each year, the percent of students in the high school Accountability Cohort passing a Regents U.S. History exam with a score of 65 or above after their fourth year will exceed that of the students in the high school Accountability Cohort from the local school district.

- Each year, the percent of students in the high school Accountability Cohort passing a Regents Global History exam with a score of 65 or above after their fourth year will exceed that of the students in the high school Accountability Cohort from the local school district.

- Write optional comparative measure(s) here.

GOAL V: NCLB

Goal: The school will make Adequate Yearly Progress.

Absolute Measure

- Under the state's NCLB accountability system, the school's Accountability Status will be "Good Standing" each year.

GOAL VI: HIGH SCHOOL GRADUATION

Goal: Write in the graduation goal here.

Absolute Measure

- Each year, 75 percent of students in each high school Graduation Cohort will pass their core academic subjects by the end of August and be promoted to the next grade.

- Each year, 75 percent of students in the high school Graduation Cohort will score at least 65 on at least three different New York State Regents exams required for graduation by the completion of their second year in the cohort.

- Each year, 75 percent of students in the high school Graduation Cohort will graduate after the completion of their fourth year in the cohort.

- Each year, 95 percent of students in the high school Graduation Cohort will graduate after the completion of their fifth year in the cohort.

Comparative Measure

- Each year, the percent of students in the high school Graduation Cohort graduating after the completion of their fourth year will exceed that of the high school accountability cohort from the local school district.

GOAL VII: COLLEGE PREPARATION (only for college prep high schools)

Goal: Write in college prep goal here.

- Each year, the average performance of students in the 10th grade will exceed the state average on the PSAT tests in Critical Reading and Mathematics.

- Each year, the average performance of students in the 12th grade will exceed the state average on the SAT or ACT tests in reading and mathematics.

- Write at least one college preparation measure here.

- Write at least one college attendance or achievement measure here.

- Write optional measure(s) here.

GOAL VIII: OPTIONAL ACADEMIC GOAL(S)

Goal: Write in optional academic goal here.

- Write optional measure(s) here.

ORGANIZATIONAL AND OTHER NON-ACADEMIC GOALS

GOAL I: OPTIONAL NON-ACADEMIC STUDENT GOAL(S)

Goal: Write in the optional organizational or other non-academic goal here.

- Write optional measure(s) here.

GOAL II: OPTIONAL ORGANIZATIONAL GOAL(S)

Goal: Write in the optional organizational goal here.

Write optional measure(s) here.

January 2014 SUNY Request for Proposals (RFP)

To Establish New, New York State Charter School Education Corporations to Operate Charter School(s); and

For Existing SUNY Authorized Charter School Education Corporations to Operate Additional School(s)

For submission to the Board of Trustees of the State University of New York Pursuant to Education Law §§ 2852(9-a) and 2853(1) (b-1)

Release Date: January 6, 2014

Updated January 7, 2014

(Incorporates Public Comments to Draft RFP
Issued December 6, 2013)

SUNY Charter Schools Institute
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www.newyorkcharters.org

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Section I: About SUNY as a Charter School Authorizer

The New York Charter Schools Act of 1998 (as amended, Act) designated the Board of Trustees of the State University of New York (SUNY Trustees) as one of two state-wide chartering entities or "authorizers," along with the New York State Board of Regents, with each having authority to grant charters for the purpose of organizing charter school education corporations to operate one or more independent and autonomous public charter schools. SUNY is the largest charter school authorizer in New York State and the largest university-based authorizer in the country.

The SUNY Charter Schools Institute's (Institute's) work in this regard is designed to support the SUNY Trustees' commitment to the guiding principles of the Act: to establish schools that operate in an academically, fiscally, and legally sound manner that provide outstanding educational opportunities for all students, especially those at-risk of academic failure; and to oversee approved schools in a manner that respects their independence and autonomy while holding them strictly accountable for student achievement results—including a commitment to close schools that have failed to live up to their promises.

In October of 2011, SUNY's authorizing practices were featured as an international best practice in an online toolkit developed by the CfBT Education Trust and the World Bank. The toolkit aims to promote public and private partnerships to support quality education. The beta version of the toolkit, found at: www.cfbt.com/epsetoolkit/home.aspx, includes a case study detailing SUNY's new school approval process, strategies for oversight and criteria for schools to earn charter renewal. In May and again in December of 2011, SUNY received both a planning grant and implementation grant from the National Association of Charter School Authorizers (NACSA) to support its work surrounding the replication of existing, high quality charter schools. In October of 2010, SUNY received the Award for Excellence in Improving Authorizer Practice from NACSA. SUNY was recognized as having the "best application process" for creating new charter schools, particularly notable given it was the first year that SUNY was required by the Act to transition to an RFP process.

Positive results in the classroom affirm SUNY's recognition of its authorizing work. SUNY authorized charter schools outperformed their charter school peers on the 2011-12 Mathematics and English language arts exams. According to a review of the data from the January 2010 CREDO study; SUNY authorized charter schools yield greater gains in student achievement than their public school peers in New York City charter *and* non-charter schools. Further, in the Institute's regression analysis of each charter school compared to demographically similar schools (like percentages of free-lunch eligible students) statewide, SUNY authorized charter schools consistently perform in the "better than expected" categories in both English language arts (ELA) and mathematics.

This year SUNY authorized charter schools will serve nearly 35,500 students. Currently, 124 SUNY authorized charter schools operate or approved to open across New York State:

- 103 in and around New York City - Manhattan (22); Brooklyn (44); Bronx (26); Queens (7); Staten Island (1); Wainscott (1); Roosevelt (1); and Hempstead (1)

- 9 in the Capital District - Albany (7); Troy (2)
- 12 in Western/Central New York - Ithaca (1); Rochester (6); Buffalo (5).

The SUNY Trustees support diversity and innovative program design in the charter schools they authorize. The SUNY Trustees set a high bar of expectations for student achievement, particularly for students most at-risk of academic failure, but realize there is more than one way to meet that bar.

Among the portfolio of SUNY authorized charter schools are: schools with a particular focus on English language learners (ELLs); multiple schools using the Core Knowledge curriculum; a school implementing the Middle Years Programme of the International Baccalaureate Programme (IBE), planning to grow to offer the IBE degree; multiple single gender schools both at the elementary growing to middle school levels and at the high school level; several schools that offer intensive foreign language instruction; a school devoted to an inclusionary model of instruction where more than 50% of the student body has a wide variety of special education needs; a school devoted to students who are or have been enrolled in the child welfare system, are homeless, or who have graduated from a failing middle school; a school infusing the principles of sustainability throughout the curriculum; and much more.

The SUNY Trustees and the Institute recognize the significant time and effort required to develop a quality proposal. Institute staff look forward to working with each applicant group throughout the process.

Section II: The Basics: Critical Applicant Information

SUNY is pleased to present the *January 2014 SUNY Request for Proposals* (RFP), the fifth such RFP issued under the May 2010 amendments to the Act. SUNY is proud of its national reputation as a cutting edge, high quality authorizer, which begins with a rigorous, high quality approach to reviewing and recommending proposals for approval. **All applicants should carefully read each of the sections below (A-H) for critical information regarding the January 2014 RFP and contact the Institute with any questions or concerns about this information prior to completing a proposal.**

A. Legislative Requirements and Number of Available Charters

- The May 2010 amendments to the Act (specifically New York Education Law § 2852(9-a)) require that those wishing to apply for one of the 130 charters allocated to SUNY to establish a new education corporation to operate one or more new charter schools, and or existing education corporations seeking authority to operate one or more additional charter schools, must submit a *proposal* in response to a RFP. The statute also requires that review of such proposals prioritizes specific criteria—from community outreach and targeted enrollment demographics to cooperation with local school districts (the preference criteria are detailed in Section IV of this RFP).
- The Act requires that the issuance of a RFP be *preceded by* an opportunity for public comment and review and consideration of those comments by SUNY (which will conclude on December 19, 2013). The January 2014 RFP is the first RFP under the May 2010 amendments that does not include a statutorily defined release date.
- The SUNY Trustees can award up to **89** charters pursuant to this RFP (which includes all charters not issued pursuant to the August 2010, January 2011, January 2012 and September 2013 RFPs). More specifically:

  - Of the 130 total RFP charters that SUNY may award pursuant to the May 2010 amendments to the Act, only 57 may be located in New York City (the same is true for charters to be issued by the Board of Regents). To date, SUNY has granted 39 RFP charters for new schools in New York City pursuant to past RFPs, which leaves **18** new charters that SUNY may still approve that propose to be located in New York City; and
  - No charter awarded pursuant to a RFP process by SUNY or the Regents may go to an applicant proposing a school managed or operated by a for-profit entity. **For-profit management entities are specifically prohibited from participating in the RFP process**.

RFP Issuance Date	Maximum New Charters SUNY May Issue	Date Approved Charter Schools May Begin Operation	Available New SUNY Charters for New York City (no more than 57 of SUNY's 130 RFP charters can be issued to NYC)
January 6, 2014	89	On or before September 2015	18

B. Not-for-profit Education Corporations

Prior to the 2010 amendments to the Act, the issuance of a charter automatically led to the creation of a not-for-profit education corporation (NFPEC) with authority to operate one, and only one new charter school.

The May 2010 amendments permit a NFPEC to hold more than one charter, thus allowing it to operate the same grade at more than one site and to operate more than one charter school. It also allows for the merger of existing schools operated under multiple NFPECs to merge into one NFPEC with the authority to oversee all of the schools.

SUNY's January 2014 RFP accommodates both the creation of new NFPEC's with the authority to operate a new school, and for existing NFPECs to add additional schools under the existing NFPEC.

Note that only existing **SUNY approved** NFPECs may seek to add additional new schools through this RFP process (see Sub-Section C below). All other applicants, including those representing existing NFPECs authorized by any authorizer other than SUNY, must apply to create a new SUNY approved NFPEC through the January 2014 RFP process.

C. Standard vs. Replication Requests

The January 2014 RFP includes two distinct sets of requests to accommodate the different types of applicants applying to open new charter schools: Standard Requests and Replication Requests.

Standard Requests

Any applicant that does not represent at least one already approved SUNY NFPEC must use the Standard Requests found in Section VII of the RFP (and an accompanying Business Plan, if applicable – please see Subsection E – Business Plans, below).

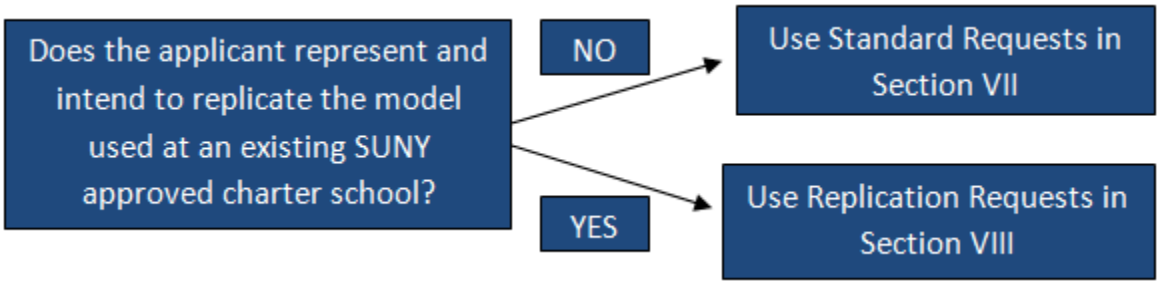
Applicants representing SUNY approved NFPECs intending to open a new school under a new or existing NFPEC that would have a significantly different academic program than the one already approved by the SUNY Trustees should also use the Standard Requests.

Replication Requests

Any applicant who represents one or more SUNY approved schools, and is seeking to replicate a program in place at one or more of those schools, is eligible and encouraged to apply using the Replication Requests found in Section VIII — regardless of whether or not they are establishing a new NFPEC.

The replication process allows SUNY to use existing outcomes as a determinant of the success of an academic model, while using a business plan (please see Subsection E – Business Plan Requirements, below) to evaluate the fiscal, human capital, and operational capacity of applicants to take on the added responsibilities of additional school(s). The Replication Requests streamline application develop by allowing applicants to reference sections Responses/Attachments from an existing charter instead of providing a new information for each Response.

By making the Replication option available, SUNY in no way suggests that applicants attempt to take on more schools than they have the capacity to manage. In fact, SUNY's due diligence regarding fiscal and human capital capacity becomes all the more rigorous when considering the award of multiple charters to one NFPEC.



D. Guidance Handbook

While the RFP outlines the requirements of each request, please refer to the *Guidance Handbook: A Resource for Applicants Responding to the January 2014 SUNY Request for Proposals* (Guidance Handbook) available at: http://www.newyorkcharters.org/openAppKit.htm for detailed information, specific instructions and legal guidance related to requests are provided in the separate handbook.

E. Business Plan Requirement

Beginning with the January 2012 RFP, the Institute has incorporated a business plan requirement for charter schools that contract with charter management organizations (CMOs) or other Educational Service Providers (ESPs), which are responsible for managing a proposed school's academic program. SUNY established this requirement to verify the organizational and fiscal capacity of management organizations to fulfill contractual obligations to charter schools and help assess the risk associated with replicators opening new schools. Since then, SUNY has refined and broadened its Business Plan requirement to apply to not only expanding CMOs/ESPs, but also replicating not-for-profit education corporations (NFPECs).

Unlike the responses that the applicant submits in the proposal, the information provided by a CMO/ESP and/or of a NFPEC in the Business Plan(s) that accompanies a proposal does not become part of an approved charter. However, the Business Plan plays a critical role in

helping the Institute determine if the organizations responsible for managing and/or governing the new school(s) would have the ability to take on these new responsibilities.

Applicants can find the Institute's *Overview and Business Plan Requirements* and *Business Plan Guidance* at http://www.newyorkcharters.org/openAppKit.htm.

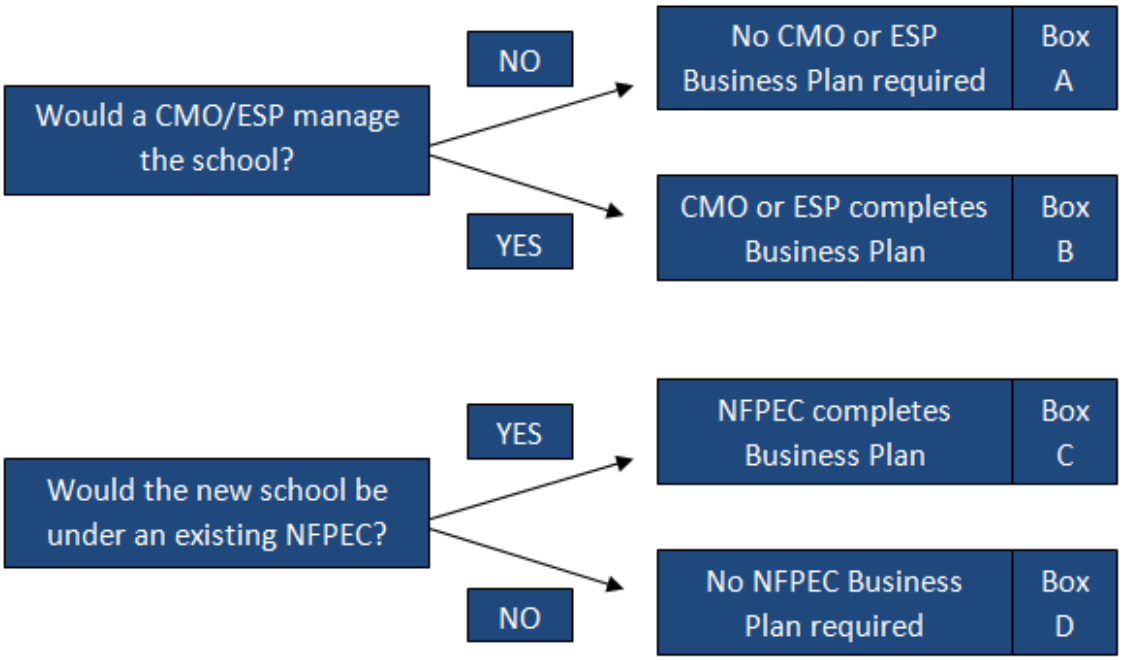
Who must complete a Business Plan?

Any applicant submitting a proposal in conjunction with a not-for-profit CMO or ESP must submit a Business Plan completed by the CMO/ESP in conjunction with the proposal. See Box B in the graphic below.

Any SUNY approved NFPEC seeking to add one or more new charter schools under the NFPEC must submit a Business Plan completed by the NFPEC in conjunction with the proposal. See Box C in the graphic below.

Note: SUNY approved NFPECs seeking to add one or more new charter schools to an existing NFPEC under contract with a CMO/ESP to manage the proposed school must submit two Business Plans in conjunction with the proposal: one completed by the CMO/ESP and one completed by the NFPEC. (See Boxes B and C in the graphic below.)

The Institute reserves the right to request a Business Plan from non-CMO/ESP partners that would play a substantial role in management and organization of the proposed school(s).



F. Letter of Intent and Evidence of Outreach Requirement

All applicants intending submit a proposal in response to the January 2014 RFP must first submit a Letter of Intent to submit a proposal with evidence started the outreach process. The Letter of Intent serves many purposes, including providing the Institute with information that helps to facilitate a thorough, rigorous proposal review process and ensuring that the applicants have taken enough time to carry out a meaningful public outreach process.

Section V outlines the Letter of Intent and Evidence of Outreach Requirement.

Note that applicants should also carefully review Community Outreach requirements in Request 3 – Proposal History of the Standard and Replication Requests and accompanying guidance pertaining to these Requests found in the Guidance Handbook.

G. Opportunities to Submit Proposals in Response to the January 2014 RFP

All applicants will have at least one opportunity to submit a proposal in response to the January 2014 RFP. Please see the timeline in Section III for specific submission dates.

At the time of the release of the January 2014 RFP, SUNY intends to hold one review cycle to consider proposals to open new charter schools. SUNY, in its sole discretion, reserves the right to hold a second review cycle under this RFP. SUNY will make a determination about whether or not to hold a second cycle at some point during the concluding phases of the first review cycle (April – June). Section III contains a sample timeline for a second review cycle. Applicants should understand that this is for informational purposes only as there is no guarantee that the Institute will hold more than one cycle and SUNY may issue all available New York City charters during the first review cycle.

H. Public Disclosure

Please be aware that SUNY takes its statutory responsibilities to disclose information about new proposals very seriously. Applicants should note the following:

- The Institute, shortly after receipt of a final proposal, will release to the public via its website a "Public List," containing the name of the proposed charter school education corporation, name of the proposed charter school, name of the applicant and public contact information, level of proposed enrollment, grades served, charter management organization (if any), partner organization (if any), and the school district in which the charter school is proposed to be located.

- The Institute will post copies of the complete final proposals, redacted of all personal privacy information, within several weeks of receipt. The Proposal Summary form referenced below may also be posted online as an interim step between when the Public List is released and when the proposals are posted.
- As required by the Act, SUNY will officially notice the district when the Institute receives the final proposal from the applicant. The Institute will also provide notice to all public and non-public schools in the surrounding geographic area upon receipt of the final proposal.
- The district must hold a public hearing to solicit public comments on the proposal within 30 days of receipt of notice of an official proposal from the Institute.

Section III. Timelines for the January 2014 SUNY Request for Proposals

REVISED January 2014 SUNY Request for Proposals Timeline		
Action	**Date**	**Description**
Issuance of Draft RFP	**December 5, 2013**	The Institute posted the draft RFP on its website at: www.newyorkcharters.org and emailed it to: media state-wide and educational, community, and parent organizations encouraging them to broadly share and/or post on their respective websites. The Institute accepted comments on the draft RFP via email to: charters@suny.edu and in writing to: SUNY Charter Schools Institute, 41 State Street, Suite 700, Albany, NY 12207 through 5:00 p.m. on December 19, 2013.
Close of Public Comment Period	**December 19, 2013**	Public comment period on the draft RFP closed at 5:00 p.m.
Consideration/ Comment on Draft RFP	**Late December, 2013 – early January 2014**	The Institute reviewed, considered, and provided responses to comments, modifying the draft RFP as appropriate.
Release of Official January 2014 Request for Proposals	**January 6, 2014**	The Institute posts and distributes the Official January 2014 Request for Proposals.
Letter of Intent Due	**February 10, 2014**	**The Institute must receive a Letter of Intent to apply with evidence that community outreach is well underway no later than noon on February 10th.** The Institute will not consider proposals from potential applicants who do not submit a Letter of Intent and evidence of active community outreach by the deadline. Applicants may submit Letters of Intent and public outreach evidence via email to: charters@suny.edu, or by hand or mail to the Albany office of the Institute, 41 State Street, Suite 700, Albany, NY 12207.
Final Proposals Due	**March 12, 2014**	**Completed final proposals are due to the Institute's Albany office at: 41 State Street, Suite 700, Albany, NY 12207 by noon in appropriate electronic format.**
Proposal Review	**March 12 – Late May, 2014**	The Institute completes a comprehensive review of proposals and Business Plans as described in Section IV of this RFP. The Institute will also prepare a public Summary of Findings document supporting any positive recommendation.
Applicant Notification	**Late-May, 2014**	The Institute will inform all applicants of the Institute's recommendations by this time.
Charter Schools Committee Meeting	**Mid-June**	The Committee, acting on behalf of the SUNY Trustees, considers and votes on proposals recommended by the Institute.

REVISED January 2014 SUNY Request for Proposals Timeline		
Action	**Date**	**Description**
Charter Transmittal Preparation	**Mid- to Late-June**	The Institute prepares approved proposals for transmittal to the Board of Regents. In addition to the approved proposal and an executed proposed or proposed amended charter agreement, SUNY must also transmit documentation supporting the process used to determine that each proposal met the criteria outlined by the Act, which will likely be its public Summary of Findings document. Please note that if the applicant does not execute the charter agreement in a timely manner, the final approval of the proposal may be delayed or the proposal may be rejected as incomplete.
Proposed Charter Transmittal to Board of Regents	**Early-July 2014**	The SUNY Trustees must transmit any approved proposals and proposed charters to the Board of Regents by November 1, 2014, but will do so earlier.
Board of Regents Action on Charters Approved by SUNY Board of Trustees	**July-September 2014**	The Board of Regents must consider and issue charters (certificates of incorporation) or amended charters (as applicable) within 90 days of SUNY's transmittal of the charters. Based on the language of the Act, the Board of Regents may not return a proposed charter to SUNY for reconsideration, and will instead approve and/or issue proposed charters submitted by SUNY on or before 90 days from transmittal or December 31, 2014. Provisional charters (certificates of incorporation) would be deemed issued by operation of law 90 days after transmittal or on January 2, 2015 if not approved sooner by the Regents.

EXAMPLE of Optional Second January 2014 SUNY RFP Review Cycle		
Action	**Date**	**Description**
***Note: The timeline below is for informational purposes and provides an example of how the Institute might carry out a second review cycle should the Institute decide to carry out such a cycle. The inclusion of this timeline in no way guarantees that the Institute will carry out a second review cycle.**		
Formally Announce Second Cycle	**Mid-June, 2014**	The Institute would announce that it will hold a second opportunity to accept new proposals in response to the January 2014 RFP on its website at www.newyorkcharters.org with further announcements to: media state-wide and educational, community, and parent organizations.
Letter of Intent Due	**Late-June, 2014**	**The Institute must receive a Letter of Intent to apply with evidence that community outreach is well underway no later than 5:00 p.m. on the specified date.** The Institute will not consider proposals from potential applicants who do not submit a Letter of Intent and evidence of active community outreach by the deadline. Applicants may submit Letters of Intent and public outreach evidence via email to:

EXAMPLE of Optional Second January 2014 SUNY RFP Review Cycle		
Action	**Date**	**Description**
		charters@suny.edu, or by hand or mail to the Albany office of the Institute, 41 State Street, Suite 700, Albany, NY 12207.
Final Proposals Due	**Early-July, 2014**	**Completed final proposals are due to the Institute's Albany office at: 41 State Street, Suite 700, Albany, NY 12207 by 12:00 p.m. in appropriate electronic format.**
Proposal Review	**Early-July to Mid-September, 2014**	The Institute completes a comprehensive review of proposals and Business Plans as described in Sections IV of this RFP. The Institute will also prepare a public Summary of Findings document supporting any positive recommendation.
Applicant Notification	**Late-September, 2014**	The Institute will inform all applicants of the Institute's recommendations by this time.
Charter Schools Committee Meeting	**Early-October, 2014**	The Committee considers and votes on proposals recommended by the Institute.
Charter Transmittal Preparation	**Mid-October**	The Institute prepares approved proposals for transmittal to the Board of Regents. In addition to the approved proposal and an executed proposed or proposed amended charter agreement, SUNY must also transmit documentation supporting the process used to determine that each proposal met the criteria outlined by the Act, which will likely be its public Summary of Findings document. Please note that if the applicant does not execute the charter agreement in a timely manner, the final approval of the proposal may be delayed or the proposal may be rejected as incomplete.
Proposed Charter Transmittal to Board of Regents	**Late-October, 2014**	The SUNY Trustees must transmit any approved proposals and proposed charters to the Board of Regents by November 1, 2013.
Board of Regents Action on Charters Approved by SUNY Board of Trustees	**November - December 2014**	The Board of Regents must consider and issue charters (certificates of incorporation) or amended charters (as applicable) within 90 days of SUNY's transmittal of the charters, but no later than December 31, 2014. Based on the language of the Act, the Board of Regents may not return a proposed charter to SUNY for reconsideration, and will instead approve and/or issue proposed charters submitted by SUNY on or before 90 days from transmittal or December 31, 2014. Provisional charters (certificates of incorporation) would be deemed issued by operation of law 90 days after transmittal or on January 2, 2015 if not approved sooner by the Regents.

Section IV: What It Takes

A. SUNY's Proposal Review Process

SUNY's review of submitted proposals is a progressive, multi-step process broadly recognized as setting a high bar for approval. The SUNY Trustees have charged the Institute with recommending for their consideration only those proposals deemed to have the highest likelihood of success. SUNY has revised and enhanced its new school review process over time to reflect lessons learned.

Notably, SUNY authorized schools indicate the process adds value to the proposed school. Applicants emerge from the SUNY process with a stronger blueprint from which to build their school. The hard work up front translates into greater autonomy for schools once chartered and most importantly, has resulted in the highest performing sector of charter schools in New York. The Institute's review process includes the following:

1) Review of the proposal by Institute staff from academic, legal and fiscal perspectives, and, if applicable, conduct an accountability analysis of student performance data;

2) At the Institute's discretion, an external panel of education experts may review proposals and, where applicable, accompanying Business Plans;

3) For proposals deemed strong enough to move on in the review process, an interview by Institute staff (and possibly a member of an external review panel) of members of the proposed school's founding group, which should include the applicant(s), proposed school trustees and representatives of any proposed CMO and/or other partner organizations;

4) Proposals of sufficient strength may undergo a Request for Amendments (RFA) process in an attempt to resolve Institute concerns and assure compliance with the Act and all applicable laws and regulations; and,

5) If the RFA process yields an application that the Institute feels is strong enough to move on in the process, representatives of the Committee will interview the applicant(s) and proposed education corporation trustees. (Note: the Institute understands that additional trustees may be added to the school's board in the future, but expects enough members to be identified and present at this interview so as to constitute a functioning board if the charter is approved. This would typically be at minimum five trustees or more if representatives from a CMO would serve on the board. Please see Section 2.2 of the SUNY Model Charter Agreement available at http://www.newyorkcharters.org/documents/ModelCharterAgreement-January2013.pdf for further discussion of trustee requirements for schools with management organization board members.)

Criteria for Recommending Proposals for Approval

After completing the review process, the Institute makes positive recommendations to the SUNY Trustees' Charter Schools Committee, who make the final determination. **(There is no appeal of a negative determination at any stage of the process.)**

In making its recommendation, the Institute first considers whether a proposal meets the Minimum General Eligibility Criteria.

At a minimum a proposal must:

- Be submitted by the appropriate deadline;
- Meet all expectations, as solely determined by the Institute, for example:
    - Proposals must be sufficiently complete, i.e., include a Transmittal Sheet, Proposal Summary and responses to all RFP requests as prescribed by the Institute;
    - Proposals must be accompanied by complete Business Plans where required;
- Include a viable plan to meet the enrollment and retention targets established by the SUNY Trustees for students with disabilities, ELLs, and students who are eligible to participate in the federal free and reduced-price lunch (FRPL) program (as detailed in Request No. 15); and,
- Provide evidence of public outreach that conforms to the Act and the process prescribed by the SUNY Trustees for the purpose of soliciting and incorporating community input regarding the proposed charter school and its academic program (as detailed in Request No. 3).

The Institute reserves the right, in its sole discretion, to discontinue its review if it is determined that a proposal does not meet these basic requirements.

The Institute then evaluates whether the proposal:

- Demonstrates the ability to operate the school in an educationally and fiscally sound manner;
- Is likely to improve student learning and achievement and materially further the purposes of the Act, which are to:
    - Improve student learning and achievement;
    - Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are at-risk of academic failure;
    - Encourage the use of different and innovative teaching methods;
    - Create new professional opportunities for teachers, school administrators and other school personnel;
    - Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system;

- 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; and,

- Meets all of the requirements set out in the Act and all other applicable laws, rules and regulations *as well as* meets any additional requirements established by the SUNY Trustees as part of their rigorous commitment to student achievement.

For schools intending to locate in a school district where more than five percent of the students residing in the school district attend charter schools (described in Request No. 2), the Institute will evaluate whether approving the proposal would have a significant educational benefit to the students likely to attend the proposed charter school or whether the school district of location consents to the proposal.

The Institute is interested not only in the potential of proposed schools to successfully navigate the challenges of start-up, but also in whether the school is likely to earn renewal at the end of its initial term of authority to operate. The Institute can only recommend to the SUNY Trustees as a qualified application under the Act the proposals it determines rigorously demonstrate the above criteria. If there are more proposals that meet these criteria than available charters, the Institute will use the preference scoring described below to determine which proposals to recommend.

B. Preference Scoring for Proposals that Successfully Move through the Review Process

Consistent with the May 2010 revisions to the Act (Education Law § 2852(9-a)(c)), SUNY's *January 2014 Request for Proposals* includes preference criteria to rank proposals that the Institute intends to recommend to the SUNY Trustees at the conclusion of the review process described above.

Preference scoring does not occur until the conclusion of the review process and any review cycle and applies to only the proposals that the Institute determines, through the review process described in Part A of this section, could result in academically, fiscally and legally sound charter schools.

Preference scoring is based on 11 Preference Criteria for which the proposal can earn credit as described in the Preference Scoring Rubric below (included in these 11 criteria are two of the general eligibility criteria described above). The criteria are the "objectives" that SUNY will use to "grant priority" to proposals through the Scoring Rubric in accordance with the Act. The Scoring Rubric prioritizes proposals in the event that the number of proposals meeting the SUNY Trustees' requirements exceeds the maximum number of charters that the Trustees can issue in any given year or within New York City. The Institute will award preference points if a proposed school will:

1) Increase student achievement and decreasing achievement gaps in ELA and mathematics;

2) Increase high school graduation rates for students particularly at risk of not graduating;

3) Focus on middle school students' academic achievement;

4) Increase the acquisition, adoption, and use of local instructional improvement systems that provide teachers and school leaders with the information and resources they need to inform and improve instructional practices, decision-making and overall effectiveness;

5) Use high quality assessments designed to measure the learning of critical concepts;

6) Meet the enrollment and retention targets to be established by the SUNY Trustees for students with disabilities, students who are ELLs, and students who are eligible to participate in the FRPL program;

7) Conforms to the public outreach process prescribed by the SUNY Trustees for the purpose of soliciting community input regarding the proposed charter school;

8) Have the management and leadership capability to overcome start-up problems and establish a fiscally viable school;

9) Partner with low-performing district and charter schools to share best practices and innovations;

10) Gain support from the school district in which the school will be located and demonstrating intent to establish an ongoing relationship with the school district; and,

11) Locate in a region of the state with limited educational alternatives.

Each criterion subject to SUNY's Preference Scoring Rubric will have four possible scores consisting of the following: "1" for does not meet expectations; "2" for approaches expectations; "3" for meets expectations; or "4" for exceeds expectations. The Institute gives more weight (2X) to the academic criteria, as they are indicative of the development of a strong educational program. Thus, academic criteria will count for twice as many points as non-academic criteria. With 11 total preference criteria and a possible score of 4 on six criteria (Nos. 6-11) and a possible score of 8 on five criteria (Nos. 1-5) the highest score possible is a 64.

Should the Institute be in the position of recommending more proposals than available charters, the Institute will recommend the proposals with the highest scores on the Preference Rubric for approval. In the event of a tie for the last available charter or charter school to be located in New York City, the Institute will reject all proposals eligible for the last such charter unless all but one applicant agrees to withdraw his or her proposal for consideration in a subsequent RFP, if applicable. Please note that all proposals that the Institute recommends for approval in response to the January 2014 RFP will receive a score based on the Preference Scoring Rubric even if the Institute does not receive more than 89 total proposals and/or 18 proposals specifically intending to locate in New York City.

SUNY Preference Scoring Rubric

The following SUNY Scoring Rubric applies to responses to the January 2014 RFP

Preference Criteria (1-4 Points Each)	Primary Indicators	Primary Source of Evidence	Weight
1. Student Achievement: The proposed school has the ability to increase student achievement and decrease achievement gaps in English language arts and mathematics.	The proposed school has a strong academic program with the potential to raise the achievement of the intended student population.	Responses 2(b), 5	2
	The proposed school has a pedagogical approach that is likely to raise student achievement with the target population.	Response 5	
	The proposed school's program has the potential to accelerate the achievement of at-risk students.	Response 7	
2. High School Success: The proposed school has the ability to increase high school graduation rates for students particularly at risk of not graduating.	The proposed school will serve high school students at risk of not graduating.	Response 1	2
	The proposed school has been specifically designed to meet the needs of high school students at risk of not graduating.	Responses 2(b), 15(d)	
	The proposed school has explicit programs and strategies for increasing the graduation rate of its at-risk students.	Response 7	
3. Middle School Achievement: The proposal focuses on the academic achievement of middle school students.	The proposed school will serve middle school students.	Response 1	2
	The proposed school has explicit programs and strategies for increasing the achievement of young adolescents and preparing them for rigorous high schools.	Responses 2(b), 15(d)	
	The proposed school has explicit programs and strategies for increasing the achievement of at-risk students in middle school.	Response 7	
4. Data-Driven Systems: The proposed school will adopt and use systems that provide teachers and school leaders with the information and resources they need to inform and improve instructional practices, decision-making and overall effectiveness.	The proposed school has a process for reviewing and revising curriculum.	Response 5	2
	The proposed school has well developed assessment system and explicit plans for using results to improve student achievement.	Response 5	
	The proposed school has clear procedures and resources for identifying and serving at-risk students and evaluating the efficacy of its programs.	Response 7	
	The proposed school has process for monitoring the effectiveness of the	Response 5	

Preference Criteria (1-4 Points Each)	Primary Indicators	Primary Source of Evidence	Weight
	academic program.		
	The proposed school has a coherent professional development program with explicit plans to evaluate its efficacy.	Response 8	
	The proposed school has an explicit process for monitoring progress towards achievement of its Accountability Plan goals.	Responses 5, 13 (a-c)	
	The proposed school has an explicit process for monitoring progress towards achievement of its mission.	Responses 5, 13 (a-c)	
5. High Quality Assessments: The proposed school will implement high quality assessments that measure knowledge and application of concepts through the use of a variety of item types and formats.	The proposal includes a plan for administering valid and reliable diagnostic, formative and summative assessments.	Response 5	2
	The proposed school's assessment system includes a variety of item types and formats.	Response 5	
	The proposal explains how teachers and instructional leaders will use assessment results to improve instruction and raise student achievement.	Response 5	
6. Enrollment Targets: The proposal includes a viable plan to meet enrollment and retention targets for specific sub-populations: students with disabilities, ELLs , and FRPL students.	The proposal includes strategies for recruitment and enrollment that will likely achieve SUNY targets.	Response 15	1
	The proposal includes strategies for student retention that will likely achieve SUNY targets.	Response 15	
	The proposal includes methods for monitoring and evaluating enrollment and retention, and achievement of sub-populations.	Response 15	
7. Public Outreach: The applicant has conducted public outreach to solicit community input and addressed comments from the community concerning the educational and programmatic needs of students.	The proposal provides evidence of effective efforts to inform the intended community about the proposed charter school.	**Standard:** Responses 3(e), 3(g) **Replication:** Responses 3(b), 3(c)	1
	The proposal describes explicit efforts to solicit community input regarding the educational and programmatic needs of students.	**Standard:** Response 3(e) **Replication:** Response 3(b)	
	The proposal provides concrete evidence of feedback received from community stakeholders regarding the proposed	**Standard:** Response 3(g) **Replication:**	

Preference Criteria (1-4 Points Each)	Primary Indicators	Primary Source of Evidence	Weight
	school.	Response 3(c)	
	The proposal explains how that feedback was incorporated into the submitted proposal.	**Standard:** Response 3(e) **Replication:** Response 3(b)	
8. Management and Leadership: The proposal demonstrates the management and leadership techniques necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.	The proposed education corporation board has the skill sets, structures and procedures to provide rigorous oversight and support for a start-up organization, or additional school(s).	Responses 13(a-d), 13(g)	1
	The proposed education corporation / school has an adequate management structure to support start-up and growth.	Responses 10, 11	
	Qualifications sought in the proposed school leader explicitly address the needs of a start-up organization.	Response 11	
	The proposed education corporation / school has strategies for recruiting and retaining the number of students necessary for financial viability.	Response 15	
	The proposed education corporation / school has a budget planning process to maintain a financially viable school.	Response 22(a-e)	
9. School Partnerships: The proposal has viable plans for partnering with low-performing schools and/or SUNY campuses to share best practices and innovations.	The proposal has identified specific low-performing schools.	Response 1, 14(a)	1
	The proposal includes a clear plan for partnering with said schools.	Response 14(a)	
10. District Relationship: The proposed school demonstrates the support of the district in which it will be located and/or the intent to establish an ongoing relationship with the district.	The proposal includes explicit evidence of support from the local district.	Response 14(b), 14(c)	1
	The proposal includes a clear plan with reasonable strategies for establishing an ongoing relationship with district.	Response 14(a)	
11. Location: The school is proposed in a region with limited public school options.	The proposed school is located in a community with limited options.	Response 1	1
	The proposal presents a compelling need for the school.	Response 1	

Section V: Submitting a Letter of Intent to Submit a Proposal in Response to the *January 2014 SUNY Request for Proposals*

All applicants wishing to submit a proposal to the Institute for preliminary review must submit a Letter of Intent with evidence of public outreach in the community that the proposed school would impact.

Applicants must submit Letters of Intent to submit a proposal in response to the January 2014 RFP by noon on February 10, 2014 to be eligible to submit proposals as part of the one guaranteed review cycle described in Section III: Timeline of this RFP. If the Institute chooses to hold a second application round (see Section II, Part G, above), the Institute will announce a new due date for applicants to submit Letters of Intent to apply during the second review cycle. Additionally, the Institute reserves the right to waive the Letter of Intent requirement for applicants who submit successful Letters of Intent in response to the Feburary 10, 2014 deadline.

An applicant seeking to establish more than one charter school and/or who identifies more than one geographic location (e.g., school district or Community School District (CSD)) for the proposed charter school(s)) should be aware that he or she must provide evidence demonstrating that the community outreach process has begun in each proposed geographic location.

The Letter of Intent requirement serves multiple purposes: (i) it allows the Institute to prepare for the proposal review processes, especially if specific expertise is required to evaluate unique school models; (ii) it provides the Institute with evidence that public outreach related to the development of the proposal has begun; (iii) it provides the applicant an opportunity to inform the public that a proposal is being developed for their community; and (iv) it allows the Institute to prepare to determine targets for student enrollment based on the proposed school location.

<u>The Institute will not consider proposals from applicants who do not submit a Letter of Intent with evidence of active community outreach by the stated deadline.</u>

Required Elements of the Letter of Intent

All Letters of Intent must include the following:

- Name and Contact Information of the Applicant(s), including information to establish that the applicant is a parent, teacher, school administrator or resident of the community where the charter school is proposed to be located;
- Proposed School Name (which must, according to the Act, contain the words “Charter” and “School”) and Proposed Education Corporation Name (which must also contain “Charter” and “School”);
- Proposed School Location (district or CSD in New York City);
- Planned Grades and Enrollment in the 1st Year of Operation;
- Planned Grades and Enrollment in the 5th Year of Operation;
- Initial Facility Plans including:

- A brief description of private, purchased or leasehold space that the applicant has considered;
- Indication of intent to seek public facility space, whether the applicant intends to seek public facility space in New York City, and if so, a contingency plan in the event that public space is unavailable. Applicants seeking to co-locate in New York City Department of Education (NYCDOE) facility space may wish to review the information posted here: http://schools.nyc.gov/community/planning/charters/NewCharterSchools.htm. Please contact the NYCDOE with any questions or concerns;

· School Description: A brief description of the school model, especially any unique design elements that might require specific expertise in the review process; and,
· Proposed Management and/or Partner Organization(s) if applicable.

For applicants seeking to operate an additional school(s) and/or otherwise replicate an existing school model, including those authorized by SUNY, the New York State Education Department (NYSED), the NYCDOE or an authorizer outside of New York State, please provide the following:

· Name of the Board Chair;
· Contact Information for the Board Chair; and,
· An analysis of how the replicating school(s) is providing a high quality academic program to students, especially through the lens of SUNY's accountability metrics (which can be found here: http://www.newyorkcharters.org/schoolsAccountability.htm), and is prepared to replicate the success of the existing school(s).

Evidence of Community Outreach

Per Education Law § 2852(9-a)(b)(ii), the SUNY Trustees may not consider any proposal that does not reflect a meaningful public review process designed "to solicit community input regarding the proposed charter school and to address comments received from the impacted community concerning the educational and programmatic needs of students." Successful proposals must provide evidence of the following three criteria:

Criteria 1. The community, which is not limited only to a school district or CSD in New York City (it may be much broader), was informed of the proposed school in a timely fashion;

Criteria 2. The community had meaningful opportunities for input; and

Criteria 3. There was a thoughtful process for considering community feedback and incorporating it into the final proposal.

Letters of Intent must include evidence that potential applicants have already put in place activities indicating progress toward the above three criteria. While all plans for community outreach may not be complete by the deadline for the letter of intent, the Institute will determine which groups move from the Letter of Intent to full proposal submission based on the strength of the steps accomplished toward each of the criteria above.

To meet Criteria 1, the applicant must *at a minimum* make the public aware of the following:

- An application will be submitted to the SUNY Trustees to open a new charter school;
- Intended location;
- Target population;
- Proposed grades and enrollment;
- Mission;
- Description of academic program;
- That the applicant group is actively soliciting comments; and,
- The manner in which members of the public can submit comments (e.g., at a meeting, by email, in writing, etc.).

The Institute does not dictate the methods that the applicants must use to inform the community. Activities might include, for instance, discussions with stakeholders or organizations in the community (e.g., local superintendents or other district staff, school boards or committees, politicians, community leaders, Community Education Councils and Community Boards in New York City, media figures and editorial boards, parents, parent organizations), public awareness campaigns, mail or email campaigns, coverage in local media. In order to demonstrate that the applicant group has made meaningful efforts to inform the community, the applicant must submit concrete evidence of informing the public of the above list of minimum requirements prior to the Letter of Intent due date, which could include among other things:

- Dated correspondence with stakeholders in the community that clearly includes a request for comments and directions as to how to submit comments (Note: if community outreach includes a form letter sent to community stakeholders, the applicant need not submit a copy of every letter sent; rather, a single copy of the form letter and a list of those parties that received the letter will suffice);
- Invitations or room reservations for events or meetings with stakeholders (invitations should include directions to submit comments for those who cannot attend);
- Marketing materials with information about how to provide feedback (they could be in draft form at this stage with plans for production);
- Copies of media coverage, e.g., articles, blog posts, television spots – again all material should solicit comments; and/or,
- Proposal information posted on a website inviting feedback.

In the proposal, the applicant must address all three criteria for public outreach listed above and include a discussion outlining how community feedback influenced the preparation of the final preliminary proposal. Applicants must also describe how they incorporated the feedback into the final proposal.

Note: The Institute can reject a letter of intent for lack of evidence that the applicants have commenced the community outreach process as described above.

Letter of Intent and Initial Evidence of Outreach Review

Institute staff will review the Letters of Intent and required community outreach information and determine if the submission meets the requirements listed above. Institute staff will inform applicants about the status of the Letters of Intent as soon as practicable after receipt. The Institute will inform applicants whose Letters meet the Institute's requirements that the applicant may submit a proposal(s). The Institute will inform applicants whose Letters do not meet the requirements that the applicants may not submit a proposal for review during the current cycle. This determination of the adequacy of the Letter of Intent is at the sole discretion of Institute staff. There is no appeal of a negative determination. Should the Institute hold a second review round, applicants who submit unsuccessful Letters of Intent will be eligible to submit a new Letter of Intent to submit a proposal in the second round.

Letter of Intent Formatting Requirements and Submission Information

The Institute does not require that applicants submit the Letter of Intent and accompanying evidence of outreach in a specific format, as long as the material meets the requirements stated above.

Applicants must submit all material by the stated deadline in one of the following methods:

- Hand deliver or mail all material in hard copy to the Institute's Albany office at 41 State St., Suite 700, Albany, NY 12207;
- Electronically deliver all material attached to one email to charters@suny.edu; or
- If necessary, contact the Institute by Monday, February 3, 2014 to set up delivery via Dropbox. Applicants should only seek to use this method if the size of the electronic files accompanying the letter would prohibit practical delivery within one email.

Applicants must submit all Letters of Intent and public outreach evidence to the Albany office of the SUNY Charter Schools Institute in person, by post or in electronic format by the dates and times noted below:

Due Date: Monday, February 10, 2014 by noon.

In person or by mail: SUNY Charter Schools Institute
41 State St., Suite 700
Albany, NY 12207

By electronic mail: charters@suny.edu

Section VI: Submitting a Proposal in Response to the *January 2014 SUNY Request for Proposals*

Submitting the Proposal

Applicants may submit proposals in one of two ways:

Option 1: The applicant may submit two (2) electronic copies of the entire proposal, including the requested Business Plans if applicable, on separate flash-drives or separate CDs as detailed in the Submitting the Electronic Copy section below. Applicants who choose to submit through this method must submit a hard copy of the transmittal form with an original applicant signature along with the flash-drives or CDs.

Please note that each electronic copy must be identical if submitting flash-drives or CDs through Option 1.

Option 2: Applicants who contact the Institute in advance as described below may submit the proposal via Dropbox. In order to use this option, applicants must:

- Contact the Institute by March 5, 2014 and inform the Institute that the proposals will arrive via Dropbox, at which point Institute staff will work with the applicants to create a Dropbox folder;
- Submit all electronic files to the Dropbox folder by noon on March 12, 2014 Eastern Standard Time.
- Mail a signed Transmittal Form with original applicant signature to the Institute at the following address. The Institute must receive the Transmittal Form by March 19, 2014:

  Charter Schools Institute/SUNY
  C/O Director of School Applications
  41 State St., Suite 700
  Albany, NY 12207

- A paper copy of the full application is not necessary. Regardless of which option the applicant uses to submit a proposal, the inclusion of one or more files that the Institute determines are inaccessible (i.e., Institute staff are unable to open or read the file(s)) may result in the finding that the proposal is incomplete. Upon review of electronic submissions and at its discretion, the Institute may request a paper copy to clarify minor formatting issues.

  Note: Nothing prohibits an applicant from submitting a proposal prior to the due date. The Institute will not review proposals that arrive later than the stated deadline.

Page Numbering and Addressing Requests That Are Not Applicable

- Each individual Response should include page numbers at the bottom of the page. The notation should be the number and/or number and letter of the Response followed by the page number for that Response. For example, the **fourth page of the eleventh** RFP request would be numbered **"**Response 11-4" or the **second page of the response to Request 3(a)** would be numbered "Response 3(a)-2."
- **Applicants must respond to requests that do not apply with "Request is Not Applicable."**

Electronic Formatting

- Each electronic copy of the proposal (2 in total if submitting under Option 1 or a single set of files in a Dropbox folder if submitting under Option 2) shall consist of files containing each individual response saved as described in the table below. The table also notes what file type is acceptable for each response, i.e., Microsoft Word®, Microsoft Excel®, or Adobe Acrobat®.
- Each electronic copy of the proposal should be submitted on separate CD-ROMs/flash drives (Option 1) or within a Dropbox folder (Option 2) as follows:

  - Create a folder on the CD-ROM/flash drive or Dropbox folder called [School Name] Charter Proposal.
  - Within that folder, save all Responses titled and formatted as described in the table below. **Please be sure that if the development of this proposal included the use of the track changes feature of Microsoft Word® the final files contain no track changes and that track changes are off prior to saving.**
  - If it is necessary to submit more than one file to address a Request, please save the files based on the following example: Response 24(b)(1) – Supplemental Docs, Response 24(b)(2) – Supplemental Docs, etc.
  - Acceptable electronic formats for the saved files are Microsoft Word®, Microsoft Excel® or Adobe Acrobat® <u>only</u> as indicated below. Adobe Acrobat® files are only acceptable when scanning documents is necessary. When scanned files are submitted in Adobe Acrobat® format, they should be OCR'd (Optical Character Recognition) and Optimized to reduce the file size. Files required to be submitted in Microsoft Word® or Microsoft Excel® may not be submitted in any other format.
  - **All Responses should appear in one folder only. The proposal folder should not contain any sub-folders.**
  - Please contact the Institute at 518/445-4250 with any questions about electronic formatting requirements.

Required Format for Naming and Saving Electronic Files		
Request	**Required File Name**	**File Type**
Transmittal Form	Response 00(a) - Transmittal Form	Adobe Acrobat® Form
Proposal Summary	Response 00(b) - Proposal Summary	Adobe Acrobat® Form
Replication Proposal Checklist	Response 00(c) – Replication Checklist *(Only applies to applicants using the Replication Requests)*	Adobe Acrobat® Form
Request 1	Response 01 - Community Need	Microsoft Word®
	Response 01(c) – Fiscal Impact	Microsoft Word®
Request 2	Response 02 - Addressing Need	Microsoft Word®
	Response 02(d) - Accountability Plan	Microsoft Word®
Request 3	Response 03 - Proposal History	Microsoft Word®
	Response 03(g) - Founding Resumes *(Replication Response: This section is not required)*	Microsoft Word® or Adobe Acrobat®
	Response 03(h) - Outreach Evidence *(Replicator Response: Save as Response 03(c) – Outreach Evidence)*	Microsoft Word® or Adobe Acrobat®
Request 4	Response 04 - Enrollment	Microsoft Word®
Request 5	Response 05 - Curriculum and Instruction	Microsoft Word®
Request 6	Response 06 - Calendar and Schedules	Microsoft Word® or Microsoft Excel®
Request 7	Response 08 - Specific Populations	Microsoft Word®
Request 8	Response 08 - Instructional Leadership	Microsoft Word®
Request 9	Response 09 - Culture and Discipline	Microsoft Word®
	Response 09(b) - Discipline Policy	Microsoft Word®
	Response 09(c) - Special Education Policy	Microsoft Word®
	Response 09(d) - Dress Code	Microsoft Word®
Request 10	Response 10 - Organization Chart	Microsoft Word®
Request 11	Response 11 - Personnel	Microsoft Word®
	Response 11(d) - Personnel Policies	Microsoft Word®
Request 12	Response 12 - Partner Organizations	Microsoft Word®
	Response 12(b) - Partner Commitment	Microsoft Word® or

Required Format for Naming and Saving Electronic Files		
Request	**Required File Name**	**File Type**
		Adobe®
Request 13	Response 13 – Governance	Microsoft Word®
	Response 13(e) - By-Laws	Microsoft Word®
	Response 13(f) - Code of Ethics	Microsoft Word®
	Response 13(g) - Board Information	Microsoft Word® or Adobe Acrobat®
Request 14	Response 14 - Community Relations	Microsoft Word®
	Response 14(c) - Evidence of Support	Microsoft Word® or Adobe Acrobat®
Request 15	Response 15 - Student Demand	Microsoft Word®
	Response 15(c) - Evidence of Demand	Microsoft Word® or Adobe Acrobat®
	Response 15(d) - Admissions Policy	Microsoft Word®
Request 16	Response 16 – Facilities	Microsoft Word®
	Response 16(d) - Facilities Documents	Microsoft Word® or Adobe Acrobat®
Request 17	Response 17 - Food Services	Microsoft Word®
Request 18	Response 18 - Health Services	Microsoft Word®
Request 19	Response 19 – Transportation	Microsoft Word®
Request 20	Response 20 – Insurance	Microsoft Word®
Request 21	Response 21 - Programmatic Audit	Microsoft Word®
Request 22	Response 22 - Fiscal Soundness	Microsoft Word®
	Response 22(e) - Budget Template	Microsoft Excel®
	Response 22(f) - Letters of Commitment	Microsoft Word® or Adobe Acrobat®
	Response 22(g) - Non-SUNY Forms *(Not required for applicants using Replication Responses)*	Microsoft Word® or Adobe Acrobat®
Request 23	Response 23 - Action Plan	Microsoft Excel®
Request 24	Response 24 - Supplemental Narrative	Microsoft Word®
	Response 24(b) - Supplemental Docs	Microsoft Word® or Adobe Acrobat®

Required Format for Naming and Saving Electronic Files		
Request	**Required File Name**	**File Type**
Business Plan *(If Applicable)*	*Name of Not for Profit Education Corporation* Business Plan	Microsoft Word® and Excel
	Name of CMO, ESP or partner organization providing a majority of the educational management services Organization Business Plan	Microsoft Word® and Excel

January 2014 SUNY RFP Standard Requests

Charter Schools Institute
The State University of New York

Application questions (requests) for all those seeking to apply by SUNY's standard proposal process

Section VII: Standard Proposal Requests

The Standard Proposal Requests are to submit a proposal to open a new charter school to the SUNY Trustees, pursuant to Education Law § 2852(9-a).

Note that qualified applicants seeking to replicate or operate multiple schools as described in Section II of this RFP, should use the Proposal Requests in Section VIII of this RFP, Replication Requests.

Please carefully review the Institute's *Guidance Handbook: A Resource for Applicants Responding to the January 2014 SUNY Request for Proposals* (Guidance Handbook), available at: http://www.newyorkcharters.org/openAppKit.htm, for additional information on responding to the proposal requests below.

A. Proposal Transmittal Form

Please complete the electronic copy of the Proposal Transmittal Form, shown below, which appears on the Institute's website:

http://www.newyorkcharters.org/ProposalTransmittalForm.pdf.

- Applicants should complete and sign an original copy of the proposal transmittal form and submit it to the Institute per the instructions in Section VI of this RFP).
- A scanned copy of the signed transmittal form should also be included within the electronic copies of the proposal.

Submit the completed electronic copy of the Proposal Transmittal Form as an Adobe® Acrobat file named: Response 00(a) - Transmittal Form

B. Proposal Summary

Please complete the electronic copy of the Proposal Summary Form, shown below, which can be found on the Institute's website:

http://www.newyorkcharters.org/documents/ProposalSummaryForm.pdf

Please respond to each request clearly and concisely, sharing where appropriate, enough detail to provide the reader with a basic understanding of the proposed charter school.

1. **Charter School Education Corporation Name:** Enter the name of the proposed or current charter school education corporation.
2. **Charter School Name:** Enter the name of the proposed charter school.
3. **Charter School Location:** Please insert the proposed district outside of New York City or CSD in New York City. If more specific information, such as neighborhood or address, is known, include that as well.
4. **Anticipated Opening Date:** Indicate the date upon which the proposed school intends to begin instruction.
5. **Management Organization Name:** If the proposed charter school will have a not-for-profit management organization, enter the legal name of the organization, the number of existing schools currently managed by the organization as well as the location and authorizer of those schools.
6. **Other Partner Organization(s):** If the proposed charter school will have a contract with any other partner organization, enter the name(s) of the organization(s) here. Note that if the partner organization would provide a majority of the educational services to the proposed school then it should be listed in 5, above.
7. **Student Population/Grades Served:** Please insert the grades served and number of students the school would enroll in the first and fifth year of its charter term.

8. **Applicant(s):** Please list the name of each applicant followed by a very brief biographical statement (no more than three lines please). In the case of existing NY charter school education corporations applying for authority to operate additional, schools, the nominal applicant would be the board chair or other board approved designee.

9. **Proposed Board of Trustees**: Please list the name of each proposed member of the school's board of trustees, indicate if they would serve as an officer, and provide a very brief biographical statement (no more than three lines). If the board plans to have additional trustees who have not yet been identified, place "Vacant" in the Name field for each such seat on the board followed by the position of the intended member, e.g. "Reserved for a parent representative," "Reserved for a community representative," etc., in the Bio field.

10. **Overview of the Proposed Program:** Please write a brief narrative summary of the proposed charter school (no more than two (2) pages in length). The narrative should include the following:

    - Mission statement of the proposed charter school;
    - Rationale for establishing the school;
    - Description of the school's key design elements intended to allow the school to achieve its mission and goals;
    - Number of days of instruction in a school year and typical hours of operation;
    - Discussion of considered instructional materials to be used to implement the curriculum;
    - Discussion regarding any unique characteristics of the program, such as a character education component, remedial supports for students at-risk of academic failure, programs for students who are English language learners or students with disabilities;
    - Discussion of the school's instructional leadership model and supervision and support for teachers;
    - Summary of the management structure of the proposed school, e.g., instructional and operational leadership positions and lines of reporting;
    - Discussion of any intended relationships with management organizations (not-for-profit) or other partner organizations that will play a significant role in the school. This discussion should include the name of the organization and an overview of what that organization will do for the school and, if it will be a contracted service or services, the cost (either in dollars or percentage of student fees); and
    - Information regarding the proposed location for the school. If the proposed location is public school space, the summary should also reflect an alternate location should public school space not be available.

Submit the completed electronic copy of the Proposal Summary Form
(form found at: http://www.newyorkcharters.org/documents/ProposalSummaryForm.pdf)
as an Adobe® Acrobat file named: Response 00(b) - Proposal Summary

C. Requests

Please respond to each request in its entirety. If any section of a request is not applicable, please include that section in the application along with a response indicating it is not applicable.

SCHOOL ESTABLISHMENT

1. Community Description, Need and Proposed School Impact

(a) Community Description and Need:

Provide an analysis of the community and target population for the school, including;

- **A description of the community from which the proposed school intends to draw students;**
- **Community demographics;**
- **A description of the specific population of students the proposed school intends to serve;**
- **The applicants' rationale for selecting the community;**
- **Performance of local schools in meeting the need; and**
- **How the proposed school provides a needed alternative for the proposed community.**

(b) Programmatic Impact

Describe the *programmatic* impact of the establishment of the proposed charter school on existing public and nonpublic schools in the same geographic area as the proposed school location. Responses should include:

- **A table listing the existing educational options and grades served available to the target population including all district and charter schools, private schools;**
- **Information demonstrating a thorough analysis of existing educational options for the existing community and target population;**
- **Analysis of how the proposed school's enrollment plan will impact the enrollment and programmatic viability of the public and non-public schools; and,**
- **Analysis of the provision of novel or different programs or instructional approaches to those currently in place in the targeted community or population.**

(c) Fiscal Impact

Complete the following table and discuss the fiscal impact of the school on other public and non-public schools in the area, including;

- **Enrollment expectations (which should be consistent with Responses 4 and the 5-year budget projection);**
- **Per Pupil Allocation assumptions;**
- **Dollar amount the proposed charter school anticipates receiving from each district in Per Pupil Funding;**
- **Other projected revenue the proposed charter school anticipates receiving from the district (special education, grant, etc.);**
- **Projected Budget for the school district of location; and**
- **Projected impact as a percentage of dollars of each sending district's budget (with more than 10 students projected to attend the charter school) for each year.**

Operational Year (A)	Enrollment (# of Students) (B)	Per Pupil Allocation (C)	Projected Per Pupil Charter Cost (B x C = D)	Other Projected District Revenue (SPED Funding, Food, Service, Grants, etc.) (E)	Total Projected Funding to Charter School from District (D + E = F)	Total Budget for District (G)	Projected Impact (i.e. % of District's Overall Funding) ((F / G) x 100 = H)
20xx – 20xx		$	$	$	$	$	0.000%
20xx – 20xx		$	$	$	$	$	0.000%
20xx – 20xx		$	$	$	$	$	0.000%
20xx – 20xx		$	$	$	$	$	0.000%
20xx – 20xx		$	$	$	$	$	0.000%

Submit the narrative response to Requests 1(a-b) as Microsoft Word® file named:
Response 01 - Community Need

Submit the table required for Requests 1(c) as Microsoft Word® file named:
Response 01(c) – Fiscal Impact

2. Addressing the Need

(a) Mission and Vision

Provide the mission statement and vision for the proposed charter school.

(b) Key Design Elements

Provide a clear and concise overview of the proposed charter school's key design elements, i.e., those aspects of the school critical to its success. Provide any research, evidence of effectiveness or examples of existing programs that support the claims within the presentation of these elements. This should not exceed five pages in length.

(c) 5% Districts

If the proposed charter school will be located in a district where more than five percent of students are enrolled in charter schools, either provide evidence that the school district of location approves of the establishment of the proposed charter school or explain how the proposed charter school will have a "significant educational benefit" to the students who attend that school. A complete list of 5% districts can be found in the accompanying Guidance Handbook. Note that at this time SUNY anticipates that the NYC School District will be over the 5% threshold.

Include the following in support of the narrative:

(d) Draft Accountability Plan

Included in the Guidance Handbook is additional detail and reference to an online template to assist the applicant in developing the required SUNY academic accountability plan. This Response should serve as a draft based on the applicant's understanding of the Institute's accountability requirements and in alignment with the proposed school model. Institute staff will work with successful applicants in the first year of operation of the school to finalize the plan.

Submit the response to Request 2(a-c) as a Microsoft Word® file named: Response 02 - Addressing Need Attach a draft accountability plan as a Microsoft Word® file named: Response 02(d) - Accountability Plan

3. Proposal History Including Community Outreach

(a) Applicant Information

Provide a brief description of the applicant(s) including relevant background and experience and whether each applicant is a parent, teacher, administrator and/or community resident as required by the Act.

(b) Founding Members

Describe how the founding group was formed and the relationship of its members to each other. Include a brief description of their relevant experience or skills, their role in the group or contributions to the proposal, and their proposed role, if any, in the school if approved, e.g., school leader, teacher, board member, service provider, etc. Use the following table to list the active members of the founding group (including the applicants) who developed this proposal.

Name	Relevant Experience/Skills and Role in Founding Group	Proposed Role(s) in School (if any)
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

***Attach resumes for founding group members who would not serve on the education corporation's board of trustees as Response 3(g) – Founding Resumes. Provide resumes for founding members who would serve on the school's board of trustees as part of Response 13(g) – Board Member Information.**

(c) Proposal Development

Describe the process used to develop the proposal. The response should address who contributed to designing the school and to writing the proposal, which may include individuals outside of the founding group, such as advisers or consultants.

(d) Partner / Management Organization Involvement

If the proposal is submitted in conjunction with partner(s) and/or a management organization, explain the due diligence process used to select the partner(s) and/or management organization and their role in the development of this proposal.

Note: Applicants who submit proposals in conjunction with a CMO, ESP or partner organization providing a majority of the educational management services must submit a Business Plan. Please see Appendix A for the Business Plan.

Also, applicants submitting in conjunction with a non-management partner organization(s) should provide detailed information about this partnership(s) as described in Request 12 – Partner Organizations. The Institute, in its sole discretion, may determine that a non-management partner organization should also submit a Business Plan.

(e) Community Outreach

NOTE: Community Outreach is a minimum statutory requirement.

Explain:

- **The methods used to inform stakeholders in the intended community about the proposed charter school;**
- **The strategies used to solicit community input regarding the educational and programmatic needs of students and the plan to meet those needs;**
- **The form and nature of feedback received from community stakeholders and the process for incorporating that feedback into the submitted proposal; and**
- **The extent to which, if at all, the proposal incorporates community input regarding the educational and programmatic needs of students.**

***Attach all evidence of community outreach materials as Response 3(h) – Outreach Evidence**

(f) Withdrawn, Rejected, and Concurrent Proposals (SUNY and/or Other Authorizers)

- **Indicate whether this proposal was previously withdrawn from or rejected by the SUNY Trustees. If yes, provide:**
  - **The name of the proposed charter school(s) when previously submitted;**
  - **The date(s) of the previous submission(s); and**
  - **A summary of what has changed in the proposal since its previous submission(s) and the reasons therefore.**

- **Indicate whether the applicant and/or founding team has previously or currently applied for a charter from a charter entity other than the SUNY Trustees. If yes, provide;**
  - **The name of the charter entity;**
  - **The name(s) of the proposed school(s) and the date(s) when the application(s) were submitted;**
  - **The status of those applications; and**
  - **If any members of the founding group withdrew an application for a substantially similar school from consideration by a charter entity or if such an entity ever denied such an application, provide the reasons for the withdrawal or denial. If the charter entity provided any formal written documentation to explain or justify the decision to not move the application forward (resulting in an applicant withdrawal or denial of the application), attach the document as part of this Response. If the application was granted, but the charter school is no longer in existence, please provide an explanation.**
  - **Describe any changes made to the application following the withdrawal or denial of the application that are evident in this proposal.**

Provide the following in support of the narrative response:

(g) Founding Resumes

Founding group members who plan to serve on the education corporation board of trustees should submit their resumes as part of Request 13(g) – Board Member Information. All other founding members should submit a resume or biographical statement here.

(h) Outreach Evidence

NOTE: Community Outreach is a minimum statutory requirement.

This response should include concrete evidence that the applicants conducted community outreach as described in Response 3(e) – Community Outreach

Submit the response to Request 3(a-f) as a Microsoft Word® file named:
Response 03 - Proposal History

Attach applicant and founding group resumes as Microsoft Word® files named:
Response 03(g) - Founding Resumes

Attach any evidence of community outreach as Microsoft Word® or Adobe® Acrobat files named:
Response 03(h) – Outreach Evidence

4. School Enrollment

Use the following table to submit student enrollment information for the first five operational years of the proposed charter school. Be sure to include the following:

- **Ages of the students to be served in each grade (for Kindergarten, indicate the date by which a student must turn five in order to be eligible to enroll in the charter school (December 1 or 31));**
- **Number of students proposed for each grade;**
- **Total number of enrolled students for each year of the charter term;**
- **Classes per grade; and,**
- **Average number of students per class.**
- **Place an asterisk (*) next to the grades in which the school would enroll new students.**

Grades	Ages	Number of Students				
		Year 1 20__-__	Year 2 20__-__	Year 3 20__-__	Year 4 20__-__	Year 5 20__-__
K						

Grades	Ages	Number of Students				
		Year 1 20__-__	Year 2 20__-__	Year 3 20__-__	Year 4 20__-__	Year 5 20__-__
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
Ungraded						
Total Students						
Classes Per Grade						
Average Number of Students Per Class						

Provide the rationale for the enrollment plan including the following:

- **The reason for choosing to serve the grades specified and the number of students in each grade;**
- **The extent to which the proposed charter school's grade configuration aligns with the school district of its proposed location and how any misalignment may impact the school; and,**
- **The pattern of growth over time including assumptions for each grade regarding student attrition and any plans to replace students or limit the intake of students.**
- **A statement about any growth that the applicants may seek in a future charter period if the school is renewed.**

Submit the response to Request 4 as a Microsoft Word® file named:
Response 04 - Enrollment

ACADEMIC SUCCESS

5. Curriculum and Instructional Design

(a) Curriculum Selection and Processes

Summarize the school's curriculum, by subject, and the rationale for curriculum decisions, including;

- **Research-based evidence of effectiveness, particularly in meeting the needs of the school's target population;**
- **Discussion of how the school's curriculum is aligned to New York State standards; and,**
- **An explanation of how the curriculum furthers the school's specific mission and unique themes, if applicable.**
- **Include a timeline outlining the pre-opening curriculum selection and development process that the school would use to ensure that there is quality curriculum in place ready for teachers to use upon commencement of instruction. Be sure to note the individuals involved in each step of the process.**
- **Discuss the process that will be used to further develop and implement the school's curriculum once the school is in operation.**
- **Explain how teachers will know what to teach and when to teach it, including the curriculum resources that will support instructional planning (e.g., curriculum maps, scope and sequences, pacing guides, etc.) and who will be responsible for creating or selecting these resources.**
- **Describe the process and procedures the school will use to evaluate, review and revise the curriculum to ensure its effectiveness for all students, alignment to state standards and alignment from grade to grade. Describe who will be responsible for these processes and how teachers will be involved.**

(b) Assessment System

Describe the diagnostic, formative and summative assessments the school will use to evaluate student knowledge and skills. This response should:

- **Describe each assessment's purpose, design, format and rationale for its selection.**
- **Describe key considerations in the selection or creation of any assessments not yet identified.**
- **Describe how the school will collect and analyze assessment results.**
- **Explain how the school will ensure assessment results are valid and reliable.**
- **Describe who will be responsible for administering the assessments and collecting and analyzing the results.**

- **Explain how school leaders and teachers will ensure student work products resulting from instruction indicate student preparation for success on state assessments.**
- **Explain how the following stakeholders will use assessment results:**

  - **Teachers**
  - **School leaders**
  - **The education corporation's board of trustees**
  - **Students**

- **Describe how the school will inform parents and students about academic achievement and progress.**

(c) Instructional Methods

Describe the pedagogical approach the school will use to implement its curriculum, including;

- **The instructional methods or techniques to be employed in the proposed school, including any specific requirements for implementing this pedagogical approach, e.g., co-teaching or aides, technology, physical space, approaches to classroom management, approach to checks for understanding, etc.;**
- **Research or existing models that support the use of these instructional methods, especially considering the school's target population; and,**
- **How these instructional methods will achieve the school's mission and support implementation of any unique elements of the school's design.**

(d) Course Overview

Provide course descriptions <u>by subject for each grade level</u> the school would serve within the initial five years of operation, <u>accounting for both core, and non-core subject areas</u>. This should include, at minimum, a general description of the content and skills that would be addressed in the course; if known, the curricular programs (e.g., Singapore Math, FOSS, etc.) that would be used in each course; and essential course specific assessments (e.g., the state's 3-8 assessments/Regents' exams, end of course portfolios or performances, etc.). For each course, provide some indication of the amount of time in which students will participate in the course. For high school courses, indicate the number of credits awarded for the successful completion of the course.

(e) Promotion and Graduation Policy

Explain the school's policies and standards for promoting students from one grade to the next. Address when and how the school will inform students and parents about promotion and graduation policies and decisions. Include in the policy any

provisions related to retention of students for a specified number of absences including any equating of tardies to absences.

If the proposed school would serve students in the 12th grade within the proposed charter term include the following:

- **Describe the types of diplomas the school will offer.**
- **Include how students will meet the requirements set forth by New York State for the granting of each type of diploma.**
- **Include school specific graduation requirements and the rationale for their selection.**
- **Identify courses included in the Course Overview (Response 6(d)), providing an outline of specific course sequences leading to graduation.**

Submit the response to Request No. 5(a-e) as a Microsoft Word® file named: Response 05 - Curriculum and Instruction

6. Calendar and Schedules

(a) School Calendar

Provide a copy of the proposed school's calendar for its first year of operation, including;

- **Total number of days of instruction for the school year;**
- **First and last day of classes;**
- **Organization of the school year (i.e., semesters, trimesters, quarters, etc.), especially important for schools that will ultimately include 9th through 12th grades;**
- **All planned holidays and other days off, as well as planned half days; and,**
- **Dates for summer school, orientation and other activities outside of the core academic calendar, if planned.**

(b) Sample Student Schedule

For each division of the school (e.g., lower elementary, upper elementary, middle, high), provide a sample student schedule for a typical week of instruction: including;

- **A narrative explaining the length of the school day (including the approximate start and dismissal times for the school day);**
- **Components of the school day devoted to core academics;**
- **Components of the school day devoted to before or after school electives, remediation or other non-core academic components of the proposed school design;**
- **A brief scenario describing a typical student's day or week in addition to the schedule(s); and,**

- **A minimum number of hours the school will devote to core academic subjects in each grade, i.e., English language arts, mathematics, science, and social studies, and the total number of hours/minutes of instruction per week (exclusive of lunch, recess, study hall, etc.).**

(c) Sample Teacher Schedule

For each division of the school (e.g., lower elementary, upper elementary, middle, high), provide a sample teacher schedule for a typical week of instruction, including;

- **Length of teachers' work day;**
- **Time devoted to core teaching assignments, planning and other activities; and,**
- **A brief scenario describing a typical teacher day and week.**

Submit the response to Request No. 6(a-c) as a Microsoft Word® file named: Response 06 - Calendar and Schedules

7. Specific Populations

(a) Struggling Students

Discuss the proposed school's methods and strategies for identifying and serving students who are struggling academically and at-risk of academic failure, including:

- **How the school will determine and identify which students are struggling, including within the context of a Response to Intervention (RtI) program. The applicant should clearly define the term "struggling student" as it would be applied in the school;**
- **The strategies, programs and resources (including personnel) the school will devote to assisting struggling students both within general education classrooms and in other settings, e.g., planning time, small group instruction, tutoring, targeted assistance, technology, staff and consultants, etc.;**
- **Any research or evidence that supports the appropriateness of the proposed approach; and,**
- **The process that the school will use to evaluate the efficacy of the program and ensure that the school is meeting the needs of these students.**

(b) Students with Disabilities

Discuss the proposed school's methods and strategies for identifying and serving students with disabilities in compliance with all federal laws and regulations. Please refer Appendix B – Assurances Regarding the Provision of Special Education Services when creating this response as, if approved, the final charter will incorporate by reference the assurances found in this document. Include:

- **A statement agreeing to abide by all of the assurances found in Appendix B of this RFP – Special Education Assurances (see Appendix B).**
- **The process for identifying students with disabilities (child find), especially within the context of the school's RtI process;**
- **The resources, personnel (including administrative responsibilities), direct and related services the school is likely to provide both within general education classrooms and in other settings (e.g., planning time, instructional materials, technology, professional development, staff and consultants, etc.);**
- **The services or settings that will be provided by the school district of the student's residency or through a third party contract;**
- **Any research or evidence that supports the appropriateness of the school's approach to serving students with disabilities;**
- **The process for coordination between general education teachers and special education teachers or service providers;**
- **The process that will be used to monitor the achievement and progress of students with disabilities;**
- **The process that will be used to evaluate the efficacy of the program and ensure that the needs of these students are being met; and,**
- **Specific professional development for identifying, supporting and evaluating the progress of special education students including the implementation of RtI and behavioral intervention plans in the classroom.**

(c) English Language Learners

Discuss the proposed school's methods and strategies for identifying and serving ELLs in compliance with all federal laws and regulations, including;

- **The process for identifying students whose first language is not English and the methods for determining the scope of assistance that these students may need, including how the school will ensure that they are not inappropriately identified as students with special education needs;**
- **The approach, resources, and personnel (including qualifications and reflecting associated administrative responsibilities) the school will use to meet the needs of ELLs (both within general education classrooms and in other settings);**
- **The research and evidence that supports the appropriateness of this approach;**
- **The process for coordination between general education teachers and staff serving ELLs;**
- **The process that will be used to monitor the achievement and progress of ELLs, including exit criteria;**
- **The process that will be used to evaluate the efficacy of the program and ensure that the needs of ELL students are being met;**
- **How the school will make all necessary materials available to parents of ELLs in a language that they can understand; and,**
- **How the school will make after school and other extra-curricular programming available to ELLs.**

(d) Gifted and Advanced Students

Discuss the proposed school's methods and strategies for identifying and serving students who are academically advanced and/or gifted and at risk of not being adequately served, including;

- **How the school will determine and identify advanced and/or gifted and talented students. The applicant should define the term "advanced student" as s/he deems appropriate;**
- **Strategies and/or programs the school will use to accelerate learning for advanced students and/or gifted (both within general education classrooms and in other settings);**
- **The resources the school will devote to serving advanced students and/or gifted (e.g., enrichment activities, instructional materials, technology, staff and consultants, etc.);**
- **Research or evidence that supports the appropriateness of this approach;**
- **Personnel that the school will devote to serving advanced and/or gifted students; and,**
- **Process that will be used to evaluate the efficacy of the program and ensure that the needs of these students are being met.**

Submit the response to Request 7(a-d) as a Microsoft Word® file named: Response 07 - Specific Populations

8. Instructional Leadership

(a) Instructional Leadership Roles

Describe instructional leadership in the school over the first five years of operation, including;

- **Specific roles and responsibilities of the personnel who would provide instructional leadership in the proposed school;**
- **The process and criteria for identifying and selecting instructional leaders, and,**
- **How instructional leaders will monitor the effectiveness of the academic program.**

(b) Teacher Support and Supervision

Describe on-going Teacher Supervision and Support including the school's approach to individual teacher supervision and support.

(c) Professional Development

Describe how the school's professional development program will assist teachers in meeting students' academic needs and school goals, including;

- **How and when professional development will be delivered;**
- **Who will be responsible for providing professional development;**
- **How professional development topics will be identified and the professional development priorities would be over the course of the first five years of operation;**
- **How the professional development program will meet the needs of all teachers, including novice teachers, teachers new to the school, veteran teachers, and teachers of all subjects; and**
- **The process for evaluating the efficacy of the professional development program.**

(d) Teacher Evaluation and Accountability

Describe how the school will evaluate teachers and hold them accountability, including:

- **An explanation of how expectations for teacher performance and student achievement will be established, communicated to, and instilled in staff; and,**
- **A description of the school's process and criteria for evaluating teacher performance and holding teachers accountable for student achievement.**

Submit the response to Request 8(a-d) as a Microsoft Word® file named: Response 08 - Instructional Leadership

9. School Culture and Discipline

(a) Explain how the school will establish and maintain a culture that supports learning and achievement, including;

- **The school's general approach to school culture and rationale for this approach;**
- **How the school will maintain a safe and orderly environment;**
- **The school's approach to behavior management and discipline; and,**
- **If the charter school would implement a dress code policy, describe the policy and the rationale for its selection. Include a description of how the cost of any uniform would be subsidized for parents unable to afford it.**

Include the following in support of the narrative response:

(b) Discipline Policy (for general education students)

(c) Special Education Discipline Policy (in conformity with the federal Individuals with Disabilities Education Act (IDEA)

(d) Dress Code Policy

Submit the response to Request 9(a) as Microsoft Word® file named: Response 09 - Culture and Discipline Attach the school's Discipline Policies for general and special education students as a Microsoft Word® files named: Response 09(b) - Discipline Policy Attach the school's Discipline Policies for general and special education students as a Microsoft Word® files named: Response 09(c) - Special Education Policy Attach the school's Dress Code as a Microsoft Word® file named: Response 09(d) - Dress Code

ORGANIZATIONAL VIABILITY

10. Organizational Chart

Provide organizational charts for the school for at least the first and fifth years and a narrative description of the charts, including;

- **A clear reporting structure of school leader(s) to the board of trustees and staff to the school leader(s). If the charter school intends to contract or partner with an entity for management or educational services, the organizational charts should also reflect that relationship as well as any relationship with a partner organization or its governing body; and,**
- **A narrative explaining the lines of reporting and accountability, the rationale for choosing this structure, and the roles of any management or partner organizations. The narrative should not duplicate the information in the Staffing Chart narrative, immediately below.**

Submit the response to Request 10 as a Microsoft Word® file named: Response 10 - Organizational Chart

11. Personnel

(a) Staffing Chart and Rationale

Use the table below to provide a list of all staff positions (instructional and non-instructional) in the school during the first five years of operation and provide a

narrative that explains the rationale for the staffing structure and numbers. Identify and distinguish classroom teachers, teaching aides or assistants, special education teachers and ESOL teachers, as well as any other specialty teachers.

	Number in Position				
	Year 1	Year 2	Year 3	Year 4	Year 5
Grades Served:					
Enrollment:					
Position					
Total					

(b) Provide a list of qualifications and responsibilities for each staff position (instructional and non-instructional)

(c) School Leadership and Management Structure

Explain the management structure of the school, including;

- **Management practices and procedures, i.e., how the school will set priorities and make key organizational decisions;**
- **If the education corporation would work with a management organization, an explanation of the relationship between employees of the education corporation and that organization; and,**
- **Evaluation procedures and processes for staff in management positions.**

(d) Staff Recruitment and Retention

Describe the qualifications required for the school leader, including;

- **The process and criteria the school has, or will use, to select the school leader;**
- **Who has been, or will be involved in the selection process; and,**
- **The role of any CMO/EMO/ or partner organization (if any) in the selection process.**

Describe how the school will recruit and retain all other staff, particularly high quality teachers, including;

- **The process, policies and procedures to recruit and hire teachers and other staff; and,**
- **The strategies to retain high quality teachers.**

Include the following in support of the narrative response:

(e) Personnel Policies

Submit the response to Request 11(a-d) as a Microsoft Word® file named: Response 11 - Personnel Attach Personnel Policies as a Microsoft Word® file named: Response 11(e) - Personnel Policies

12. Partner Organizations

(a) Partner Information

Describe any partner organizations that will have a significant relationship with the proposed school, including;

- **Name of the partner organization(s);**
- **Description of the nature and purpose of the proposed school's relationship with the organization(s); and,**
- **Name of a contact person for the partner organization(s), along with the address, phone number, and e-mail of such contact person for the partner organization.**

The Institute may at its sole discretion, determine that the partner organization must submit Business Plan (http://www.newyorkcharters.org/openAppKit.htm**). Please contact the Institute with any questions related to this request.**

Attach the following in support of the narrative response:

(b) Partner Commitment

For each new proposed partnership, provide a letter of intent or commitment from a bona fide representative of the partner organization(s) indicating the terms and extent of the organization's involvement with the charter school.

If the school would provide compensation to the partner(s) for any goods or services (i.e., a lease or fee), provide a copy of the contract and include an explanation about how such services would be at or below fair market value.

Submit the response to Request 12(a) as Microsoft Word® file named:
Response 12 - Partner Organizations

Attach the letter(s) of commitment from partner organization(s) as Microsoft Word® or Adobe® Acrobat file named:
Response 12(b) - Partner Commitment

13. Governance

(a) Education Corporation Board Roles and Responsibilities

Describe the roles and responsibilities of the education corporation's board of trustees, including;

- **Selecting school leader(s) (and partner or management organizations, if any);**
- **Monitoring school performance; and,**
- **Evaluating school leaders (and partner or management organizations, if any) and holding them accountable for achievement of the school's mission and goals.**

(b) Education Corporation Board Design

Describe and provide the rationale for the proposed design of the education corporation's board of trustees, including:

- **Number of trustees;**
- **Qualifications to be a trustee;**
- **Trustee recruitment and selection process and criteria;**
- **New trustee orientation process;**
- **Officer positions;**
- **Standing committees (if any);**
- **Ex-officio members (voting and non-voting);**
- **Frequency of board and committee meetings;**
- **Information to be received from the CMO, school leadership, staff or contractors as applicable;**
- **Delegation of authority to any committees, officers, employees or contractors;**
- **Procedures for publicizing and conducting school board meetings and taking and maintaining board and committee meeting minutes in accordance with the NY Open Meetings Law;**
- **Procedures for handling complaints, including from staff and parents; and,**
- **Board/trustee training and development.**

(c) Stakeholder Participation

Explain how parents and school staff, including teachers, will provide input and participate in the governance of the education corporation.

(d) Proposed Founding Board of Trustees

- **Complete the following table for all members of the proposed founding education corporation board including any currently vacant seats that the board would seek to fill by the end of the first year of operation (e.g., a seat for an ex-officio parent representative).**

  A minimum of five members must be identified when the proposal is submitted. (In circumstances where persons affiliated with a CMO will serve on the education corporation board, more than five trustees must be identified when the proposal is submitted. Please see the Guidance Handbook for more details.)

  Please note that paid employees of the school may generally not serve as voting members of the board or count toward a quorum when considering attendance, including administrators and teachers, except perhaps in limited circumstances. Please see the Guidance Handbook for further information.

Name	Voting	Ex-Officio	Officer Position and/or Committee Membership	Length of Initial Term
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		

- **Explain the capacity of the founding board to govern the proposed education corporation and ensure that its mission is met including the relevant skill sets and experiences of the proposed board members.**

- **Explain the role of the management organization, partner organization, or any other specific group in the recruitment and selection of the founding board of trustees, if applicable.**

Include the following in support of the narrative response:

(e) By-laws

(f) Code of Ethics

Attach the code of ethics of the charter school education corporation. The code of ethics must include a comprehensive and formal conflict of interest policy with specific procedures for implementing the policy and assuring compliance therewith. The code of ethics and conflict of interest policy must be written to apply not only to trustees, but also to officers and employees of the school in conformity with the NY General Municipal Law. Please see the Guidance Handbook for more details.

(g) Board Member Information

For each proposed trustee, attach a resume or biographical statement in response to this request. Each proposed trustee named in the proposal must also complete, sign and submit the "Request for Information from Prospective Charter School Board Members" form. This form is located on the Institute's website at: http://newyorkcharters.org/schoolsBOT.htm**.**

Submit the response to Request 13(a-d) as Microsoft Word® file named:
Request 13 - Governance

Attach Board By-laws as a as Microsoft Word® file named:
Response 13(e) - Board Bylaws

Attach Complaint Policies as a as a Microsoft Word® file named:
Response 13(f) - Code of Ethics

Attach board member resumes or biographies and Request for Information Forms as a Microsoft Word® or Adobe® Acrobat file named:
Response 13(g) - Board Member Information

14. District and Community relations

(a) District Relations

Provide supporting evidence of any explicit support for the proposed school from the school district in which the school intends to be located. Also include;

- **Strategies for establishing and maintaining an ongoing relationship with the local school district including any foreseen opportunities or challenges; and,**

- **A description of low-performing schools in the area where the proposed charter school intends to be located and explain how the charter school might partner with those schools to share best practices and innovations.**

(b) Community Relations

Describe any explicit support for this proposal from community stakeholders or others, including an analysis of both the depth of support and opposition to the school.

Include the following in support of the narrative response:

(c) Evidence of Community Support

Submit actual examples, documents, etc. that provide evidence of support. See note in Response 15(c) – Evidence of Demand regarding potential overlap between evidence of support and evidence of demand.

Submit the response to Request 14(a-b) as a Microsoft Word® file named: Response 14 - Community Relations Attach evidence of community support as a Microsoft Word® or Adobe® Acrobat file named: Response 14(c) - Evidence of Support

15. Student Demand, Recruitment and Retention

(a) General Student Population

Describe the student demand for the school that would allow the school to meet the intended enrollment figures.

(b) Target Populations

NOTE: Presenting a plan to recruit and retain target populations is a minimum statutory requirement.

Explain how the proposed school will meet or exceed the *enrollment* and *retention* targets established by the SUNY Trustees for students with disabilities, ELLs, and FRPL students. The response should address:

- **The recruitment strategies the school will employ to attract each target population to the school (including outreach to parents in the community for whom English is not their primary language);**
- **Any at-risk admissions factors, set-asides or "preferences" the school would offer that would increase the likelihood of enrolling targeted students (understanding that the inclusion of such preferences will make the proposed school ineligible to receive federal Charter School Program (CSP) grant funding**

– please see Appendix A below and accompanying guidance related to Appendix A in Institute's *Guidance Handbook* for further information); and,

- **A brief explanation of the efforts, resources, structures or programs that the school will take to retain these students and how the school will monitor the efficacy of such efforts including disaggregation of student performance data for each subgroup.**

Clearly delineate how the school would address each sub-group.

Include the following in support of the narrative response:

(c) Evidence of Demand

Include evidence of student demand (e.g., petitions that clearly indicate that signers have students of age to enroll in the school and would consider enrolling them in the school).

Important Note: If evidence of student demand overlaps with evidence of community support, it is not necessary to duplicate documents. Please clearly describe how any evidence of community support also explicitly demonstrates student demand.

(d) Admissions Policy

Describe the admissions policy for the school including any at-risk designations or set-asides, and how the school intends to apply the statutory preferences for returning students, siblings and students residing in the school district or CSD of location of the charter school in accordance with the Act. Please note that the inclusion of at-risk "preferences" or set-asides will make the school ineligible for federal CSP grant funding.

Submit the response to Request 15(a-b) as a Microsoft Word® file named: Response 15 - Student Demand Attach evidence of student demand as a Microsoft Word® or Adobe® Acrobat file named: Response 15(c) - Evidence of Demand Attach the school's admissions policy as a Microsoft Word® file named: Response 15(d) - Admissions Policy

16. Facility

(a) Facility Needs

Describe the facility needs of the proposed school for each year of the charter period including any unique features necessary to implement the school design and academic program, including;

- **The desired location of the school facility;**
- **The number of general education classrooms required each year;**

- **Any additional classroom space required for special education or ELL services, labs, specialty classes and intervention or enrichment programs; and,**
- **Space requirements for administrative functions, food services and physical education.**
- **If the applicants intend to offer a residence program for students, describe the facility requirements to support this program, overnight staffing and include specific and detailed information regarding the number of residence rooms, configuration, restroom, food service and other facility related needs unique to the residence program proposed.**

(b) Facility Selection

Describe the efforts to date to secure a facility for the school, including;

- **If a facility has been identified, a description of the facility and how it meets the school's needs including its location and whether it is new construction, part of an existing public or private school building, or must be renovated for use; and,**
- **How the proposed facility will be able to meet New York State Education Department (SED) specifications by when the school would commence instruction.**
- **If a facility has not been identified, explain the plans for securing a suitable facility and preparing it for use by the time the school would open (including assuring that it meets NYSED specifications). Also, explain any contingency planning including the associated costs.**
- **If the applicants are seeking facility space from the school district of location, provide contingency plans should such space be unavailable. Such plans must include an analysis of potential privately held options and an explanation of their potential impact on the school's finances, including demonstrating an awareness of the costs of private facility space. As is outlined in Request 24(f), if the applicant proposes to be located in facility space provided by the school district of location, two separate budgets must be presented; one that assumes the district facility space at the anticipated costs and one that assumes that district facility space is unavailable and private space is therefore required. In the case of the latter, identify the additional source(s) of revenue that would support the increased facility costs.**

(c) Facility Related Conflicts of Interest

If the charter school education corporation or its partners would own or lease its facility, provide a description of the ownership or lease arrangement indicating specifically any potential conflicts of interest and arrangements by which such conflicts will be managed or avoided. Note that in such cases the Institute will likely require a fair market valuation of the cost of the facility supported by independent appraisers. Please note in addition that no education corporation trustee may have an ownership interest in the facility.

Include the following in support of the narrative response:

(d) Additional Facility Information

Provide Information such as blue prints, maps, certified estimates, etc., as well as documentation of any commitment (e.g., a deposit, written assurance, lease, etc.) to use a particular facility, as part of this response. If another organization is assisting the applicants in obtaining facilities provide information about such organization.

Important Note: If a facility has already been identified, include certification from an architect that confirms that the proposed facility will be able to meet NYSED specifications by the date that the school would commence instruction and the cost of bringing the facility into compliance with the specifications, which must be accounted for in the proposed budget.

Submit the response to Request 16(a-c) as a Microsoft Word® file named: Response 16 - Facilities Attach supporting documents as Microsoft Word® or Adobe® Acrobat files named: Response 16(d) - Facility Documents

17. Food Services

Describe the plans for food services the charter school will provide.

Submit the response to Request 17 as a Microsoft Word® file named: Response 17 - Food Services

18. Health Services

Describe the plans for health services the charter school will provide.

Submit the response to Request 18 as a Microsoft Word® file named: Response 18 - Health Services

19. Transportation

Describe the transportation arrangements for students including arrangements made for students who would not qualify for public school transportation under Education Law § 3635, and any supplemental transportation arrangements planned with sending school districts.

Submit the response to Request 19 as a Microsoft Word® file named: Response 19 - Transportation

20. Insurance

Describe the insurance coverage the charter school education corporation will carry for the school including the name of the insured and amounts of insurance for liability, property loss, and personal injury and any school owned or leased vehicles or other property.

Submit the response to Request 20 as a Microsoft Word® file named: Response 20 - Insurance

21. Programmatic Audits

Describe planned annual program audits the school will initiate including the area(s) to be audited and the purpose, objectives and timing of the audits, which must be similar in scope to the audits of other public schools. Include any plans to hire outside consultants to perform such audits.

Submit the response to Request 21 as a Microsoft Word® file named: Response 21 - Programmatic Audit

22. Fiscal Soundness

(a) Budget

Discuss in narrative form how the start-up budget plan, the first-year operational budget and cash flow, and the five-year budget plans are fiscally sound and that sufficient start-up funds would be available to the proposed school. Provide the rationale for, or source of the assumptions upon which the budgets rest, noting specifically which expenses rely on funding from soft money and when the funding for these expenses will transfer to recurring revenue streams, and explain how the budgets support the implementation of the academic program described in the proposal. Please note that schools that include at-risk designations, "preferences" or set-asides in their admissions policies will not be eligible for federal; CSP grant funding.

(b) Financial Planning

Explain the process the school will use to develop its annual budget, including;

- **Who will be involved;**
- **How needs will be identified and weighed;**
- **The timeline for creating and approving budgets; and,**
- **Procedures for monitoring and modifying budgets and on what interval.**

(c) Fiscal Audits

Describe the school's plans for at least annual independent fiscal audits conducted by a certified public accountant or certified public accounting firm licensed in New York State.

(d) Dissolution Procedures

Attach the procedures that the school would follow in the event of the closure and dissolution of the charter school including for the transfer of students and student records, execution of a closure plan, and for the disposition of school assets. Please indicate the applicant's preference for distributing any remaining assets to either another charter school within the school district of location of the proposed education corporation or to that school district in the event of a corporate dissolution.

Include the following in support of the narrative:

(e) Budget Template

Budget Template (using the Institute required template) located at: http://www.newyorkcharters.org/documents/NewAppBudgetCashFlowsv2014.xls .

If an applicant proposes to locate the school in facility space provided by the school district of location, the proposal must include two separate budget templates: one that assumes the district facility space at the anticipated costs and one that assumes the proposed district space is unavailable and private space is therefore required. In drafting the five year projected budget/operating plan, the applicant should use column N, when applicable, to briefly describe the assumptions used. Please note that schools that include at-risk designations, "preferences" or set-asides in their admissions policies will not be eligible for federal CSP grant funding.

(f) Letters of Commitment

Attach letters of commitment for any funding sources from private contributions, grant funds or other philanthropic funds in the school budget detailing the amounts and uses for the funding.

Submit the response to Request 22(a-d) as a Microsoft Word® file named:
Response 22 - Fiscal Soundness

Attach the Budget Template as a Microsoft Excel® file named:
Response 22(e) - Budget Template

Attach Letters of Commitment as a Microsoft Word® or Adobe® Acrobat file named:
Response 22(f) - Letters of Commitment

23. Action Plan

Provide an action plan that outlines the steps that the founding group will undertake to ensure a successful start-up. In a well-organized chart, the action plan should include:

- **A list of the tasks to be completed between the time the charter is approved and the opening of the school;**
- **The start date and projected completion date of each task; and,**
- **The person(s) responsible for each task.**

Submit the response to Request 23 as a Microsoft Word® file named: Response 23 - Action Plan

SUPPLEMENTAL INFORMATION

24. Supplemental Information

(a) If there is any additional information that the applicant thinks would help the Institute and the SUNY Trustees evaluate the proposal, please provide a description of the information and a rationale for its inclusion in the Response in narrative form. If no supplementary information is necessary, please indicate so in this response.

If applicable, include the following in support of the narrative:

(b) Supplemental and Support Documents

Submit attachments, documents, etc. discussed in the Response 24(a) – Supplemental Information narrative. If no supplemental documents are necessary, please indicate so in response to this request.

Submit the response to Request 24 as a Microsoft Word® file named: Response 24(a) - Supplemental Narrative Attach Supplemental and Support Documents as a Microsoft Word® or Adobe® Acrobat file named: Response 24(b) - Supplemental Docs

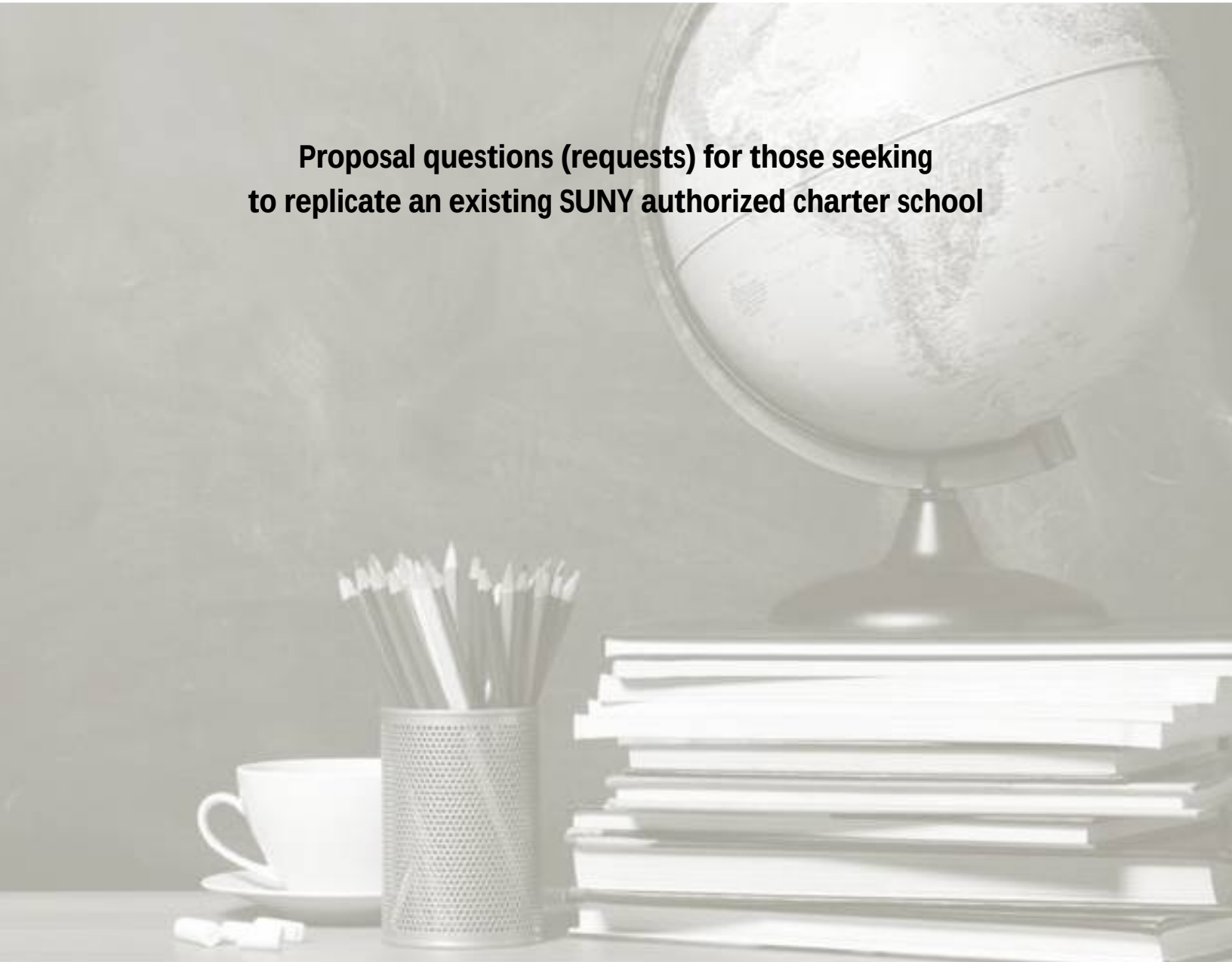
APPENDICES

Please carefully review Appendices A and B found on pages 94 and 99, respectively.

Appendix A - Charter Schools Program (CSP) Grant Priorities Information.

Appendix B - Assurances Regarding the Provision of Special Education Services.

January 2014 SUNY RFP Replication Requests



Charter Schools Institute
The State University of New York

Proposal questions (requests) for those seeking to replicate an existing SUNY authorized charter school

Section VIII. Replication Proposal Requests

(Includes direction for those SUNY authorized charter schools eligible for the Streamlined Replication Process)

Who may use the Replication Requests?

Pursuant to Education Law §§ 2852(9-a) and 2853(1)(b-1), any SUNY authorized education corporation seeking to operate one or more new schools — whether under their existing education corporation or by creating a new education corporation — is eligible to use the Replication Requests.

Note: Applicants who propose a significantly different academic model for the proposed new school than the replicating school should not use the Replication Requests, and should instead use the Standard Requests.

Incorporating by Reference

Replicating applicants may choose to incorporate some responses to Requests by reference to the terms of operation of an existing charter agreement instead of providing a full response to each request. The January 2014 RFP is the first RFP that includes a Replication Proposal Checklist (see part C below) to help replicating applicants easily and accurately incorporate by reference. The checklist also simplifies the process by allowing replicating applicants to omit responses from their proposals where such responses are simply referencing an existing charter without any modification or where a response is optional or only applicable to some applicants. (Note that applicants completing the Standard Requests must submit responses to all Requests, even if the response states "Does not apply".)

Please refer to Part C below for directions about how to incorporate by reference.

Note that applicants proposing any changes to an existing program may find it helpful to refer to the relevant Requests(s) in the Standard requests for the Institute's current expectations and guidance.

While the information provided in this section outlines the requirements of each Request, the *Guidance Handbook: A Resource for Applicants Responding to the January 2014 SUNY Request for Proposals* (Guidance Handbook) includes detailed overall guidance and specific instructions related to Requests.

A. Replication Proposal Transmittal Form

Please complete the electronic copy of the Replication Proposal Transmittal Form pictured below by following this link to the Institute's website: http://www.newyorkcharters.org/ReplicationProposalTransmittalForm.pdf.

Please respond to each Request clearly and concisely.

- **Section 1 (School Information):** Enter the name of the existing or proposed charter school education corporation (if applicable), proposed charter school, proposed location, proposed enrollment and grades for the full term of the proposed authority to operate the school, the proposed opening date, and proposed charter term (generally five (5) years) or term of authority to operate the new school.
- **Section 2 (Proposed Affiliations):** Enter the proposed service provider, charter management organization, and partner organization, if applicable. If any proposed affiliations are identified, the applicant must provide public contact information (name and phone number) for that organization.
- **Section 3 (Lead Applicant Contact information):** Enter all requested contact information for the lead applicant, the name of the existing education corporation that is seeking to replicate (if applicable), and the lead applicant's affiliation with that education corporation. Ensure that the Replication Proposal Transmittal Form is signed in accordance with the instructions on the form.

Please note:

- Applicants should complete and sign an original copy of the proposal transmittal form and submit it to the Institute per the instructions in Section VI of this RFP).
- A scanned copy of the signed replication transmittal form should also be included within the electronic copies of the proposal.

Submit the completed electronic copy of the Proposal Transmittal Form as an Adobe® Acrobat file named: Response 00(a) - Transmittal Form

B. Replication Proposal Summary

Complete the Replication Proposal Summary Form pictured below, which can be found at on the Institute's website: http://www.newyorkcharters.org/documents/ReplicationProposalSummaryForm.pdf.

SUNY Charter Schools Institute

Replication Proposal Transmittal Form

Please respond to each request clearly and concisely, sharing where appropriate, enough detail to provide the reader with a basic understanding of the proposed charter school.

1. **Charter School Name:** Enter the name of the proposed charter school.
2. **Name of Existing or Proposed Education Corporation (as applicable):** Enter the name of the existing education corporation that is seeking to replicate, or the name of the proposed education corporation that would operate a replication school.
3. **Charter Replication Type:** Select the type of replication sought from the available options. If "Multiple Education Corporations" is selected, the proposed school(s), if approved, would be operated by a separate education corporation. If "Single Education Corporation with Multiple Schools" is selected, the existing education corporation would be granted the corporate authority to operate one or more additional schools or sites.
4. **Charter School Location:** Please insert the proposed district outside of New York City or CSD in New York City. If more specific information, such as neighborhood or address, is known, include that as well.
5. **Management Organization Name:** If the proposed charter school will have a not-for-profit management organization, enter the name of the organization.

6. **Other Partner Organization(s):** If the proposed charter school will have a contract with any other partner organization, enter the name(s) of the organization(s) here. Note that if a community or other partner organization would provide a majority of the educational services to the proposed school, it should be listed in 5, above.

7. **Student Population/Grades Served:** Please insert the grades served and number of students the school would enroll in the first and fifth years of its charter term.

8. **Applicant(s):** Please list the name of each applicant followed by a very brief biographical statement (no more than three lines please). The biographical statement should include the applicant(s) affiliation to the existing or proposed education corporation (e.g., Principal, Board Chair, etc.).

9. **Proposed Board of Trustees**: List the name of each proposed or existing member of the existing or proposed education corporation's board of trustees, indicate if they would serve or currently serve as an officer, and provide a very brief biographical statement (no more than three lines). If an applicant plans to add additional trustees who have not yet been identified, place "Vacant" in the Name field for each such seat on the board followed by the position of the intended member, e.g., "Reserved for a parent representative," "Reserved for a community representative," etc., in the Bio field.

10. **Overview of the Proposed Program:** Please write a brief narrative summary of the proposed charter school, and if applicable, its parent education corporation, (no more than two (2) pages in length). The narrative should include the following:

    - Mission statement of the proposed charter school;
    - Rationale for establishing the school;
    - Description of the key design elements intended to allow the school to achieve its mission and goals;
    - Number of days of instruction in a school year and typical hours of operation;
    - Discussion of considered instructional materials to be used to implement the curriculum;
    - Discussion regarding any unique characteristics of the proposed program, such as a character education component, remedial supports for students at-risk of academic failure, programs for students who are ELLs or students with disabilities;
    - Discussion of the school's instructional leadership model and supervision and support for teachers;
    - Summary of the management structure of the proposed school/education corporation, e.g., instructional and operational leadership positions and lines of reporting;
    - Discussion of any intended relationships with management organizations (not-for-profit) or other partner organizations that will play a significant role in the school, or as applicable, relationships between schools including shared services or personnel. This discussion should include the name of the organization and an overview of what that organization will do for the school and, if it will have a

contract with the education corporation for services, the cost (either in dollars or percentage of student fees); and,

- Information regarding the proposed location for the school. If the proposed location is public school space, the summary should also reflect an alternate location should public school space not be available.

Submit the completed electronic copy of the Proposal Summary Form (form found at: http://www.newyorkcharters.org/documents/ReplicationProposalSummaryForm.pdf) as an Adobe® Acrobat file named: Response 00(b) - Proposal Summary

C. Replication Proposal Checklist

Complete the Replication Proposal Checklist found here:
http://newyorkcharters.org/documents/replicator_checklist.pdf

Read instructions for all columns before completing the Replication Proposal Checklist (checklist). Carefully complete each column per the instructions below.

Column A
For each relevant Request, indicate if the proposal incorporates the response to the Request by reference with no revisions, incorporates the response to the Request by reference with minor revisions, or if the proposal includes an entirely new response ("No"). If only part of an attachment, exhibit or response is being incorporated, please so indicate.

- For the given Request, incorporating by reference with no revisions indicates that the approach in place at the replicating school will be used at the proposed school. Applicants who incorporate by reference with no modifications should not submit a response to the Request.
- Incorporating by reference with minor revisions suggests that the proposed school would use a substantially similar approach as the replicating school, but would apply some small differences. For example, the applicant may incorporate the replicating school's special education program, except to add one special education setting that is not part of the replicating school's original charter. The corresponding Response should only include a description of the proposed revision.
- Applicants that do not incorporate a response by reference should provide a complete response to the corresponding request.
- Applicants may only incorporate materials that have already been approved by the SUNY Trustees.

Column B
Applicants should incorporate the current or past version of a replicating school's charter agreement. This requires that the applicant state the name of the replicating school and date (month and year) that SUNY approved the relevant section of the charter. Typically, this would be the date that the SUNY Trustees approved the replicating school's original charter or, if applicable, its renewal charter.

- Note: since renewal applications do not include all of the information required for a new school proposal, it may be necessary to reference the original charter if the replicating school has been renewed. If the Institute approved a material revision to the replicating school's charter the applicant should include the date(s) of the original approval, the renewal, and of the material revision, as applicable.
- Applicants do not need to note non-material revisions, but a best practice would be to draft those changes into the response and indicate in column D as described below that it would be applicable to the entire NFPEC.

Column C

- Input the section title of the original or renewal application being incorporated by reference. For example, if the applicants were to choose to incorporate by reference the special education services of a school approved by the SUNY Trustees under the January 2011 RFP, the corresponding information to be supplied in Column C should read, "Attachment 13(a) – Students with Disabilities," which is the section of the January 2011 RFP that explains the special education services for the school.
- Applicants should be careful to only incorporate by reference a response that includes all of the information required in the relevant January 2014 RFP Request. For example, if SUNY approved an application proposal that did not include information required in the January 2014 RFP, the applicant must submit a full response, or supplement the response incorporated by reference.

Column D

Applicants seeking to add a new school under an existing NFPEC AND who provide either an entirely new response or incorporate by reference with minor revisions should complete Column D:

- If the new response or revisions to an existing charter only apply to the proposed school and would not apply to other schools in the education corporation, select "Proposed school only."
- If the new response or revisions to an existing charter would apply to all schools in the NFPEC (effectively revising the charters of the existing schools), select "All schools in ed. corp."

Applicants seeking to replicate an existing school under a new NFPEC or applicants seeking to add a new school under an existing NFPEC through incorporation by reference with no revisions should select "not applicable (N/A)."

Submit the completed electronic copy of the Replication Proposal Checklist (form found at: http://newyorkcharters.org/documents/replicator_checklist.pdf)
as a Adobe Acrobat® file named:
Response 00(c) – Replication Checklist

D. Requests

Please respond to each request in its entirety. If any section of a request is not applicable, please include that section in the application along with a response indicating it is not applicable.

SCHOOL ESTABLISHMENT

1. Community Description, Need and Proposed School Impact

(a) Community Description and Need:

Provide an analysis of the community and target population for the school, including;

- **A description of the community from which the proposed school intends to draw students;**
- **Community demographics;**
- **A description of the specific population of students the proposed school intends to serve;**
- **The applicants' rationale for selecting the community;**
- **Performance of local schools in meeting the need; and,**
- **How the proposed school provides a needed alternative for the proposed community.**

(b) Programmatic Impact

Describe the *programmatic* impact of the establishment of the proposed charter school on existing public and nonpublic schools in the same geographic area as the proposed school location. Responses should include:

- **A table listing the existing educational options and grades served available to the target population including all district, charter, and private schools;**
- **Information demonstrating a thorough analysis of existing educational options for the existing community and target population;**
- **Analysis of how the proposed school's enrollment plan will impact the enrollment and programmatic viability of the public and non-public schools; and,**
- **Analysis of the provision of novel or different programs or instructional approaches to those currently in place in the targeted community or population.**

(c) Fiscal Impact

Complete the following table and discuss the fiscal impact of the school on other public and non-public schools in the area, including;

- **Enrollment expectations (which should be consistent with Responses 4 and the 5-year budget projection);**
- **Per Pupil Allocation assumptions;**
- **Dollar amount the proposed charter school anticipates receiving from each district in Per Pupil Funding;**
- **Other projected revenue the proposed charter school anticipates receiving from the district (special education, grant, etc.);**
- **Projected Budget for the school district of location; and,**
- **Projected impact as a percentage of dollars of each sending district's budget (with more than 10 students projected to attend the charter school) for each year.**

Operational Year (A)	Enrollment (# of Students) (B)	Per Pupil Allocation (C)	Projected Per Pupil Charter Cost (B x C = D)	Other Projected District Revenue (SPED Funding, Food, Service, Grants, etc.) (E)	Total Projected Funding to Charter School from District (D + E = F)	Total Budget for District (G)	Projected Impact (i.e. % of District's Overall Funding) ((F / G) x 100 = H)
20xx – 20xx		$	$	$	$	$	0.000%
20xx – 20xx		$	$	$	$	$	0.000%
20xx – 20xx		$	$	$	$	$	0.000%
20xx – 20xx		$	$	$	$	$	0.000%
20xx – 20xx		$	$	$	$	$	0.000%

Submit the narrative response to Requests 1(a-b) as Microsoft Word® file named:
Response 01 - Community Need

Submit the narrative response to Requests 1(c) as Microsoft Word® file named:
Response 01 – Fiscal Impact

2. Addressing the Need

(a) Mission and Vision

If the proposed school is adopting the same mission and vision as the replicating school, incorporate the programs by reference per the instructions above. If applicable, note any changes to the original mission and vision and indicate if these changes pertain to the proposed school only, or would modify the terms of the entire education corporation.

(b) Key Design Elements

If the proposed school is adopting the replicating school's key design elements, incorporate the Key Design Elements by reference per the instructions above. If applicable, note any changes to the original model and indicate if these changes pertain to the proposed school only, or would modify the terms of the entire education corporation. Any changes should not exceed five (5) pages in length.

(c) 5% Districts

If the proposed charter school will be located in a district where more than five percent of students are enrolled in charter schools, either provide evidence that the school district of location approves of the establishment of the proposed charter school or explain how the proposed charter school will have a "significant educational benefit" to the students who attend that school. A complete list of 5% districts can be found in the accompanying Guidance Handbook. Note that at this time SUNY anticipates that the NYC School District will be over the 5% threshold.

Include the following in support of the narrative:

(d) Draft Accountability Plan.

Included in the Guidance Handbook is additional detail and reference to an online template to assist the applicant in developing the required SUNY academic accountability plan. This Response should serve as a draft based on the applicant's understanding of the Institute's accountability requirements and in alignment with the proposed school model. Institute staff will work with successful applicants in the first year of operation of the school to finalize the plan.

Submit the response to Request 2(a-c) as a Microsoft Word® file named: Response 02 – Addressing Need Attach a draft accountability plan as a Microsoft Word® file named: Response 02(d) - Accountability Plan

3. Proposal History

(a) Applicant Information

Provide a brief description of the applicant(s) including relevant background and experience and whether each applicant is a parent, teacher, administrator and/or community resident as required by the Act.

If the proposal is to add a new school to an existing Education Corporation, simply include the name of the replicating Education Corporation in this response, and

include the name of the board chair as the nominal applicant. No further information is required in this section.

(b) Community Outreach

NOTE: Community Outreach is a minimum statutory requirement.

Explain:

- **The methods used to inform stakeholders in the intended community about the proposed charter school;**
- **The strategies used to solicit community input regarding the educational and programmatic needs of students and the plan to meet those needs;**
- **The form and nature of feedback received from community stakeholders and the process for incorporating that feedback into the submitted proposal; and**
- **The extent to which, if at all, community input regarding the educational and programmatic needs of students was incorporated into the final proposal.**

Include the following in support of the narrative response:

(c) Evidence of Outreach

NOTE: Community Outreach is a minimum statutory requirement.

This response should include concrete and detailed evidence that the applicants conducted community outreach.

Submit the response to Request 3(a-b) as a Microsoft Word® file named: Response 03 - Proposal History Attach any evidence of community outreach as Microsoft Word® or Adobe® Acrobat files named: Response 03(c) – Outreach Evidence

4. School Enrollment

Use the following table to submit student enrollment information for the first five (5) operational years of the proposed charter school, including:

- **Ages of the students to be served in each grade (for Kindergarten, indicate the date by which a student must turn five in order to be eligible to enroll in the charter school (December 1 or 31);**
- **Number of students to be served in each grade;**
- **Total number of enrolled students for each year of the charter term;**
- **Classes per grade;**
- **Average number of students per class; and**
- **Place an asterisk (*) next to the grades in which the school would enroll new students.**

Grades	Ages	Number of Students				
		Year 1 20__-__	Year 2 20__-__	Year 3 20__-__	Year 4 20__-__	Year 5 20__-__
K						
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
Ungraded						
Total Students						
Classes Per Grade						
Average Number of Students Per Class						

For existing charter school education corporations seeking authority to operate additional school(s), provide a separate additional chart and information including:

- **Aggregate number of students attending all of the education corporation's schools for each year of this proposal's charter term (which may assume renewal of the existing school(s)); and any differences in eligible or minimum age in the same grades between schools.**

If the intent is for a proposed school to offer any grades not already offered by a school within the replicating education corporation, please provide the rationale for the enrollment plan, including;

- **The reason for choosing to serve the grades specified and the number of students in each grade;**
- **The extent to which the proposed charter school's grade configuration aligns with the school district of its proposed location and how any misalignment may impact the school; and,**
- **A discussion of the pattern of growth over time, including student attrition**

assumptions for each grade for both the proposed school and the entire education corporation. In addition, describe any plans to replace, or limit the intake of, students.

Submit the response to Request 4 as a Microsoft Word® file named: Response 04 - Enrollment

ACADEMIC SUCCESS

5. Curriculum and Instructional Design

If the proposed school is adopting the replicating school's academic program, incorporate the program by reference per the instructions above. If applicable, note any changes to the original model and indicate if these changes pertain to the proposed school only, or would modify the terms of the entire education corporation. Describe any changes under the relevant headings below:

(a) Curriculum Selection and Process
(b) Assessment System
(c) Instructional Methods
(d) Course Overview
(e) Promotion and Graduate Policy

Note that applicants who propose a significantly different academic model for the proposed new school than the replicating school should <u>not</u> use the Replication Requests, and should instead use the Standard Requests.

Submit the response to Request No. 5(a-e) as a Microsoft Word® file named: Response 05 - Curriculum and Instruction

6. Calendar and Schedules

(a) School Calendar

Provide the following:

- **The first and last days of school for the opening school year.**
- **The total full days of instruction for the school year.**
- **The total days and/or hours of professional development for teachers.**
- **The total family conference days for the school year.**
- **The total days of supplementary programming (e.g., summer school).**

If the number of days of instruction is different than the replicating school, provide a rationale for this difference and indicate if this change would apply to all schools in the educational corporation, or this school only.

(b) School Schedule

Provide the following:

- **The school start and end times.**
- **The total hours of core academic instruction per day.**
- **Time committed to non-instructional activities per day.**

Include the total number of instructional days and/or hours for the school year. If the number of hours of instruction is different than the replicating school, provide a rationale for this difference and indicate if this change would apply to all schools in the educational corporation, or this school only.

Submit the response to Request No. 6(a-b) as a Microsoft Word® file named: Response 06 - Calendar and Schedules

7. Specific Populations

If the proposed school is adopting the replicating school's programs to address the needs of generally at-risk students, special education students, ELLs, and advanced and/or gifted students, incorporate the programs by reference per the instructions above. If applicable, note any changes to the original the model and indicate if these changes pertain to the proposed school only, or would modify the terms of the entire education corporation. Describe any changes under the relevant headings below:

(a) At-risk Students
(b) Special Education Students
(c) English Language Learners
(d) Advanced and/or Gifted Students

Submit the response to Request 7(a-d) as a Microsoft Word® file named: Response 07 - Specific Populations

8. Instructional Leadership

If the proposed school is adopting the same instructional leadership and professional development models as the replicating school, incorporate the programs by reference per the instructions above. If applicable, note any changes to the original model and indicate if these changes pertain to the proposed school only, or would modify the terms of the entire education corporation. Describe any changes under the relevant headings below:

(a) Instructional Leadership Roles
(b) On-going Teacher Supervision and Support
(c) Professional Development
(d) Teacher Evaluation and Accountability

Submit the response to Request 8(a-d) as a Microsoft Word® file named:
Response 08 - Instructional Leadership

9. School Culture and Discipline

If the proposed school is adopting the same approach to school culture and discipline, discipline policy, special education discipline policy, and dress code policy as the replicating school, incorporate the programs by reference per the instructions above. If applicable, note any changes to the original model or policies and indicate if these changes pertain to the proposed school only, or would modify the terms of the entire education corporation. Describe or attach any changes under the relevant headings below:

(a) School Culture and Discipline
(b) Discipline Policy
(c) Special Education Policy
(d) Dress Code Policy

Submit the response to Request 9(a) as Microsoft Word® file named:
Response 9 - Culture and Discipline

Attach the school's Discipline Policies for general and special education students as a Microsoft Word® file named:
Response 9(b) - Discipline Policy

Attach the school's Special Education Discipline Policy as a Microsoft Word® file named:
Response 9(c) - Special Education Policy

Attach the school's Dress Code as a Microsoft Word® file named:
Response 9(d) - Dress Code

ORGANIZATIONAL VIABILITY

10. Organizational Chart

Provide organizational charts for the individual school for at least the first and fifth years of operation and a narrative description of the charts.

- **The charts should clearly indicate the reporting structure of staff to the school leader(s) and of school leader(s) to the board of trustees. If the charter school intends to contract or partner with an entity for management or educational services, the organizational charts should also reflect that relationship.**
- **The narrative should explain the lines of reporting and accountability, the rationale for choosing this structure, and the roles of any management or partner organizations. The narrative should not duplicate the information in the Staffing Chart narrative, immediately below.**

Submit the response to Request 10 as a Microsoft Word® file named:
Response 10 - Organization Chart

11. Personnel

(a) Staffing Chart and Rationale

Use the table below to provide a list of all staff positions (instructional and non-instructional) in the school during the first five years of operation and provide a narrative that explains the rationale for the staffing structure and numbers. Identify and distinguish classroom teachers, teaching aides or assistants, special education teachers and ESOL teachers, as well as any other specialty teachers.

If the applicant is an existing SUNY authorized education corporation and proposes to operate additional school(s), please provide a second, clearly labeled chart indicating the aggregated staffing for the entire education corporation.

	Number in Position				
	Year 1	Year 2	Year 3	Year 4	Year 5
Grades Served:					
Enrollment:					
Position					
Total					

(b) Qualifications and Responsibilities

If the proposed school is adopting the same qualifications and responsibilities all staff members, incorporate this Response by reference per the instructions above.

If any of the positions in the school or education corporation (if relevant) would have new qualifications or responsibilities, explain the changes as appropriate.

(c) School Leadership and Management Structure

Explain the management structure of the school, including;

- **Management practices and procedures, i.e., how the school will set priorities and make key organizational decisions;**
- **If the education corporation would work with a management organization, an explanation of the relationship between employees of the education corporation and that organization; and,**
- **Evaluation procedures and processes for staff in management positions.**

(d) Staff Recruitment and Retention

Describe the qualifications required for the school leader, including;

- **The process and criteria the school has, or will, use to select the school leader;**
- **Who has been, or will be involved in the selection process; and,**
- **The role of any CMO/ESP and/or partner organization in the selection process (if applicable).**

Describe how the school will recruit and retain all other staff, particularly high quality teachers, including;

- **The process, policies and procedures used to recruit and hire teachers and other staff;**
- **The strategies used to retain high quality teachers;**
- **The selection process that the applicants used or will use to select a school leader including who was or will be involved in this process; and,**
- **Explicitly note the role of the board and of any CMO/EMO/ or partner organization (if any) in the selection process.**

Include the following in support of the narrative response:

(e) Personnel Policies

If the proposed school is adopting the same Personnel Policies as the replicating school, incorporate the Personnel Policies by reference per the instructions above. If the school would use new Personnel Policies, attach the new policies and indicate if these changes pertain to the proposed school only, or would modify the terms of the entire education corporation.

Submit the response to Request 11(a-d) as a Microsoft Word® file named:
Response 11 - Personnel

Attach Personnel Policies as a Microsoft Word® file named:
Response 11(e) - Personnel Policies

12. Partner Organizations

(a) Partner Information

If the proposed education corporation or school, as applicable, would have the same partnership relationship(s) as the existing corporation or replicating school, incorporate this section by reference per the instructions above, *but also provide a letter of support or resolution of the partner organization stating that its role would be the same with respect to the new school (see Request 12(b) – Partner Commitment)*. If the proposed or existing education corporation would have any new partnership(s) that will have a significant relationship with the proposed school, for each partner organization, provide the following:

- **Name of the partner organization(s);**
- **Description of the nature and purpose of the proposed school's relationship with the organization(s); and,**
- **Name of a contact person for the partner organization(s), along with the address, phone number, and e-mail of such contact person for the partner organization.**

The Institute may at its sole discretion, determine that the partner organization must submit Business Plan http://www.newyorkcharters.org/openAppKit.htm**. Please contact the Institute with any questions related to this request.**

Attach the following in support of the narrative response:

(b) Partner Commitment

For each new proposed partnership, provide a letter of intent or commitment from a bona fide representative of each partner organization(s) indicating that the organization(s) will be involved in the charter school and the terms and extent of its involvement;

For each partnership incorporated by reference above, provide a letter of support or resolution of the partner organization stating that its role would be the same with respect to the new school; and,

If the school would provide compensation to the partner(s) for any goods or services (i.e., a lease or fee), provide a copy of the contract and include an explanation about how such services would be at or below fair market value.

Submit the response to Request 12(a) as Microsoft Word® file named:
Response 12 - Partner Organizations

Attach the letter(s) of commitment from partner organization(s) as Microsoft Word® or Adobe® Acrobat file named:
Response 12(b) - Partner Commitment

13. Governance

(a) Education Corporation Board Roles and Responsibilities

Proposed new education corporation
If the proposed education corporation would have the same board roles and responsibilities as the replicating education corporation, incorporate the board roles and responsibilities by reference per the instructions above. If any aspect of the proposed education corporation board roles and responsibilities would be different from the education corporation to be replicated, complete this Response accordingly.

Existing Education Corporation
If the existing SUNY authorized education corporation proposes to operate an additional school, and the governance structure would not change, incorporate this section by reference per the instructions above.

If the existing SUNY authorized education corporation proposes to operate an additional school, and the governance structure would change then a full response must be supplied that would include how the roles and responsibilities will change to address the governance of more than one school including any new procedures or committee structures. In such cases, describe the roles and responsibilities of the education corporation's board of trustees.

The response should explain the role of the board in:

- **Selecting school leader(s) (and partner or management organizations, if any);**
- **Monitoring school performance; and,**
- **Evaluating school leaders (and partner or management organizations, if any) and holding them accountable for achievement of the school's mission and goals.**

(b) School Board Design

If the proposed school would have the same board design as the replicating school, incorporate the board roles and responsibilities by reference per the instructions above. If any of the following aspects of the proposed School Board Design would be different from the replicating school, describe the difference and

provide the rational for the relevant sections of this response, particularly if the proposed new school would be governed by the existing school board and there would be any new committee structures, officers, or trustees.

Describe and provide the rationale for the proposed design of the education corporation's board of trustees. This response should address:

- **Number of trustees;**
- **Qualifications to be a trustee;**
- **Trustee recruitment and selection process and criteria;**
- **New trustee orientation process;**
- **Officer positions;**
- **Standing committees (if any);**
- **Ex-officio members (voting and non-voting);**
- **Frequency of board and committee meetings;**
- **Information to be received from the CMO, school leadership, staff or contractors as applicable. If such information would be different in the case of adding an additional school to an existing education corporation please explain how and why the school board believes it will be provided sufficient information.**
- **Delegation of authority to any committees, officers, employees or contractors;**
- **Procedures for publicizing and conducting school board meetings and taking and maintaining board and committee meeting minutes in accordance with the NY Open Meetings Law;**
- **Procedures for handling complaints, including from staff and parents; and,**
- **Board training and development.**

(c) Current or Proposed Founding Board of Trustees

Complete the following table for all members of the current/proposed education corporation board, including any currently vacant seats that the board would fill by the end of the first year of operation (e.g., a seat for an ex-officio parent representative).

A minimum of five members must be identified when the proposal is submitted. (In circumstances where persons affiliated with a CMO will serve on the education corporation board, more than five trustees must be identified when the proposal is submitted. Please see the Guidance Handbook for more details.)

Please note that paid employees of the school may generally not serve as voting members of the board or count toward a quorum when considering attendance, including administrators and teachers, except perhaps in limited circumstances. Please see the Guidance Handbook for further information.

Name	Voting	Ex-Officio	Officer Position and/or Committee Membership	Length of Initial Term
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		
	☐	☐		

Explain the capacity of the board to govern the proposed school and ensure that its mission is met, including the relevant skill sets and experiences of the proposed board members and the extent to which those skills sets have contributed to effective oversight of the school(s) to be replicated.

(d) Stakeholder Participation

If stakeholders are able to participate in school governance in the same manner as the replicating school, incorporate this section by reference per the instructions above. If there are any differences, explain how parents and school staff, including teachers, will be able to provide input and participate in the governance of the school.

Include the following in support of the narrative response:

(e) By-laws

Proposed new education corporation
In cases where a new education corporation is being formed to operate the proposed school please provide the by-laws for the proposed education corporation.

Existing Education Corporation
Only provide bylaws as indicated below if there would be changes to the by-laws of the education corporation as a result of being granted authority to operate the additional school(s).

Note that the by-laws must conform to the applicable provisions of the General Municipal Law that have applied to charter schools since 2010. By-laws that have not been reviewed or updated for those provisions should be reviewed and, if necessary, submitted in full.

(f) Code of Ethics

Proposed new education corporation
If the proposed education corporation would have the same Code of Ethics as the replicating education corporation, please note that but also include the Code of Ethics with the name of the proposed education corporation

Existing education corporation
If there are no changes to the Code of Ethics, please state that fact. If any aspect of the Code of Ethics would be different from the replicating school, complete this Response accordingly.

Note for all replicating applicants
The code of ethics must conform to the applicable provisions of the General Municipal Law that have applied to charter schools since 2010. Applicants may not incorporate by reference a code of ethics that does not fully reflect General Municipal Law. Applicants representing a school and/or education corporation that does not have an Institute approved code of ethics reflecting all of the provisions of the General Municipal Law must submit a full, up to date code of ethics.

Attach 0the code of ethics of the charter school. The code of ethics must include a comprehensive and formal conflict of interest policy with specific procedures for implementing the policy and assuring compliance therewith. The code of ethics and conflict of interest policy must be written to apply not only to trustees, but also to officers and employees of the school in conformity with the General Municipal Law.

(g) Board Member Information

ONLY for new education corporation trustees, please attach a resume or biographical statement and a completed "Request for Information from Prospective Charter School Board Members" (RFI form) for each proposed new board member to the Institute. The RFI form can be found on the Institute's website at: http://newyorkcharters.org/schoolsBOT.htm**.**

Submit the response to Request 13(a-d) as Microsoft Word® file named:
Request 13 - Governance

Attach Board By-laws as a as a Microsoft Word® file named:
Response 13(e) - Bylaws

Attach Complaint Policies as a as a Microsoft Word® file named:
Response 13(f) - Code of Ethics

Attach board member resumes or biographies and Request for Information Forms as Microsoft Word® or Adobe® Acrobat file named:
Response 13(g) - Board Information

14. Community Relations

District and Community relations

(a) District Relations

Provide supporting evidence of any explicit support for the proposed school from the school district in which the school intends to be located. Also include;

- **Strategies for establishing and maintaining an ongoing relationship with the local school district including any foreseen opportunities or challenges; and,**
- **A description of low-performing schools in the area where the proposed charter school intends to be located and explain how the charter school might partner with those schools to share best practices and innovations.**

(b) Community Relations

Describe any explicit support for this proposal from community stakeholders or others, including an analysis of both the depth of support and opposition to the school.

Include the following in support of the narrative response:

(c) Evidence of Community Support

Submit actual examples, documents, etc. that provide evidence of support. See note in Response 15(c) – Evidence of Demand regarding potential overlap between evidence of support and evidence of demand.

Submit the response to Request 14(a-b) as a Microsoft Word® file named:
Response 14 - Community Relations

Attach evidence of community support as a Microsoft Word® or Adobe® Acrobat file named:

Response 14(c) - Evidence of Community Support

15. Student Demand, Recruitment and Retention

(a) General Student Population

Describe the student demand for the school that would allow the school to meet the intended enrollment figures.

(b) Target Populations

NOTE: Presenting a plan to recruit and retain target populations is a minimum statutory requirement.

Explain how the proposed school will meet or exceed the enrollment and retention targets established by the SUNY Trustees for students with disabilities, ELLs, and FRPL students, including;

- **The recruitment strategies the school will employ to attract each target population to the school (including outreach to parents in the community for whom English is not their primary language);**
- **Any at-risk admissions factors or "preferences" the school would offer that would increase the likelihood of enrolling targeted students (understanding that the inclusion of such preferences will make the proposed school ineligible to receive Charter School Program (CSP) grant funding – please see Appendix A below and accompanying guidance related to Appendix A in the Institute's *Guidance Handbook* for further information); and,**
- **A brief explanation of the efforts, resources, structures or programs that the school will take to retain these students and how the school will monitor the efficacy of such efforts including disaggregation of student performance data for each subgroup.**

Clearly delineate how the school would address each sub-group.

Include the following in support of the narrative response:

(c) Evidence of Demand

Evidence of student demand (e.g., petitions that clearly indicate that signers have students of age to enroll in the school and would consider enrolling them in the school).

Important Note: If evidence of student demand overlaps with evidence of community support, it is not necessary to duplicate documents. Please clearly describe how any evidence of community support also explicitly demonstrates student demand.

(d) Admissions Policy

If the proposed school is adopting the same admissions policy as the replicating school, incorporate the policy by reference per the instructions above. If applicable, note any changes to the original model or policies and indicate if these changes pertain to the proposed school only, or would modify the terms of the entire education corporation. Describe or attach any changes and attach the updated Admissions Policy.

Submit the response to Request 15(a-b) as a Microsoft Word® file named: Response 15 - Student Demand
Attach evidence of student demand as a Microsoft Word® or Adobe® Acrobat file named: Response 15(c) - Evidence of Demand
Attach the school's admissions policy as a Microsoft Word® file named: Response 15(d) - Admissions Policy

16. Facility

(a) Facility Needs

Describe the facility needs of the proposed school for each year of the charter period including any unique features necessary to implement the school design and academic program including:

- **The desired location of the school facility;**
- **The number of general education classrooms required each year;**
- **Any additional classroom space required for special education or ELL services, labs, specialty classes and intervention or enrichment programs; and,**
- **Space requirements for administrative functions, food services and physical education.**
- **If the applicants intend to offer a residence program for students, describe the facility requirements to support this program and overnight staffing, and include specific and detailed information regarding the number of residence rooms, configuration, restroom, food service and other facility related needs unique to the residence program proposed.**

(b) Facility Selection

Describe the efforts to date to secure a facility for the school, including;

- **If a facility has been identified, a description of the facility and how it meets the school's needs including its location and whether it is new construction, part of an existing public or private school building, or must be renovated for use; and,**
- **How the proposed facility will be able to meet New York State Education Department (SED) specifications by when the school would commence instruction.**

- **If a facility has not been identified, explain the plans for securing a suitable facility and preparing it for use by the time the school would open (including assuring that it meets NYSED specifications). Also, explain any contingency planning including the associated costs.**
- **If the applicants are seeking facility space from the school district of location, provide contingency plans should such space be unavailable. Such plans must include an analysis of potential privately held options and an explanation of their potential impact on the school's finances, including demonstrating an awareness of the costs of private facility space. As is outlined in Request 24(f), if the applicant proposes to be located in facility space provided by the school district of location, two separate budgets must be presented; one that assumes the district facility space at the anticipated costs and one that assumes that district facility space is unavailable and private space is therefore required. In the case of the latter, identify the additional source(s) of revenue that would support the increased facility costs.**

(c) Facility Related Conflicts of Interest

If the charter school education corporation or its partners would own or lease its facility, provide a description of the ownership or lease arrangement indicating specifically any potential conflicts of interest and arrangements by which such conflicts will be managed or avoided. Note that in such cases the Institute will likely require a fair market valuation of the cost of the facility supported by independent appraisers. Please note in addition that no education corporation trustee may have an ownership interest in the facility.

Include the following in support of the narrative response:

(d) Additional Facility Information

Provide Information such as blue prints, maps, certified estimates, etc., as well as documentation of any commitment (e.g., a deposit, written assurance, lease, etc.) to use a particular facility, as part of this response. If another entity or organization is assisting the education corporation with obtaining facilities, please include information about such organization.

Important Note: If a facility has already been identified, include certification from an architect that confirms that the proposed facility will be able to meet NYSED specifications by the date that the school would commence instruction and the cost of bringing the facility into compliance with the specifications, which must be accounted for in the proposed budget.

Submit the response to Request 16(a-c) as a Microsoft Word® file named:
Response 16 - Facilities

Attach supporting documents as Microsoft Word® or Adobe® Acrobat files named:
Response 16(d) - Facility Documents

17. Food Services

If the proposed or existing education corporation is adopting the same food services as the replicating school, incorporate the policy by reference per the instructions above. If applicable, note any changes to the original food services.

Submit the response to Request 17 as a Microsoft Word® file named: Response 17 - Food Services

18. Health Services

If the proposed or existing education corporation is adopting the same health services as the replicating school, incorporate the health services by reference per the instructions above. If there would be any changes to the health services, describe the plans for health services the charter school intends to provide.

Submit the response to Request 18 as a Microsoft Word® file named: Response 18 - Health Services

19. Transportation

If the proposed or existing education corporation is adopting the same transportation as the replicating school, incorporate transportation by reference per the instructions above. If there would be any changes to transportation, describe the plans for transportation to be provided by the charter school.

Submit the response to Request 19 as a Microsoft Word® file named: Response 19 - Transportation

20. Insurance

Describe the insurance coverage to be carried by the education corporation (existing or proposed) for the proposed school including the name of the insured and amounts of insurance for liability, property loss, and student personal injury and any school owned or leased vehicles.

Note that within one education corporation it is not necessary to have a separate policy for each school so long as it is clear that the school is operating in multiple sites and an amendment or rider to an existing policy is being secured.

Submit the response to Request 20 as a Microsoft Word® file named: Response 20 - Insurance

21. Programmatic Audits

If the proposed education corporation or school is adopting the same approach to programmatic audits as the replicating school, incorporate the policy by reference per the instructions above. If there are any changes, describe planned annual program audits to be initiated by the school including the area(s) to be audited and the purpose, objectives and timing of the audits, which must be similar in scope to the audits of other public schools. Include any plans to hire outside consultants to perform such audits.

Submit the response to Request 21 as a Microsoft Word® file named: Response 21 - Programmatic Audit

22. Fiscal Soundness

(a) Budget

Discuss in narrative form how the start-up budget plan, the first-year operational budget and cash flow, and the five-year budget plans for the new school(s) are fiscally sound and that there would be sufficient start-up funds available to the proposed school. Provide the rationale for, or source of, the assumptions upon which the budgets rest, noting specifically which expenses rely on funding from soft money and when the funding for these expenses will transfer to recurring revenue streams, and explain how the budgets support the implementation of the academic program described or referenced in the proposal.

If the applicant is an existing SUNY authorized charter school education corporation and proposes to operate additional school(s), also include a separate narrative in response to this Request 24(a) and budget in response to Request 24(f) using the required template, to the extent applicable, for the entire education corporation to include the additional school. Describe any corporate funds that will be used to support the start-up and operations of the new school as well as any projected or anticipated negative fiscal impacts on the existing school. Also describe and explain annual fundraising targets and the fundraising strategies that would be used to support each replication planned by the education corporation.

Please note that any school using an at-risk admissions factor, "preference" or set-aside will not be eligible to receive federal CSP funding.

(b) Financial Planning

Explain the process that the education corporation or school will use to develop its annual budget, including:

- **Who will be involved;**
- **How needs will be identified and weighed;**
- **The timeline for creating and approving budgets; and,**
- **Procedures for monitoring and modifying budgets.**

If the applicant is an existing SUNY authorized charter school and proposes to operate an additional school, also describe and explain the financial planning capacity, management capacity, and any internal financial controls, polices or procedures at the overall education corporation level especially in relation to the gathering and distribution of financial information from multiple locations and the processing and decision making related to such information including at the education corporation board level.

(c) Fiscal Audits

Describe the school's plans for at least annual independent fiscal audits conducted by a certified public accountant or certified public accounting firm licensed in New York State.

Any application that proposes adding a school to an existing education corporation must provide specific procedures for conducting independent audits of consolidated financial statements for the education corporation and all of its schools.

Consolidated audited financial statements should include:

- **A statement of income and expenditures and a balance sheet for the most recent fiscal year for each school of the education corporation for which the corporation has received approval to operate. A separate income and expenditure statement and balance sheet should be included for each approved school or site in a start-up phase, and for schools or sites for which opening has been delayed;**
- **A statement of income and expenditures and a balance sheet for the most recent fiscal year for any central or regional back office component;**
- **A statement of income and expenditures and a balance sheet for the most recent fiscal year for any other distinct component of the education corporation;**
- **A consolidated statement of income and revenues and a consolidated balance sheet for the education corporation; and,**
- **A federal single audit report, if applicable.**

(d) Dissolution Procedures

Proposed new education corporation
For applicants seeking to create a new school and a new education corporation, if the proposed education corporation is adopting the same dissolution procedures as the original education corporation, incorporate the policy by reference per the instructions above. If applicable, note any changes to the original model or policies.

Existing education corporation
Any application that proposes adding school(s) to an existing education corporation may incorporate by reference the dissolution procedures for one

school, but must also provide specific procedures for closing one, but not all of the schools operated by the education corporation, transitioning students to other school(s) of the corporation and absorbing assets and liabilities without corporate dissolution.

Include the following in support of the narrative:

(e) Budget Template

Complete the Budget Template for the new school (using the Institute required template) located at:
http://www.newyorkcharters.org/documents/NewAppBudgetCashFlowsv2014.xls

If an applicant proposes to locate the school in facility space provided by the school district of location, two separate budget templates are required; one that assumes the district facility space at the anticipated costs and one that assumes the proposed district space is unavailable and private space is therefore required.

If the proposed school would be operated by the existing school to be replicated without creating a new corporate/legal structure, include a separate Budget Template for the overall education corporation to include the new school(s) and school to be replicated.

Please note that any school using an at-risk admissions factor, "preference" or set-aside will not be eligible for federal CSP funding.

(f) Letters of Commitment

Provide letters of commitment for any funding sources from private contributions, grant funds or other philanthropic funds in the school budget detailing the amounts and uses for the funding.

Submit the response to Request 22(a-d) as a Microsoft Word® file named: Response 22 - Fiscal Soundness Attach the Budget Template as a Microsoft Excel® file named: Response 22(e) - Budget Template Attach Letters of Commitment as a Microsoft Word® or Adobe® Acrobat file named: Response 22(f) - Letters of Commitment

23. Action Plan

Applicants may include an action plan if they believe it will provide information necessary to demonstrate the capacity of the founding group to open the school. Otherwise, please indicate "No action plan included" for Response 23.

Submit the response to Request 23 as a Microsoft Word® file named:
Response 23 - Action Plan

SUPPLEMENTAL INFORMATION

24. Supplemental Information

(a) Supplemental Narrative

If the applicant has any additional information that would be helpful to the Institute and the SUNY Trustees in their evaluation of the proposal, please provide a description of what's included and a rationale for its inclusion in the Response. If no supplementary information is necessary, please indicate so in this response.

(b) Supplemental and Support Documents

If applicable, include supplemental and support documents in support of the narrative.

Submit the response to Request 24 as a Microsoft Word® file named:
Response 24 - Supplemental Narrative

Attach Supplemental and Support Documents as a Microsoft Word® or Adobe® Acrobat file named:
Response 24(b) - Supplemental Docs

APPENDICES

Applicants should carefully review Appendices A and B at pages 94 and 99, respectively.

Appendix A - Charter Schools Program (CSP) Grant Priorities Information.

Appendix B - Assurances Regarding the Provision of Special Education Services.

Appendix A:

Charter Schools Program (CSP) Grant Priorities

Charter Schools Program (CSP) Grant Priorities

Eligibility for Federal Charter Schools Program Grants: Important Implications for Charter School Applicants

All proposals that are approved by the SUNY Trustees may be eligible to receive a Federal Charter Schools Program (CSP) Grant, which is administered by the New York State Education Department (NYSED)[1]. However, schools with admissions policies that contain enrollment "preferences" or set-asides for at-risk students will not be eligible for CSP funding. Additional information may be required by NYSED in order to access CSP funds for those applicants who are granted a charter. Further information about the CSP Grant Program is available at the link below:

http://www.p12.nysed.gov/psc/CSPNewFY12PlanningandImplementationGrants.html

The standard grant award is $500,000 over three years. **Applicants are permitted to include up to this amount in their proposed budgets but should closely review the restrictions on these funds and be sure to propose using them appropriately.** Failure to do so may result in the Institute being unable to make the required finding that the proposed school is likely to operate the school in a fiscally sound manner. Applicants should not include more than the standard $500,000 grant award in their proposed school budgets.

New York State has incentivized the development of high-quality charter schools that meet specific needs as directed by each authorizer—especially those of educationally disadvantaged students—by awarding significantly increased start-up funding amounts. At SUNY's direction, NYSED will provide additional funding to charters schools that meet two types of incentive priorities:

1. ***Underserved student populations priority***: NYSED will provide up to 25% additional CSP grant funding, for a maximum award of $625,000, to those charter schools that, by the Oct. 1st student data reporting period in their first year of operation, have enrolled a sufficient number of students within at least one of the three demographic subcategories (students with disabilities, English language learners, and students who are eligible applicants for the free and reduced price lunch program) when compared to the enrollment figures for such students in the school district in which the charter school would be located to indicate that the school is likely to meet at least one of its enrollment and retention targets when it applies for charter renewal. The additional funding would be awarded to supplement the standard allocation for schools that meet these criteria.

2. ***Authorizer program design priority.*** At SUNY's direction, NYSED will provide up to 50% additional CSP grant funding, for a maximum award of $750,000 for those charter schools that the authorizer determines has met one or more program design priorities.

[1] Pursuant to an opinion by the Federal Department of Education, certain schools seeking to partner with a CMO that has been awarded federal replication grant funds may be ineligible for additional CSP Grant funds. Please contact the grant administrator to determine whether the proposed school is eligible for a CSP Grant.

(Schools that meet both incentive priorities may not receive more than 50% additional CSP grant funding). As part of the integrated charter authorization and grant review process, each charter authorizer will determine and invite particular program designs as part of their process for inviting new charter applicants. Continuation funding at the enhanced incentive level during the implementation years of the 3-year start-up grant may be dependent on the authorizer's assessment of a charter school's success with implementing the program design priority. Applicants must meet at least one of SUNY's current program design priorities identified below in order to qualify for the program design priority and increased CSP funding:

(a) Successful applicants proposing to replicate an existing, successful SUNY authorized charter school and meeting the following academic performance criteria:

i. Single School: An existing SUNY authorized charter school serving any combination of grades K-8 can meet the requirements if its existing school has minimally, in two of the previous three years of New York State assessment data available at the time the Trustees approve the new school, demonstrated on the New York State standardized exams at least a 0.3 Effect Size[2] in English language arts (ELA) **and** Math using the Institute's regression analysis which controls for the percentage of students enrolled in the school who qualify for the federal Free Lunch Program.[3] If the replicating school does not have three years of state testing data, it could qualify if the qualitative data collected during the Institute's school evaluation visits conducted by the time the new school is approved indicates that the replicating school on track to successfully accomplish the SUNY qualitative Charter Renewal Benchmarks by the time the school comes to renewal. The benchmarks are available at: http://www.newyorkcharters.org/documents/SUNYRenewalBenchmarks5FINAL5-8-12.pdf. Should a single existing SUNY authorized school be approved by the Trustees for replication, the Institute will notify the applicant of its status related to this requirement prior to moving final paper work to the Board of Regents to finalize the appropriate corporate and CSP grant paperwork.

[2] Charter schools authorized by the SUNY Trustees have in their Accountability Plan a measure of student performance on the state English language arts and mathematics exams called Effect Size that compares the school to similar public schools statewide. Effect Size is a statistical measure calculated by dividing the difference between the actual and predicted outcome by the standard deviation. It reflects the difference between a school's attained and expected performance in each tested grade, relative to other schools with similar free-lunch statistics and tested grade. In order to determine if schools are meeting this measure, the Institute conducts a regression analysis to examine how schools perform given the poverty level of their student population. The analysis yields a predicted percent of students scoring at Levels 3 & 4 in each test grade for every New York State public school based on its free-lunch statistics. To meet the measure in its Accountability Plan, a school's result must show a meaningful Effect Size, defined as 0.3 or greater, which means a higher than expected level of performance to at least a small degree.

[3] Free Lunch only; this regression does not utilize student data for students qualifying for the federal Reduced Price Lunch Program.

1. For an existing SUNY authorized high school to be eligible, 75% of students in the second year of a cohort (typically the 10th grade) must have passed three or more Regents examinations in two of the three previous school years for which data is available at the time that the Trustees approve the new school, **and** 75% of the students in the most recent graduation cohort must have graduated by the end of their fourth year in the cohort, **and** the school must have procedures and systems in place to assist students in gaining admittance into college, track the matriculation of students into college[4], and support students as they transition to college.[5] If the replicating high school does not yet have a graduating cohort, it could qualify if the qualitative data collected during the Institute's school evaluation visits conducted by the time the new school is approved indicates that the replicating school is on track to meet all of the criteria as identified in the above item.

ii. Network of Schools:[6] Each school in the network's portfolio with relevant grades that correspond to the request must have met the standard for a single school listed above. A network must have at least one school that meets the eligibility criteria noted above. If a network includes one or more schools that do not have three years of applicable data, those schools must demonstrate meeting the criteria during each of the years for which data is available. For a network of high schools that includes at least one authorized by SUNY to be eligible, each high school in its network must have met the standard listed above for a single school.

1. Note that the Institute will use the most recent data available at the time that the replicating school is approved by the Trustees to determine if the school is eligible to receive the supplemental authorizer design priority funding.

(b) Successful applicants that would lease or purchase the proposed facility for a minimum of 3 years of operation. A draft purchase agreement or lease must be included in the proposal or as soon as practicable thereafter in order for SUNY to determine that this criteria has been met. Approved schools could demonstrate

[4] Examples may include high rates of completion of college entrance requirements, such as the Free Application for Federal Student Aid, individual applications for college entrance and systems to monitor student matriculation.
[5] Examples may include structured alumni programs that provide formal support structures for graduates, formal dialogue between school staff and college advisors regarding the academic performance of admitted students, etc.
[6] The definition of a "network" for this purpose is broader than, but includes, the Institute's definition of an Educational Service Provider as set forth in its Charter Agreement. While charter management organizations (CMOs) and educational management organizations (EMOs) (other than for-profit organizations) would be included, shared service groups, and schools under common governance or affiliation, schools under a common licensing agreement may all be considered as one network. If a network had particular branding, strands or sub-organizational units, each one of those could also be considered a network. At this time, only schools operated in New York State will be considered part of a network.

eligibility if they enter into a qualified lease or purchase agreement at any time prior to opening; or

(c) Successful applicants who partner with a persistently low performing district school to phase out that low performing school while establishing the proposed school; or,

(d) Applicants who, if approved, enroll a sufficient number of students in its first year to suggest that it is likely to meet or exceed all of its enrollment targets for at-risk students (students with disabilities, English language learners and students who qualify for free and reduced-priced lunch) when it applies for charter renewal.

Applicants should not include more than the standard grant allocation of $500,000 in their proposed budget even if they believe they would qualify for the additional funding, as the supplemental funding is contingent upon the Institute's final determination regarding meeting the priority criteria.

Note that, as stated above, proposed schools planning to partner with a CMO that has previously been awarded federal replication grant funds may not be eligible for the CSP grants and therefore should not include CSP grant funds in their budgets.

Additionally, due to a change in U.S. Department of Education interpretation of federal non-regulatory guidance, applicants may no longer offer admissions "preferences" to at-risk students while receiving funds from the federal Charter School Program (CSP) grant. This change will have no impact on applicants who do not intend to offer an admissions preference or set-aside to at-risk students.

Appendix B:

Assurances Regarding the Provision of Special Education Services

Assurances Regarding the Provision of Special Education Services

The School provides the following assurances regarding the provision of special education and other services to students to be enrolled in the proposed charter school.

- The School will adhere to all provisions of federal law relating to students with disabilities including the IDEA, Section 504, and Title II of the ADA which are applicable to it.
- The School will, consistent with applicable law, work with Local Educational Agency (LEA) school districts to ensure that all students with disabilities that qualify under the IDEA:

  - Have available to them a free, appropriate, public education ("FAPE");
  - Are appropriately evaluated;
  - Are provided with an IEP;
  - Receive an appropriate education in the least restrictive environment (LRE);
  - Are involved in the development of and decisions regarding the IEP, along with their parents; and,
  - Have access to appropriate procedures and mechanisms, along with their parents, to resolve any disputes or disagreements related to the School's or school district's provision of FAPE.

- The School will employ, at a minimum, a properly certified individual as the School's special education coordinator, whose responsibilities will include coordinating with CSEs; providing information to and obtaining information from CSEs as needed throughout the year; determining if entering students have IEPs; and working with CSEs and school districts to ensure that all required special education and related services are being provided and that all IEPs are appropriate in the context of the charter school setting. The School may permit the special education coordinator to take on additional administrative duties to the extent that they do not interfere with the coordinator's responsibilities to ensure the School's compliance with the IDEA, Section 504 and Title II of the ADA.
- The School will make available, as required by law, a student's regular and special education teachers (and other required School personnel) for meetings convened by such student's CSE, and provide such teachers and personnel with copies of the student's IEP.
- The School will ensure that parents of children with special needs are informed of how their children are progressing on annual IEP goals and in the general curriculum at least as frequently as parents of regular education children.
- The School will abide by the applicable provisions and regulations of the IDEA and the Family Educational Rights Privacy Act of 1974 (FERPA) as they relate to students with disabilities including, but not limited to, having procedures for maintaining student files in a secure and locked location with limited access.
- The School's special education coordinator will retain such data and prepare such reports as are needed by each disabled student's school district of residence or the

State Education Department in order to permit such entities to comply with federal law and regulations.

- The School will comply with its obligations under the Child Find requirements of IDEA including 34 C.F.R. § 300.111, and will provide appropriate notification to parents in connection therewith as applicable, including notifying them prior to providing a child's name to a CSE for potential evaluation.
- The School will not convene its own CSE, make IDEA evaluations of children suspected of being disabled, create IEPs, reevaluate or revise existing IEPs or conduct due process hearings. The School understands that these responsibilities are left solely to the CSE of the student's district of residence and will implement IEPs as written.
- Appropriate School personnel will attend such training and technical assistance seminars regarding the education and servicing of special education students as is required by the Trustees including those sponsored by the State Education Department.

To: West Ed
From: Bill Clarke, Director Office of School Innovation, Susan DuFour, CSP Project Director
Date: January 16, 2015
Re: Attachments associated with responses for West Ed ratings of '2'

Attachments:

1. SUNY January 2014 RFP (1.1f, 1.1g, 1.1j, 1.4)

2a. SUNY Accountability Plan Guidelines (2.5)
2b. SUNY Accountability Plan Example for Excellence Boys (2.5)
2c. SUNY Accountability Plan Example for GTHCS (2.5)
2d. SUNY Accountability Plan Example for Icahn 7 (2.5)
2e. SUNY Accountability Plan Example for MVPCS (2.5)

3. NYCDOE Accountability/Performance Framework (2.5)
4. NYCDOE Goals and Conditions (2.5)
5. Performance Measure 1, submitted May 2014 (2.7 for PM 1C)
6. Evaluator RFP (2.7 for PM 4B5)
7. Internal Research Study (2.7 for PM 4C)
8. OMB Uniform Grants Guidance Training (2.7 for PM 1D)
    - 8a Omni Workshop
    - 8b Omni Webinar

Dear Angela,

To help charter schools prepare for important grants management changes under federal 'Omni' requirements a webinar will be held on September 16, 2014 from 10 AM to 12 noon. National expert Tiffany Winters, Esq. from Brustein and Manasevit, PLLC will explain the changes schools must prepare for during 2014-15 and implement by July 1, 2015. Please use the following link to learn more about this webinar and to register.

http://fluidsurveys.com/surveys/susan-dufour/federal-omni-requirements-for-charter-schools/?code=qnsfdgsuur

Since the webinar is tomorrow I will send you the URL shortly.

Thank you.

Susan DuFour

NYSED Charter School Office

NEW YORK CITY
CHARTER SCHOOL
CENTER

It's about great public schools.

Omni Fiscal Policies and Procedures
Workshop Agenda

November 5, 2014
3:30pm to 5:00pm

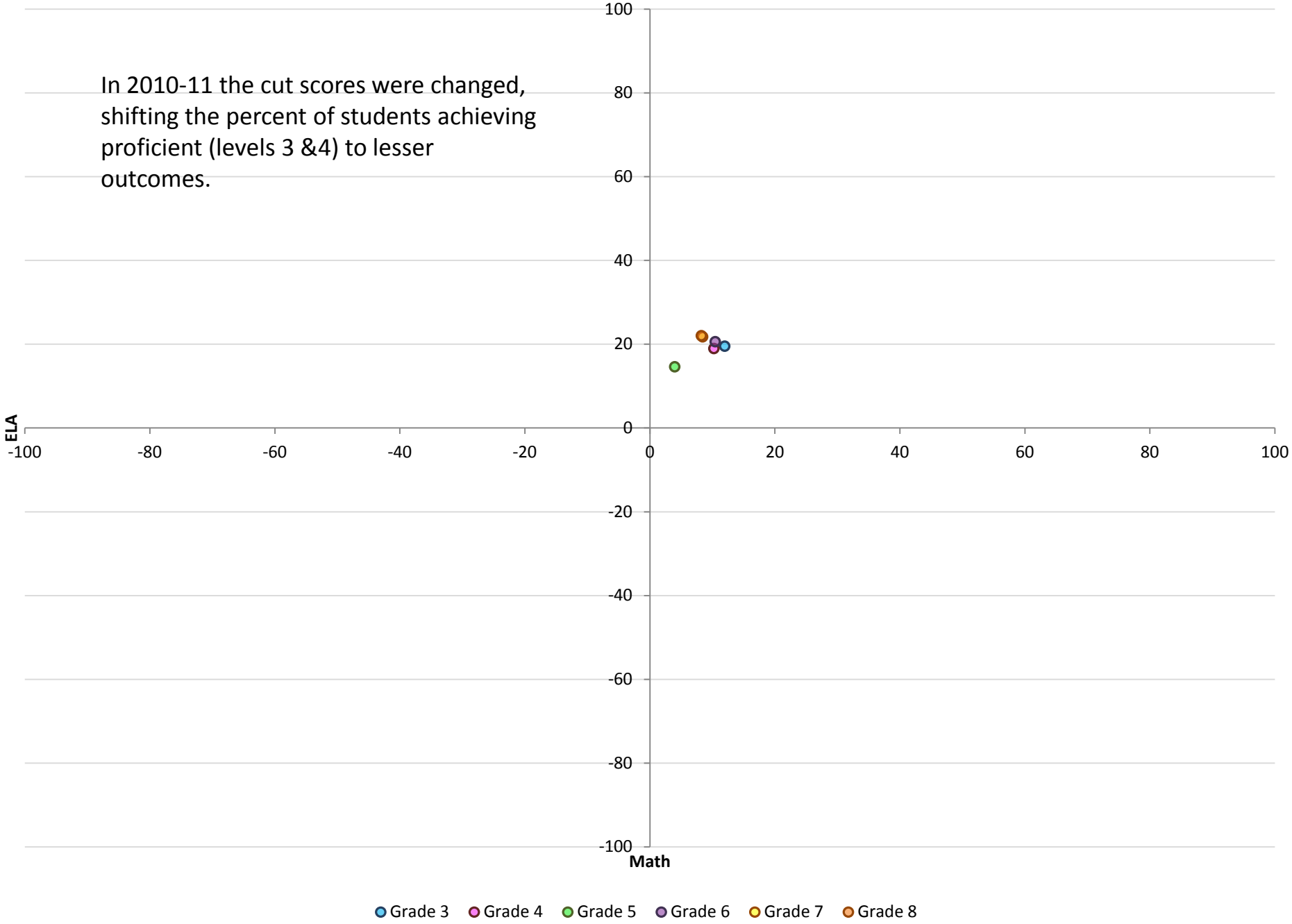
Time	Topic	Presenter
3:30pm – 3:35pm	Introductions	David Frank
3:35pm – 3:45pm	The importance of developing operationalized policies and procedures	Susan DuFour
3:45pm – 4:00pm	Important Omni Take-Always	Barbara Acenowr
4:00pm – 4:15pm	Working with school to create "Omni Compliant" Fiscal Policies and Procedures	CSBM and David Frank
4:15pm – 4:50pm	Break Out Session	Faculty Facilitators
4:50pm – 5:00pm	Report Out and Next Steps	David Frank

2012-13 NYS Charter School Growth Outcomes

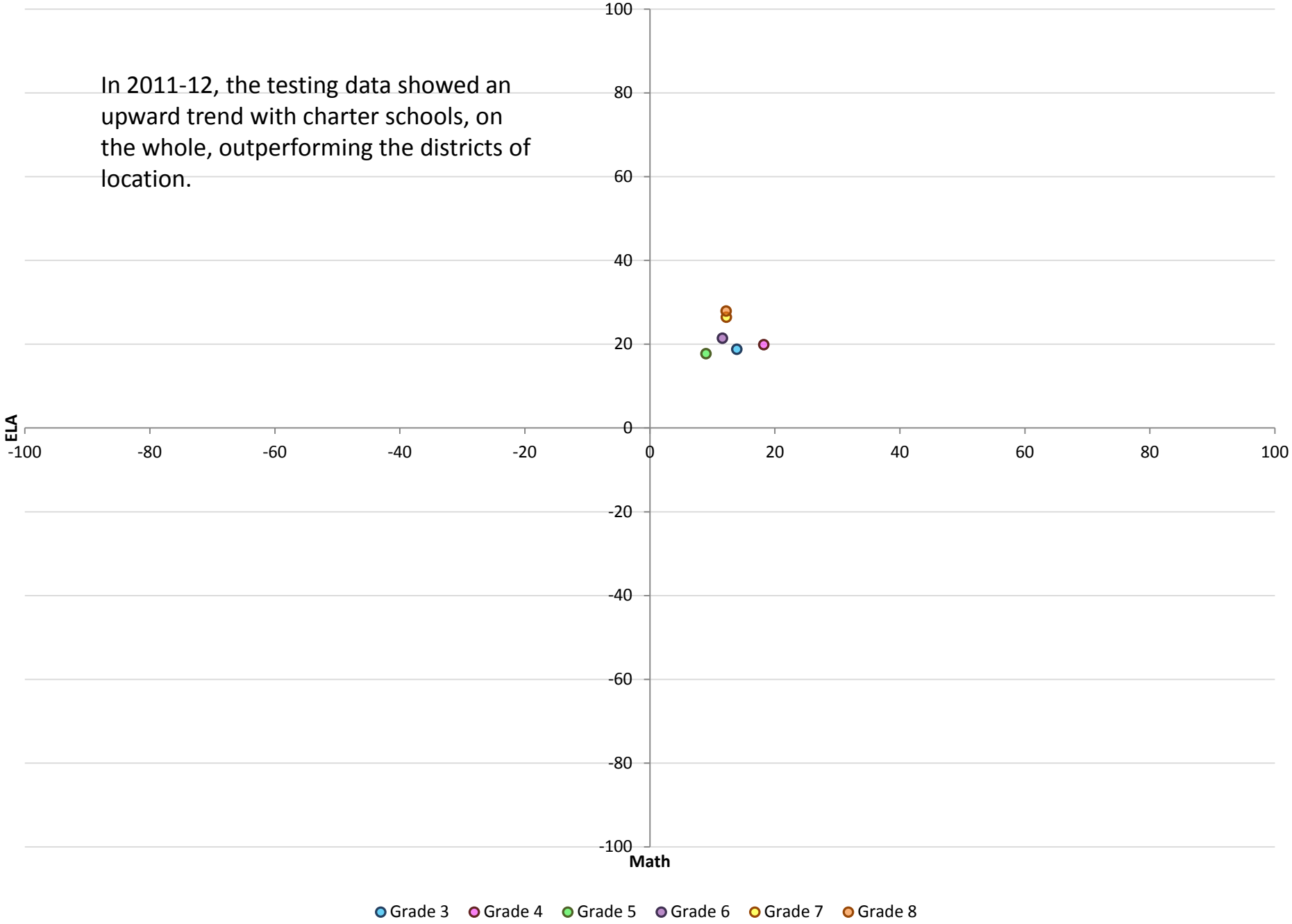
Comparison in the Aggregate and by Grade Level to the District of Location and State

NYSTP Grades 3-8 Aggregate Three-Year Outcomes:
All Charter Schools Compared to District of Location

2010-11 Gr. 3-8 All Charter Schools Aggregate Average Outcomes Compared to District of Location

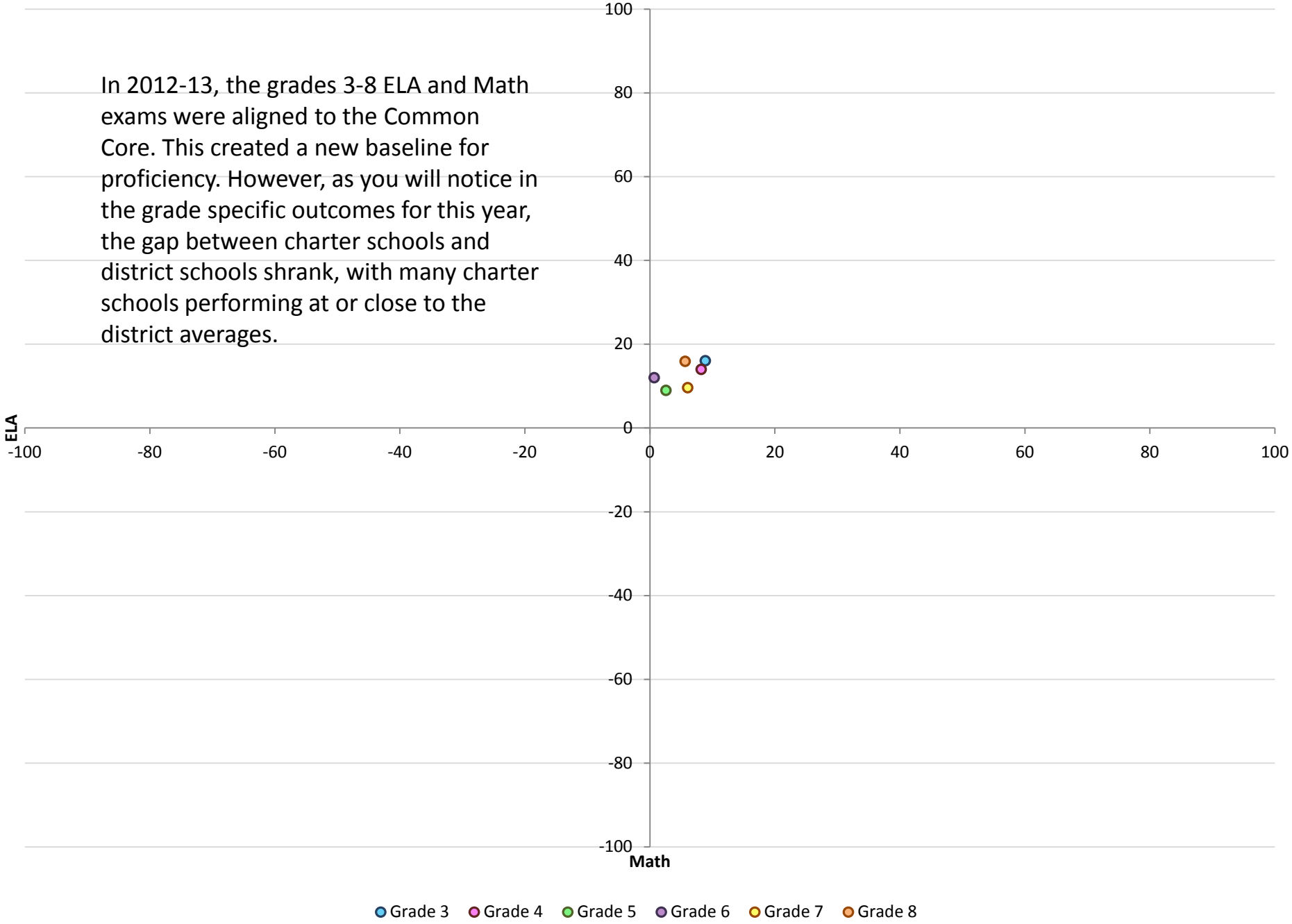


2011-12 Gr. 3-8 All Charter Schools Aggregate Average Outcomes Compared to District of Location



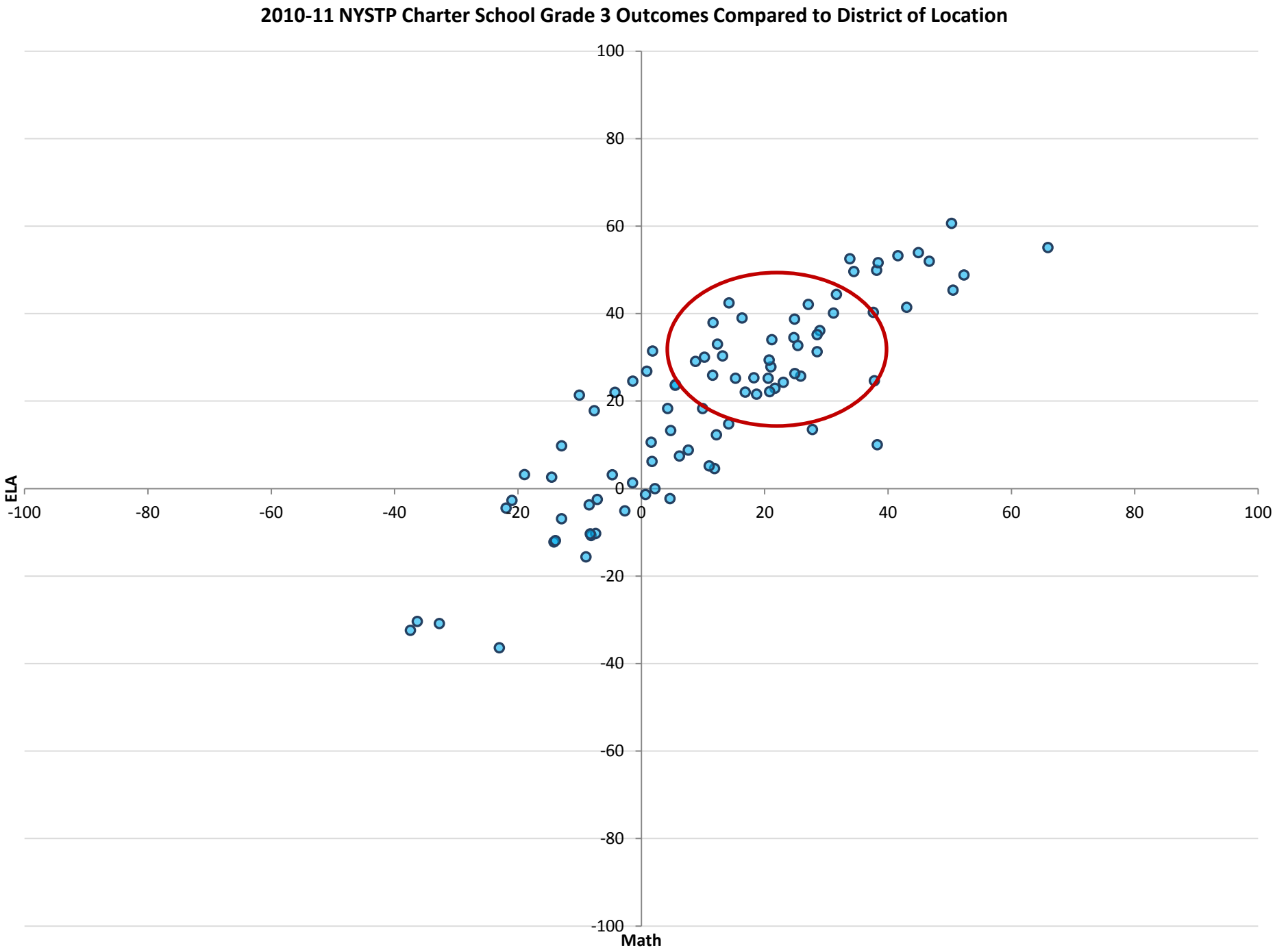
2012-13 Gr. 3-8 All Charter Schools Aggregate Average Outcomes Compared to District of Location

In 2012-13, the grades 3-8 ELA and Math exams were aligned to the Common Core. This created a new baseline for proficiency. However, as you will notice in the grade specific outcomes for this year, the gap between charter schools and district schools shrank, with many charter schools performing at or close to the district averages.



NYSTP Grade Level Three-Year Outcomes: All Charter Schools Compared to District of Location

Grade 3


2010-11 NYSTP Charter School Grade 3 Outcomes Compared to District of Location
ELA
Math
100
80
60
40
20
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-100
-80
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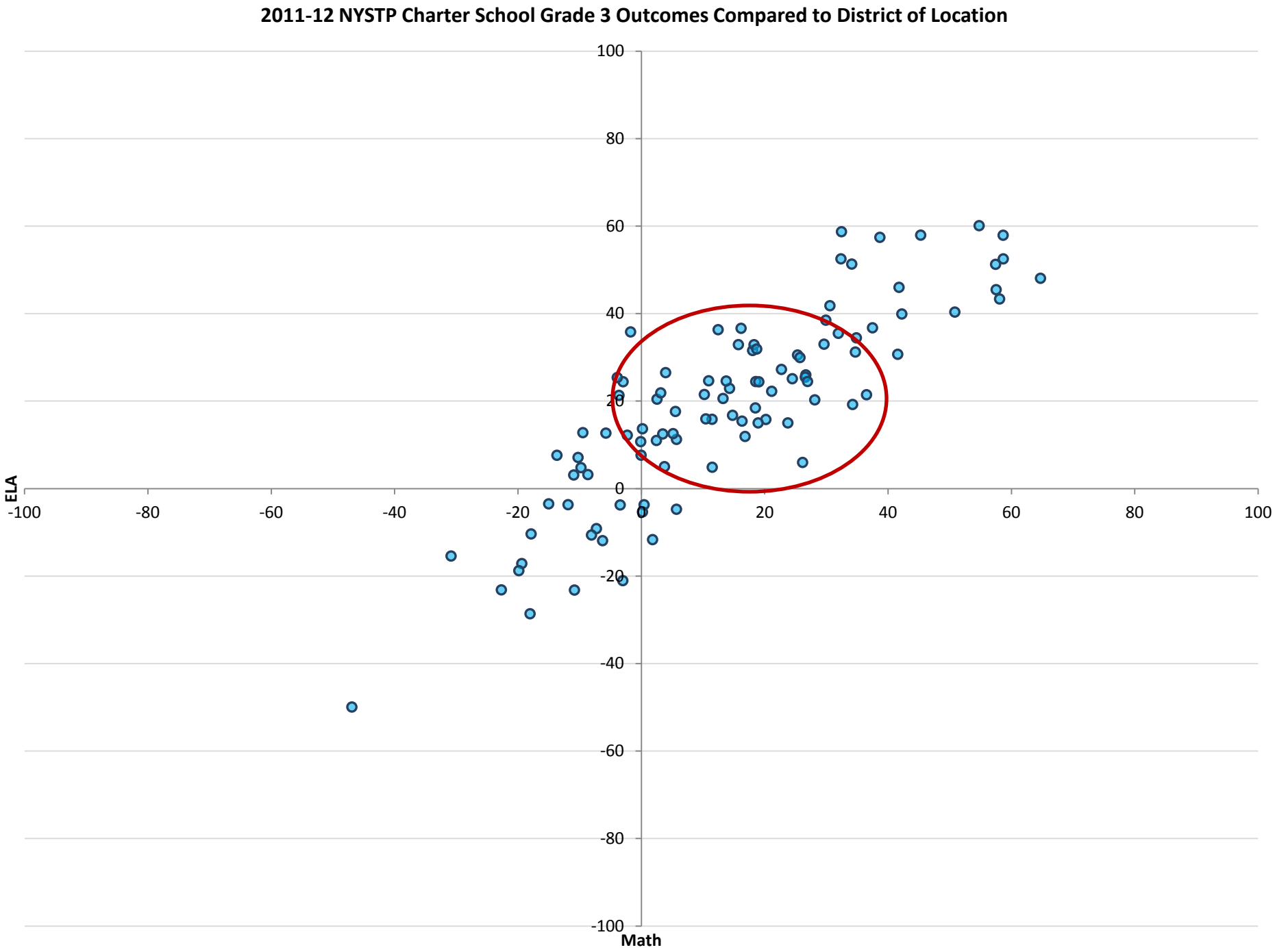
2011-12 NYSTP Charter School Grade 3 Outcomes Compared to District of Location
ELA
Math
100
80
60
40
20
0
-20
-40
-60
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-100
-100
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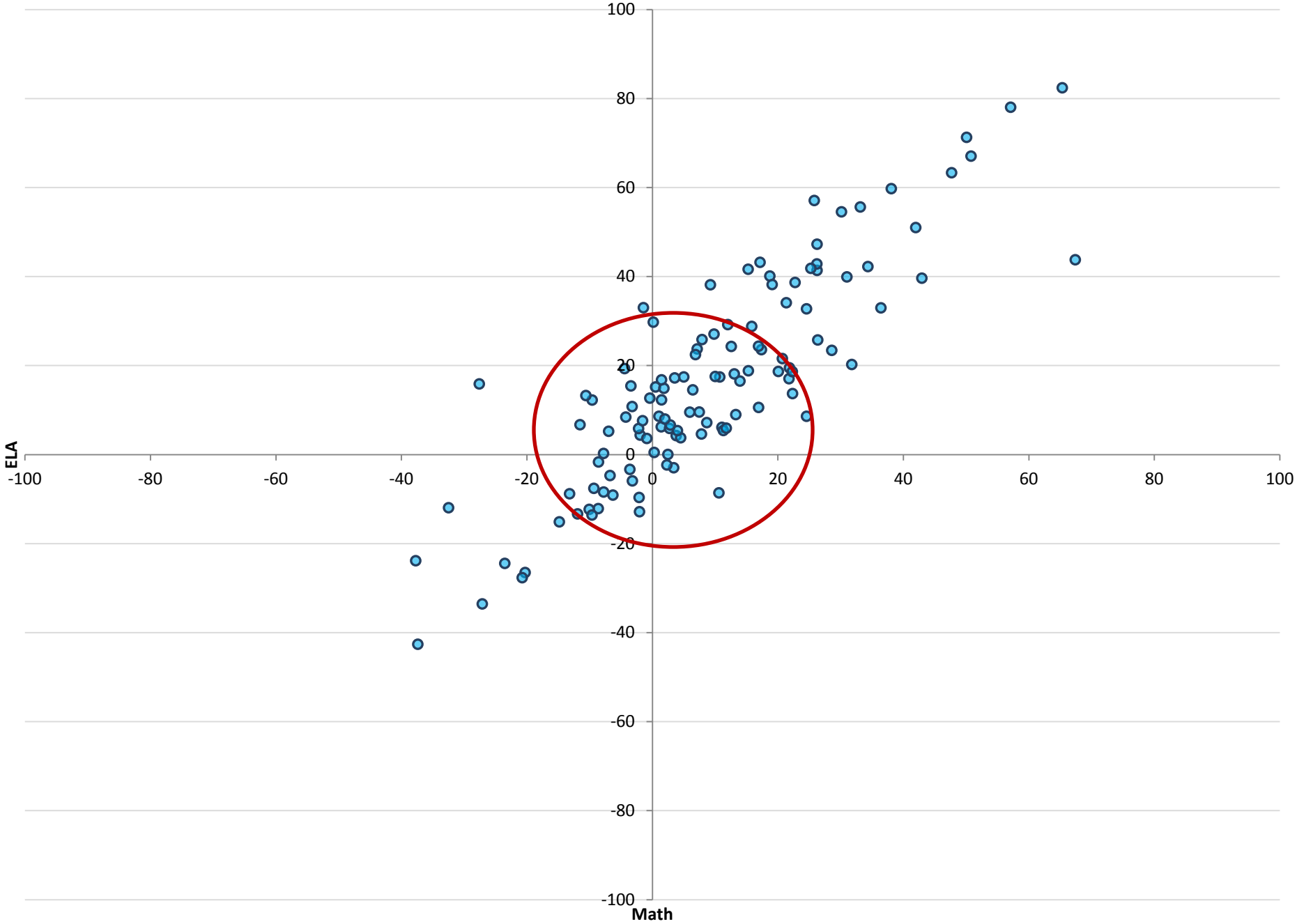
100

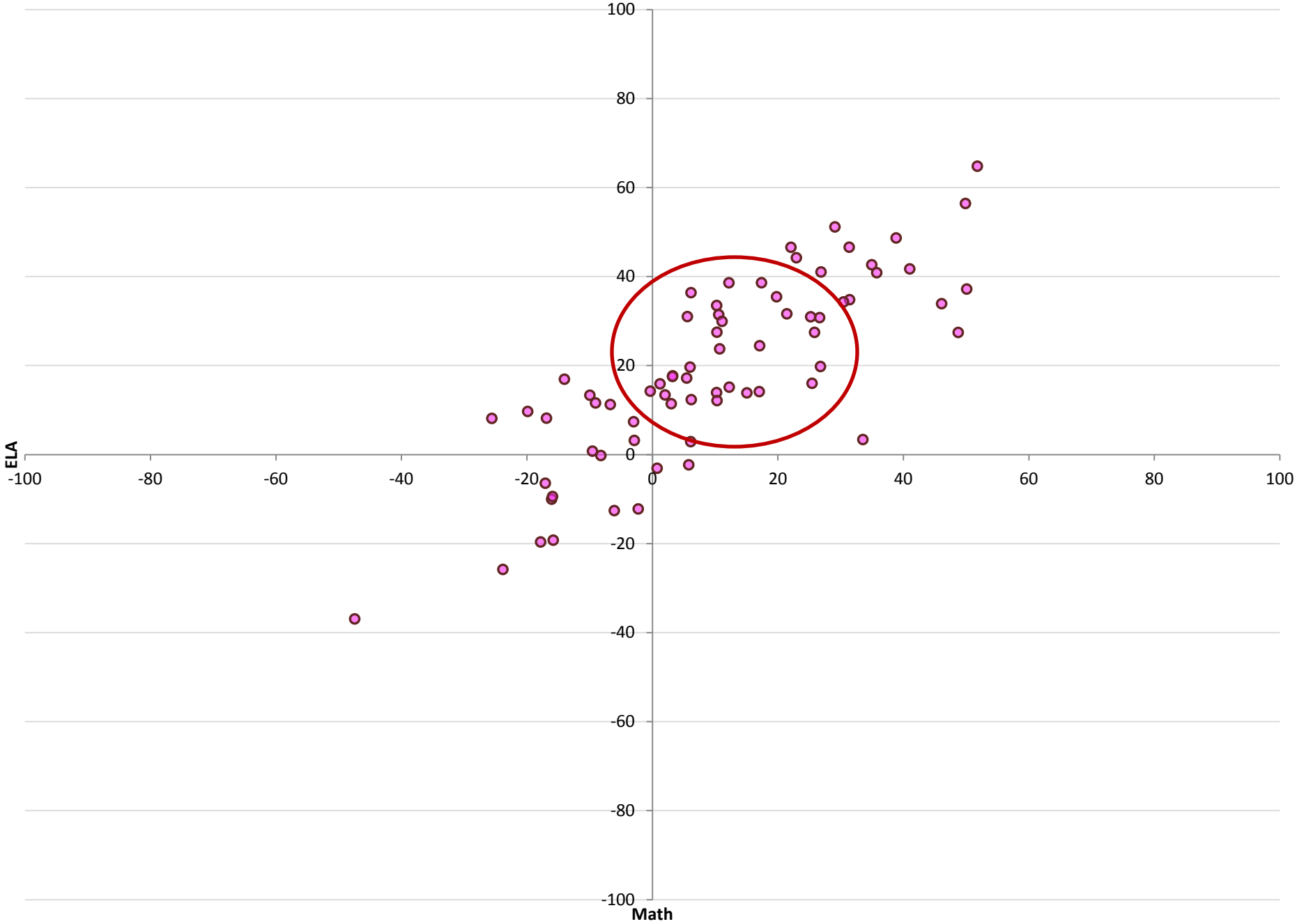
2012-13 NYSTP Charter School Grade 3 Outcomes Compared to District of Location



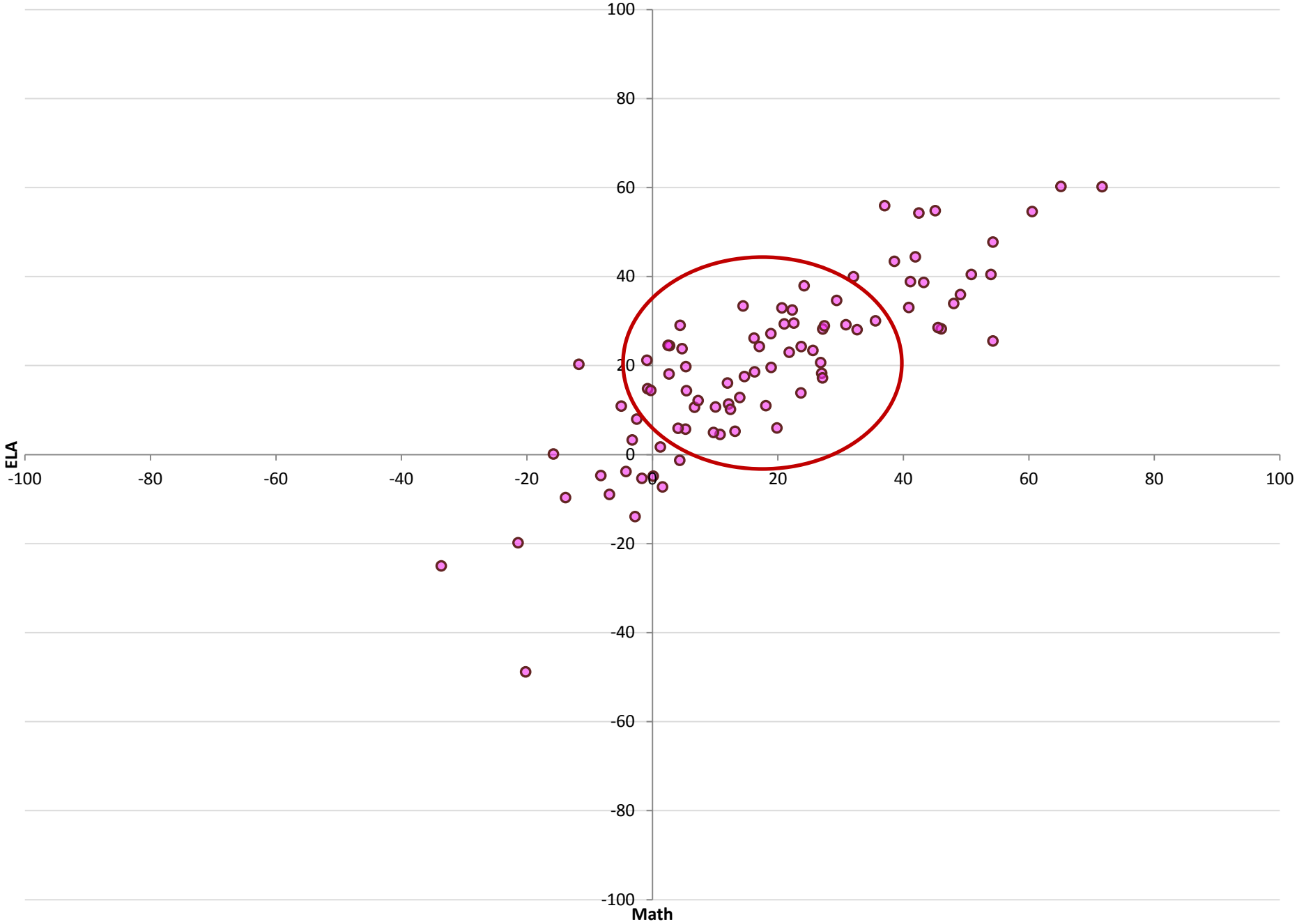
NYSTP Grade Level Three-Year Outcomes: All Charter Schools Compared to District of Location

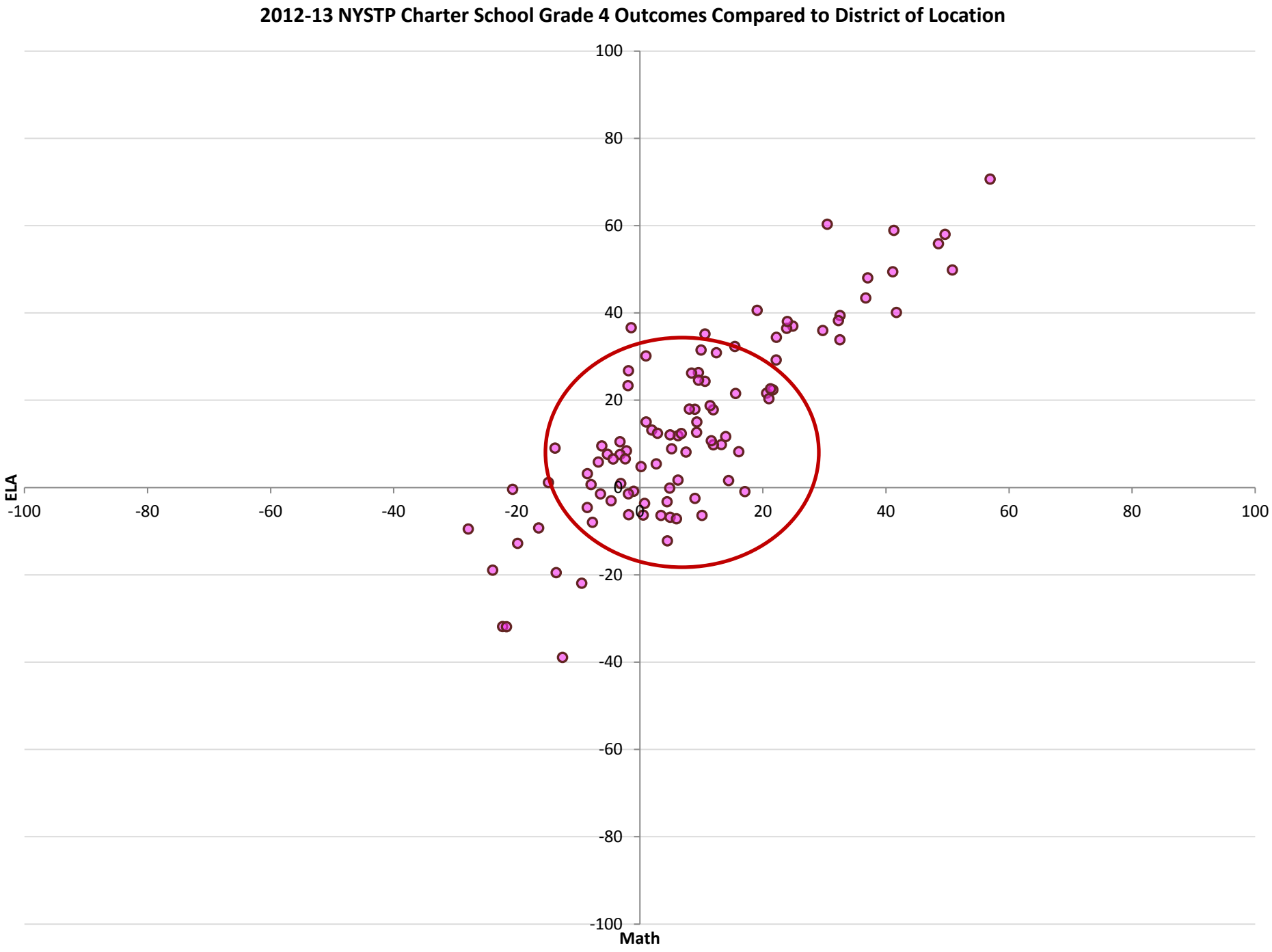
Grade 4

2010-11 NYSTP Charter School Grade 4 Outcomes Compared to District of Location



2011-12 NYSTP Charter School Grade 4 Outcomes Compared to District of Location




2012-13 NYSTP Charter School Grade 4 Outcomes Compared to District of Location
ELA
Math
100
80
60
40
20
0
-20
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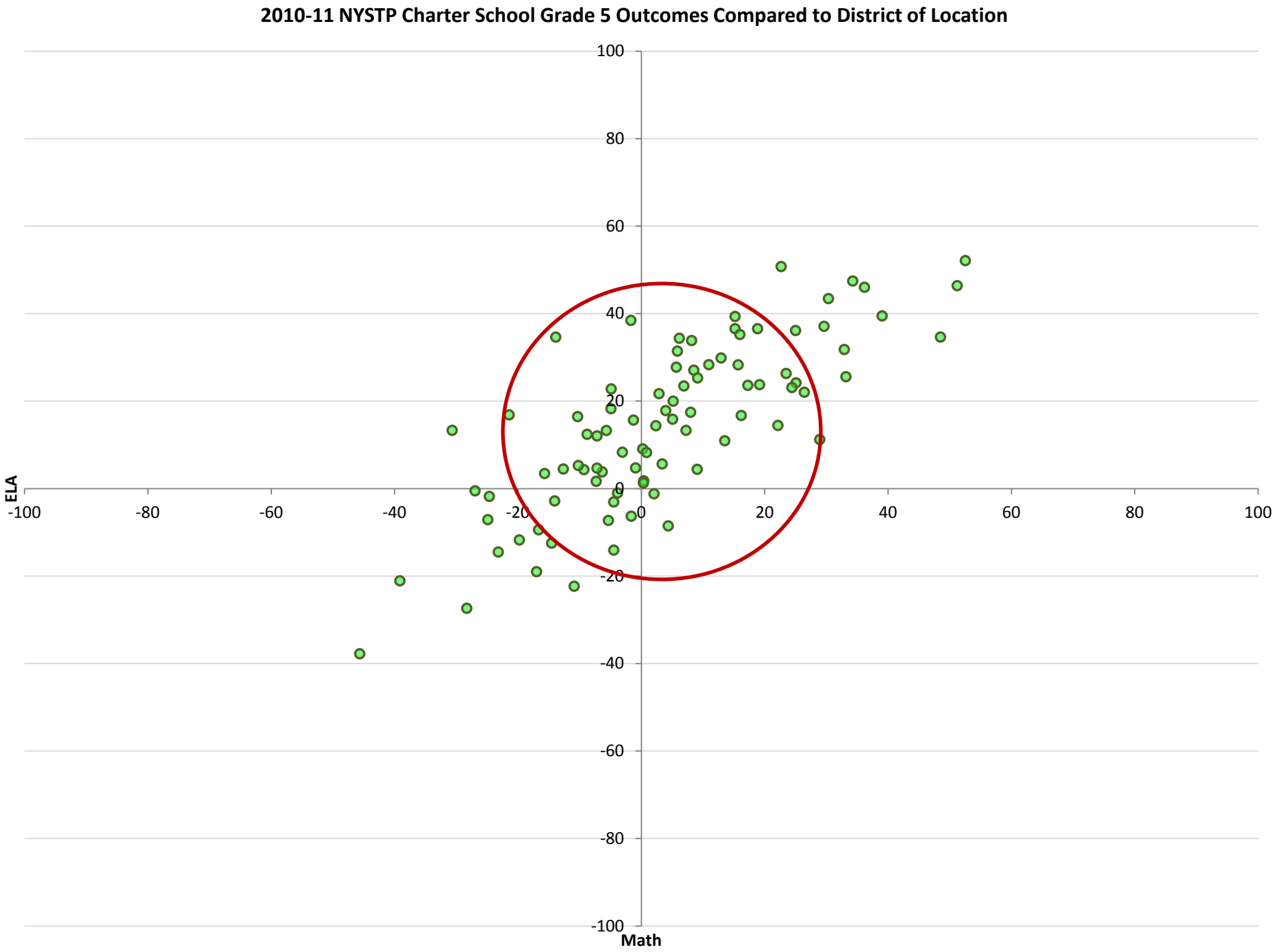
NYSTP Grade Level Three-Year Outcomes: All Charter Schools Compared to District of Location

Grade 5


2010-11 NYSTP Charter School Grade 5 Outcomes Compared to District of Location
ELA
Math
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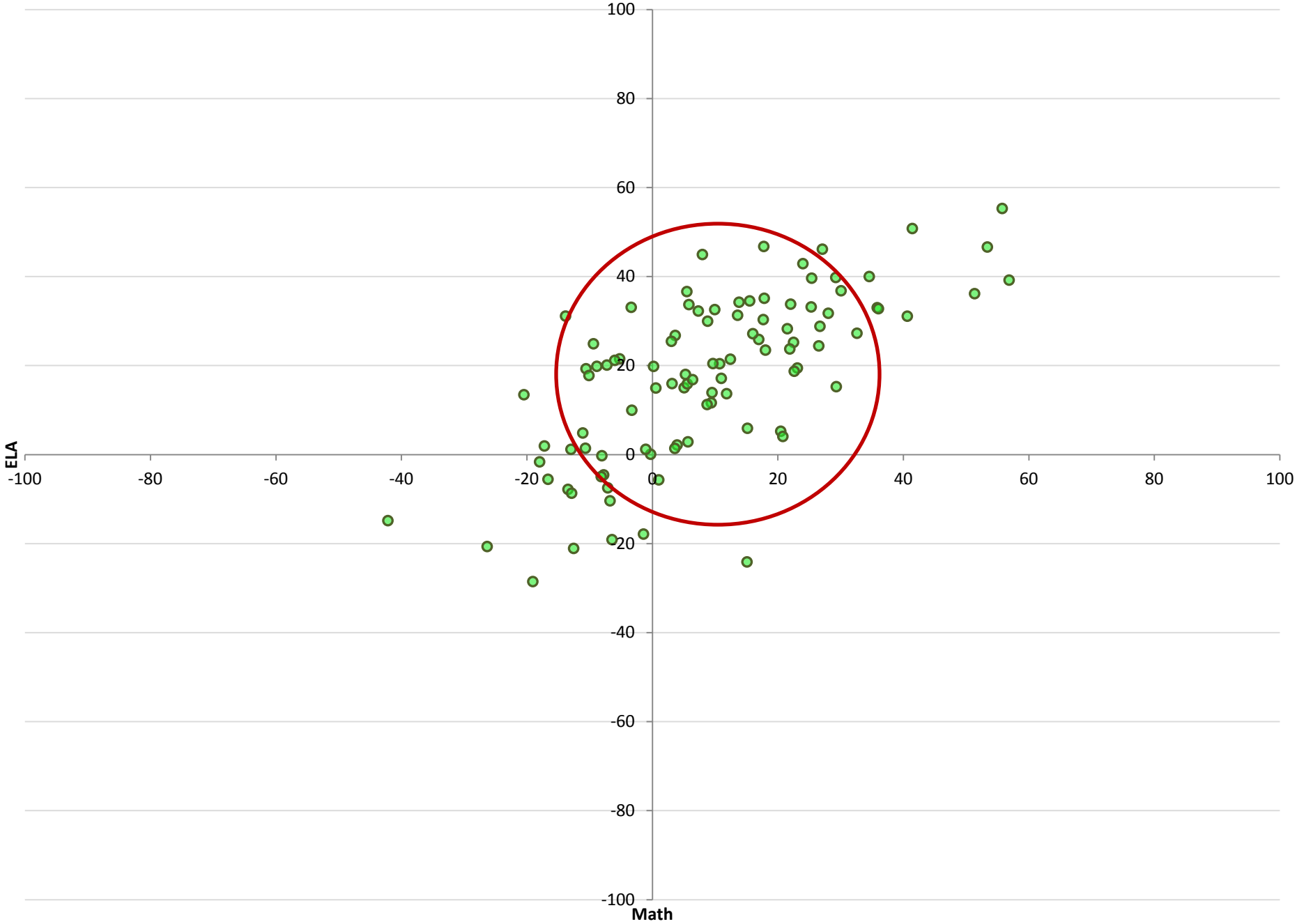
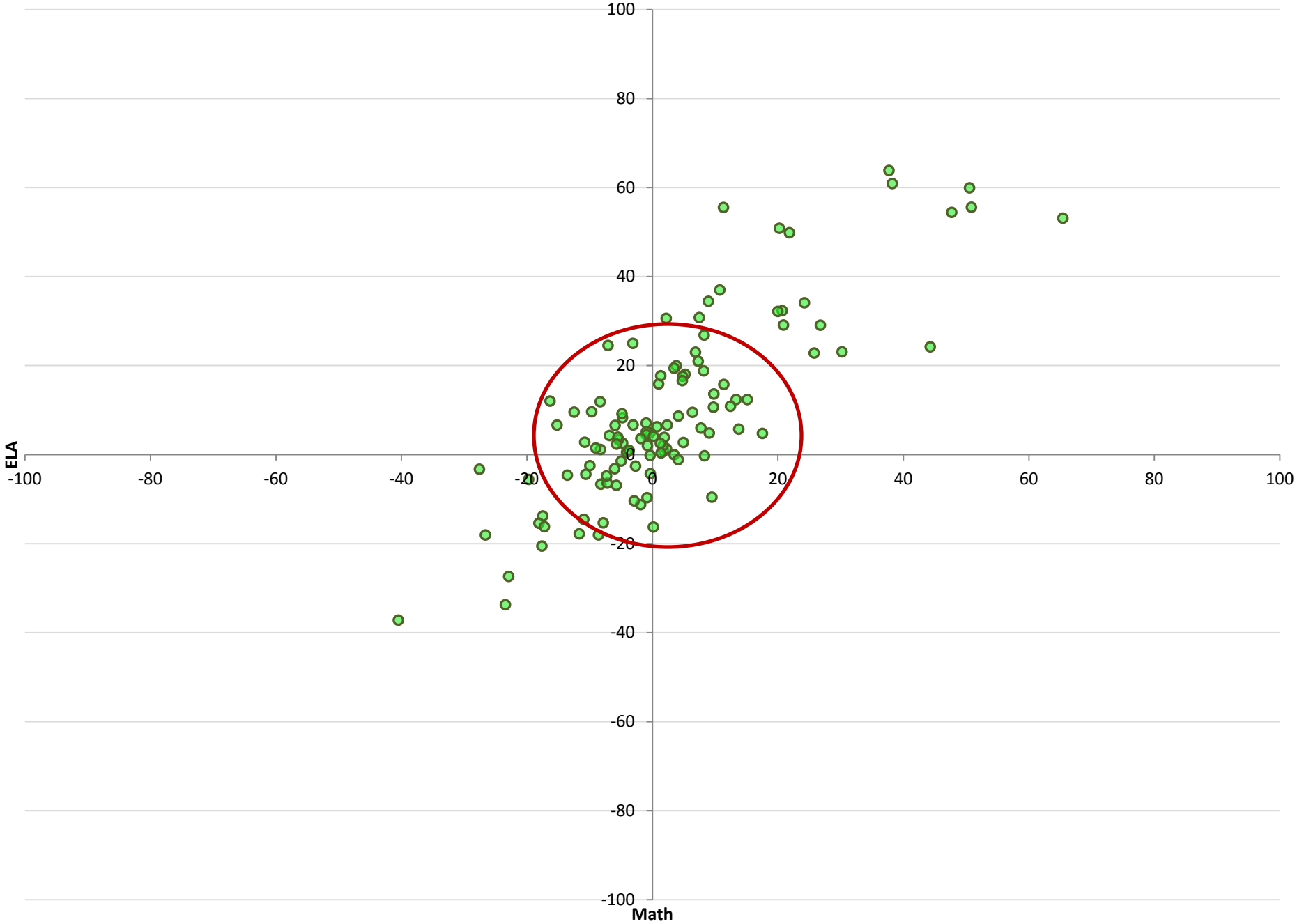
2011-12 NYSTP Charter School Grade 5 Outcomes Compared to District of Location



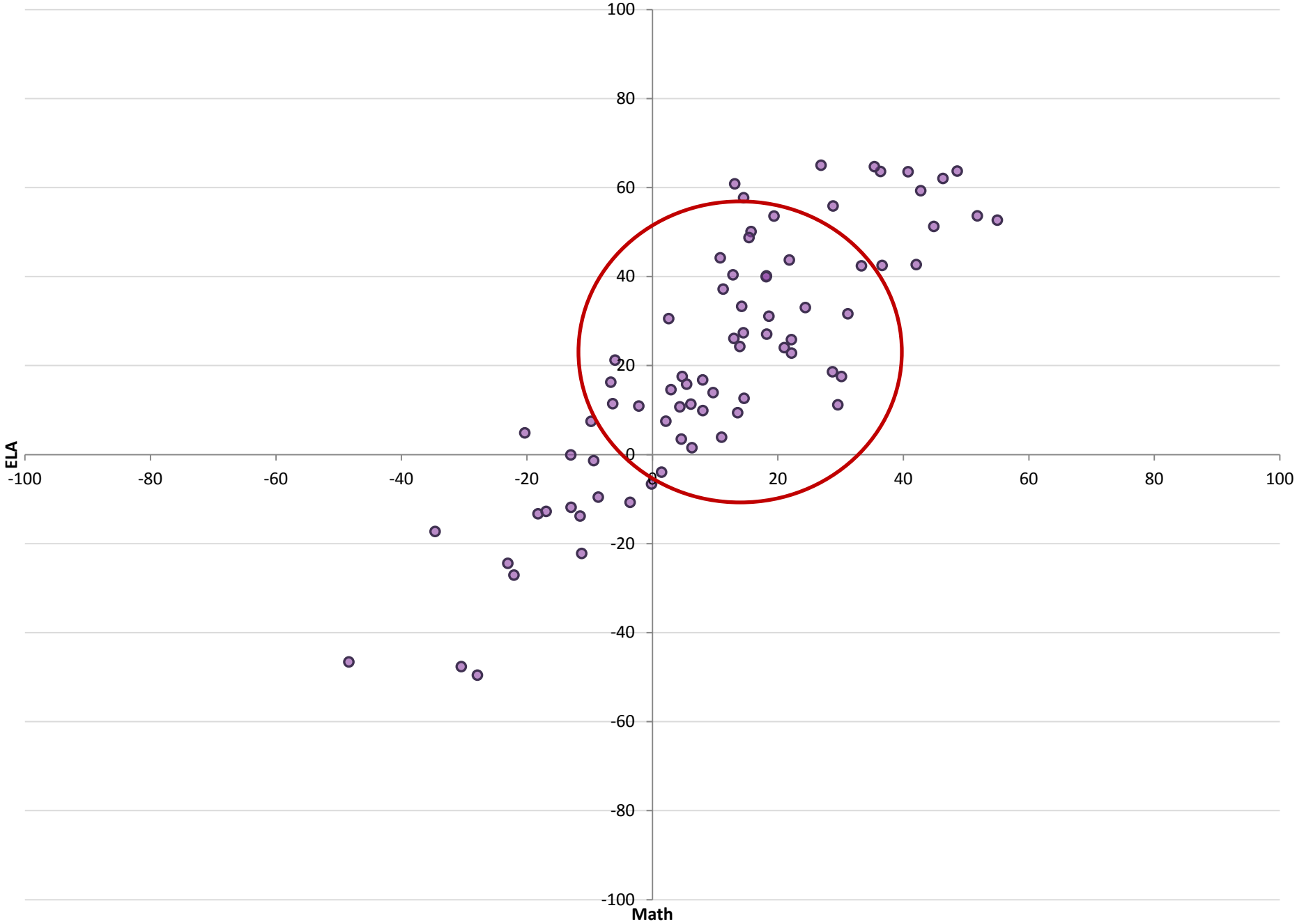
2012-13 NYSTP Charter School Grade 5 Outcomes Compared to District of Location

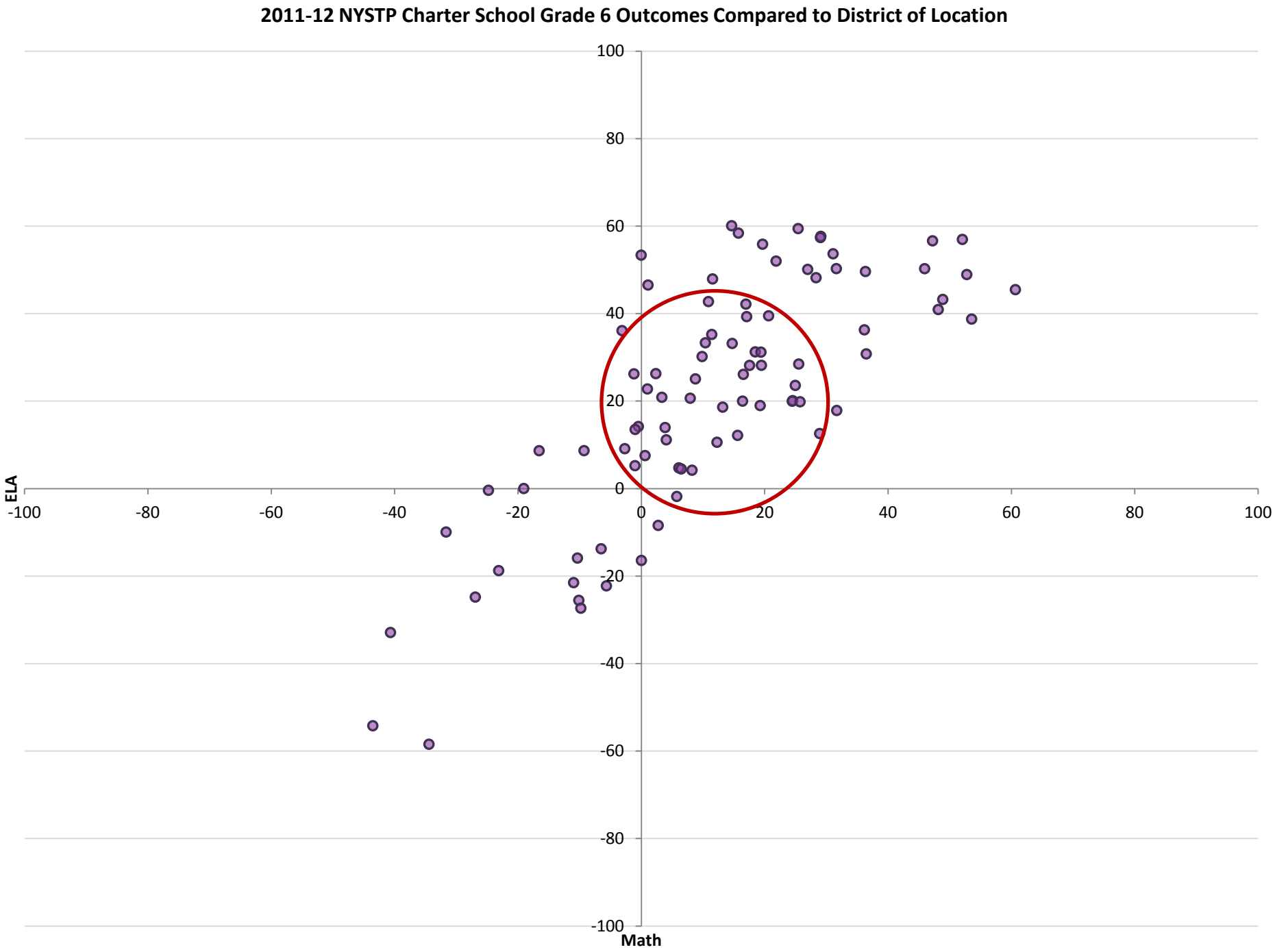


NYSTP Grade Level Three-Year Outcomes: All Charter Schools Compared to District of Location

Grade 6

2010-11 NYSTP Charter School Grade 6 Outcomes Compared to District of Location




2011-12 NYSTP Charter School Grade 6 Outcomes Compared to District of Location
ELA
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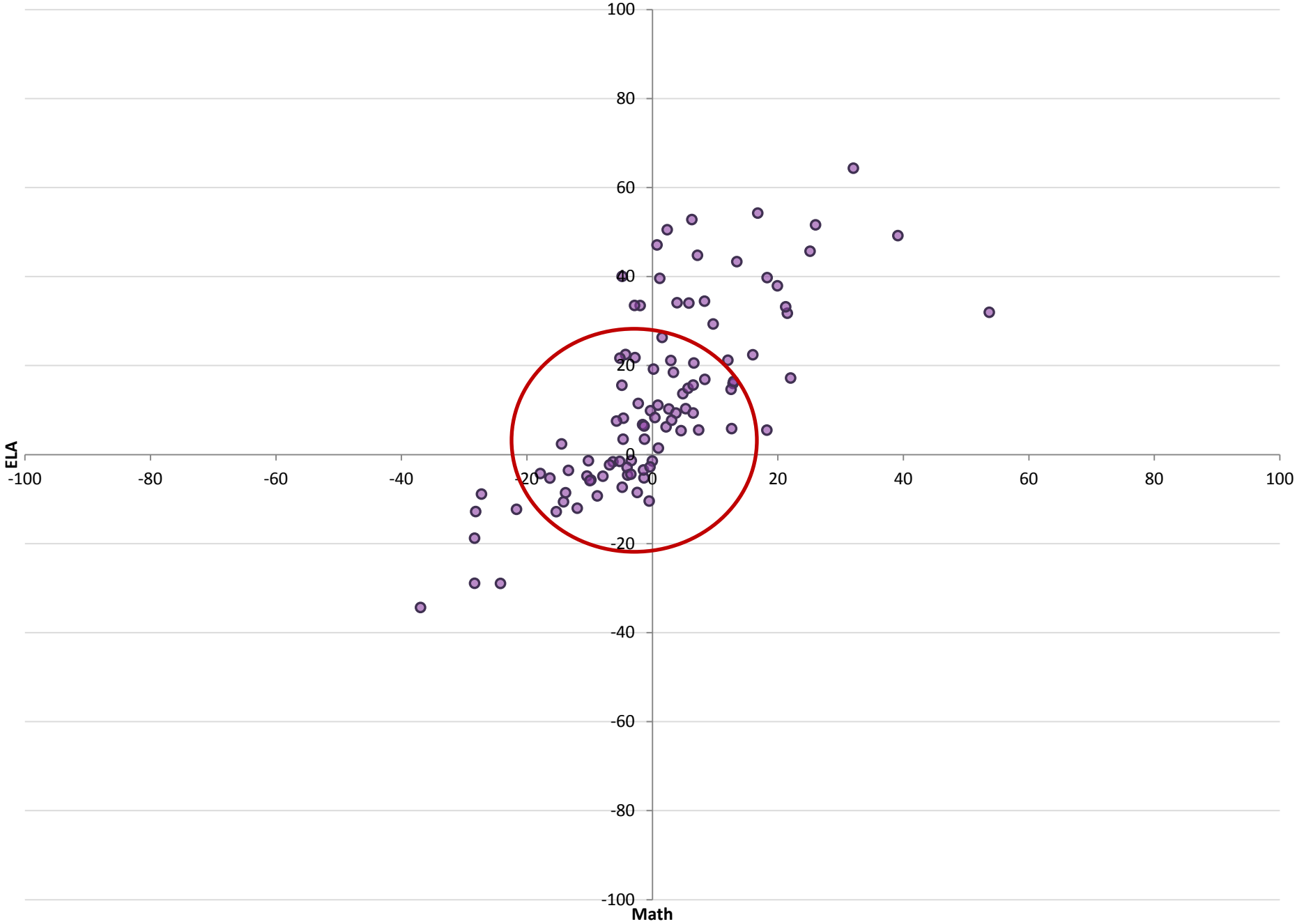
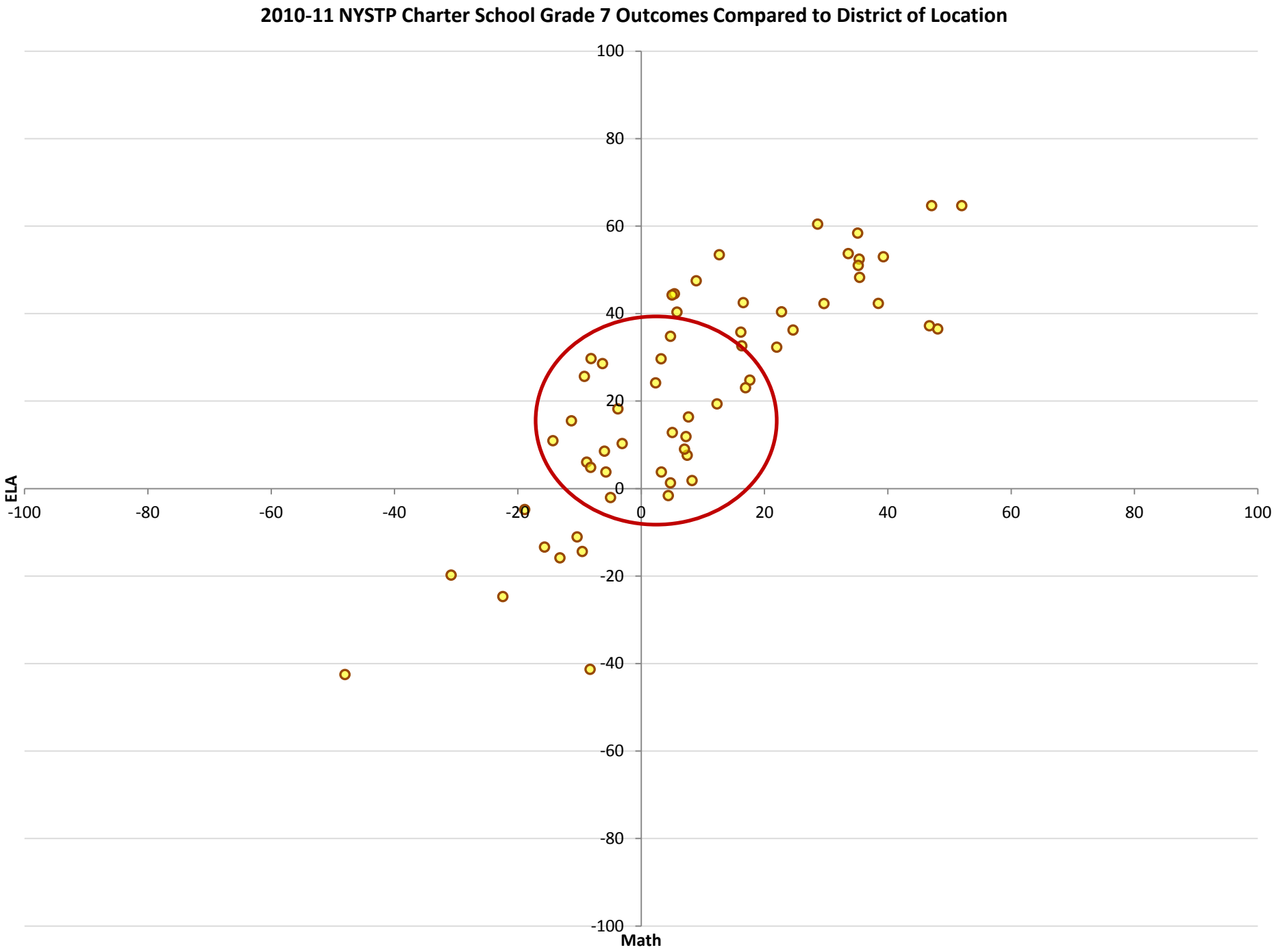
2012-13 NYSTP Charter School Grade 6 Outcomes Compared to District of Location



NYSTP Grade Level Three-Year Outcomes: All Charter Schools Compared to District of Location

Grade 7


2010-11 NYSTP Charter School Grade 7 Outcomes Compared to District of Location
ELA
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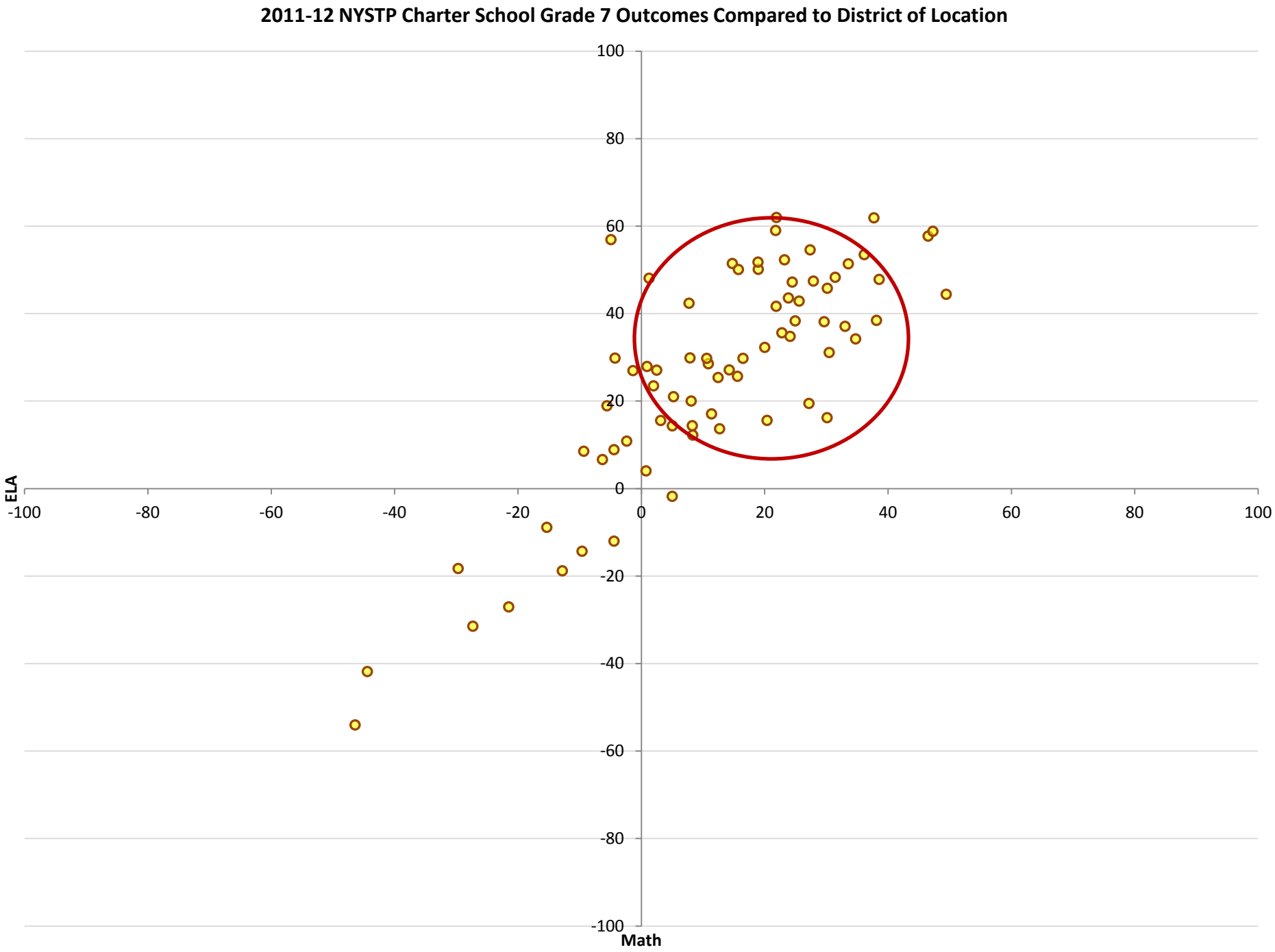
2011-12 NYSTP Charter School Grade 7 Outcomes Compared to District of Location
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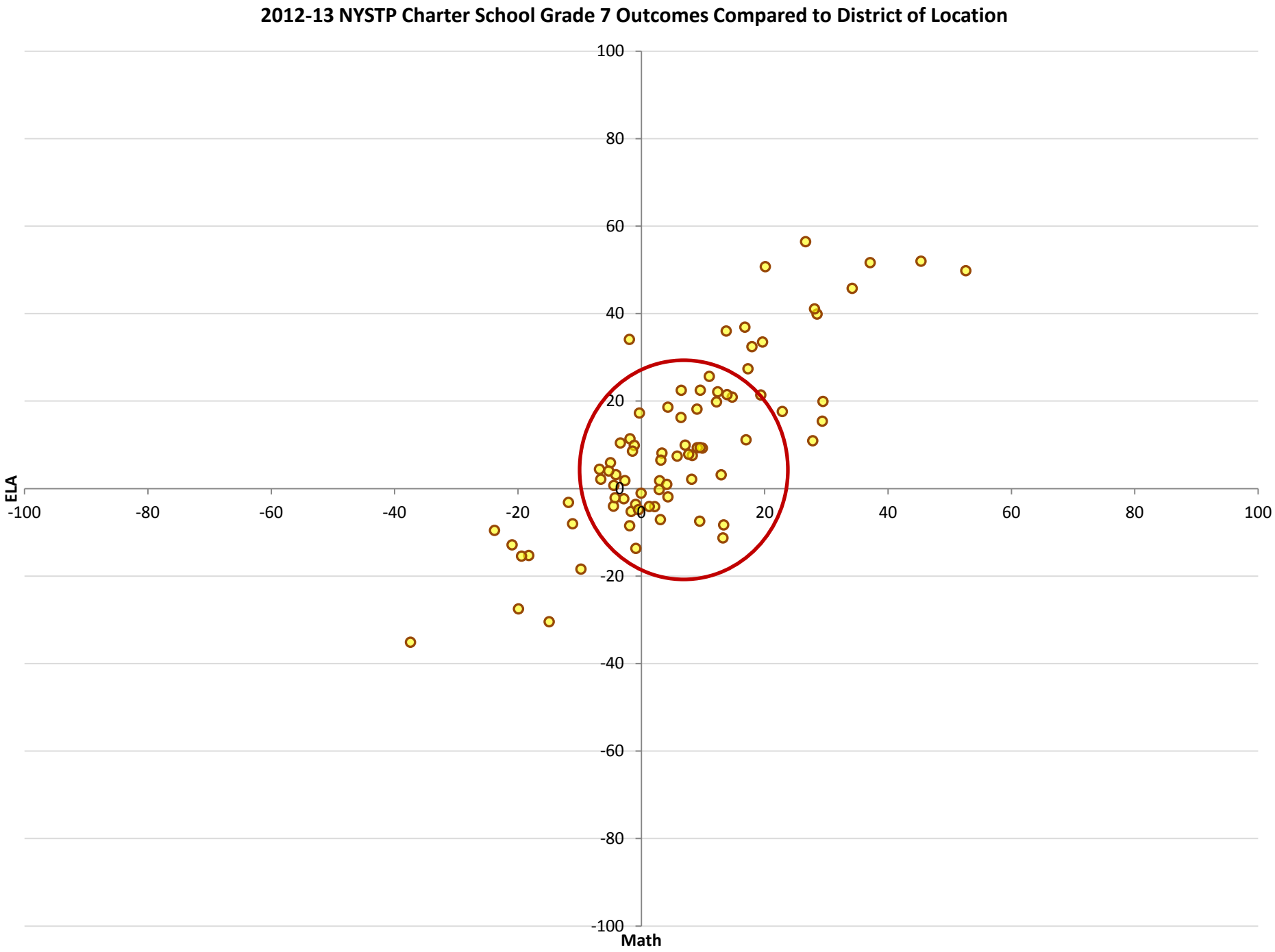
2012-13 NYSTP Charter School Grade 7 Outcomes Compared to District of Location
ELA
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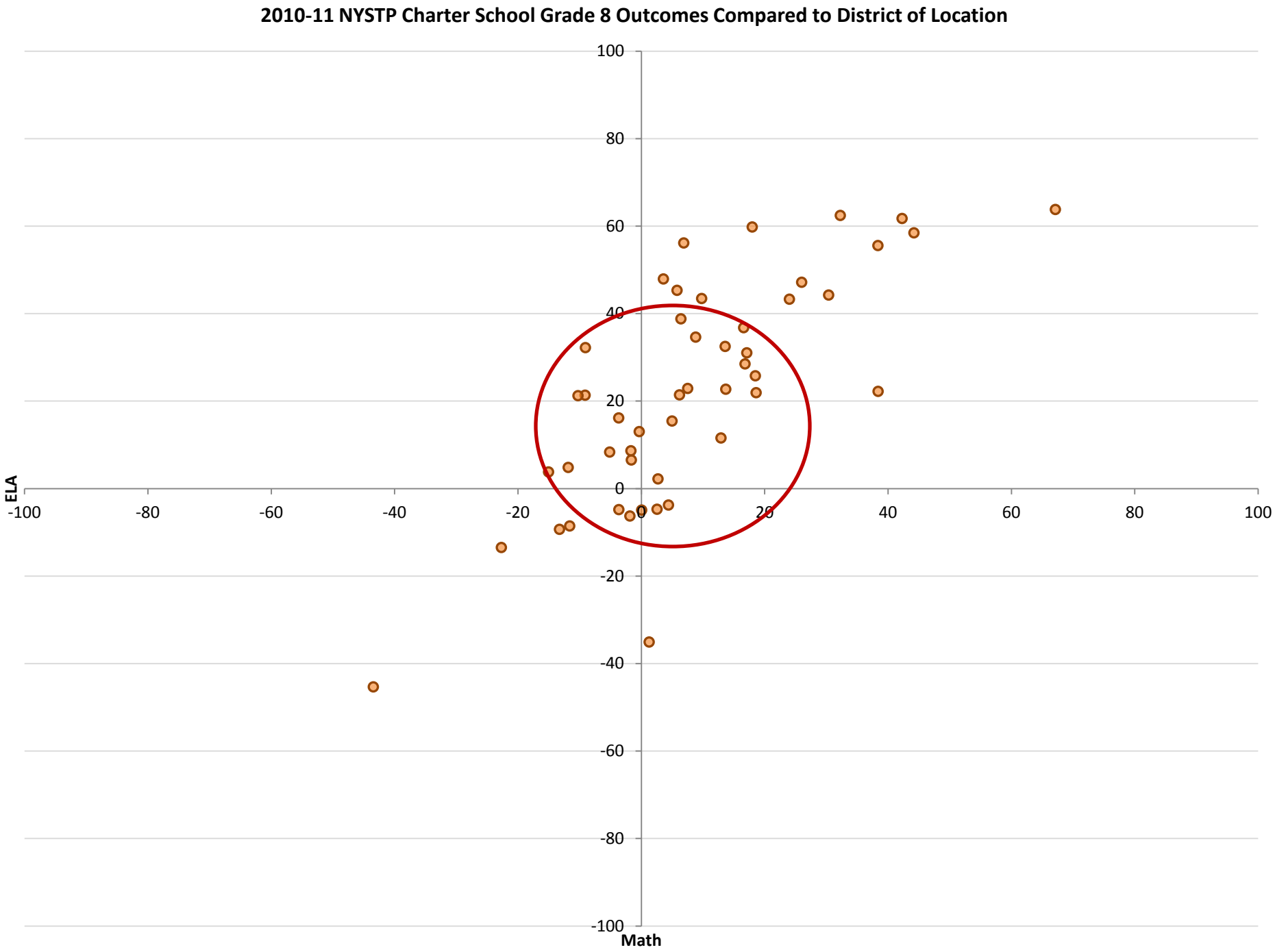
NYSTP Grade Level Three-Year Outcomes: All Charter Schools Compared to District of Location

Grade 8


2010-11 NYSTP Charter School Grade 8 Outcomes Compared to District of Location
ELA
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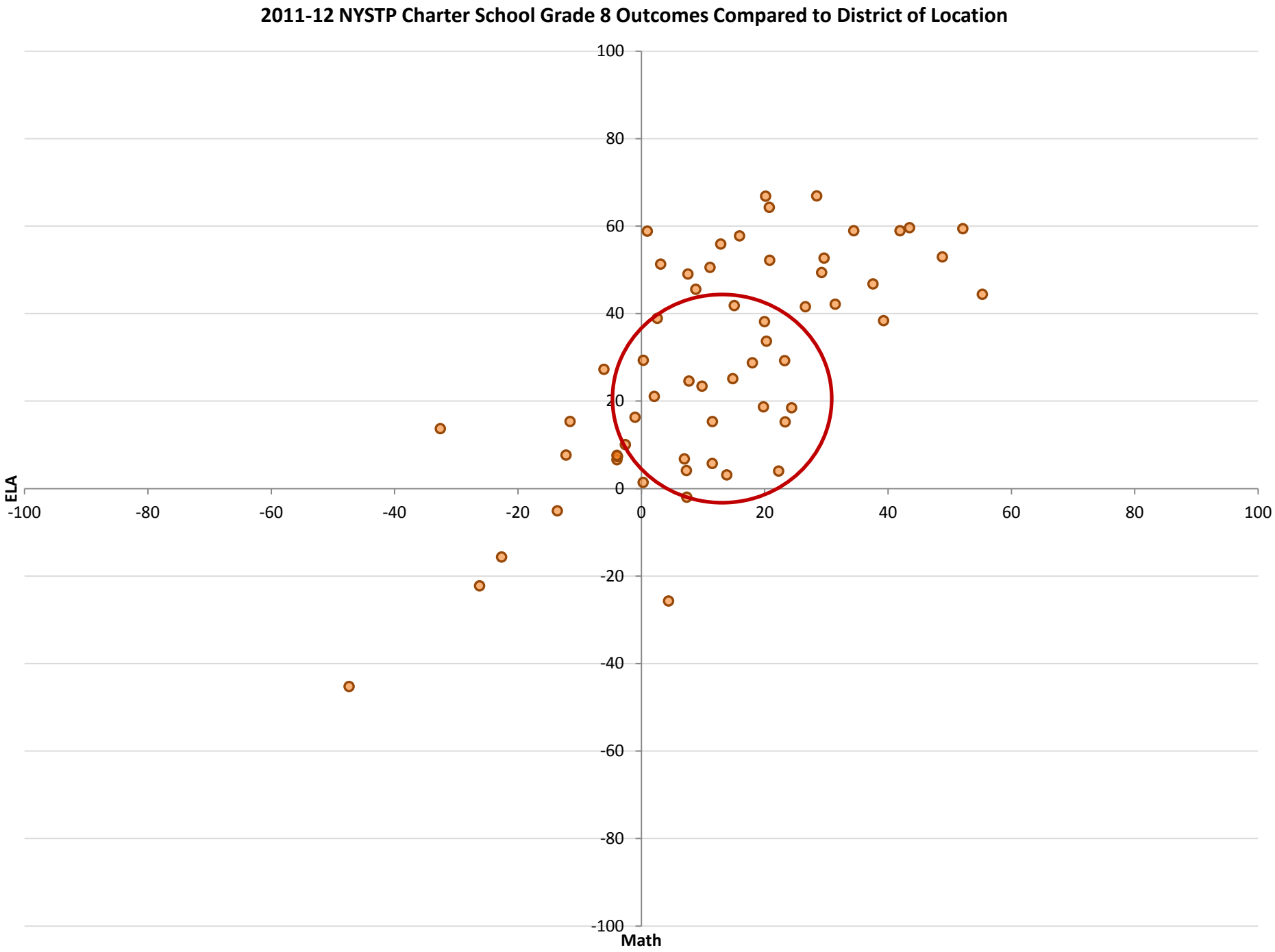
2011-12 NYSTP Charter School Grade 8 Outcomes Compared to District of Location
ELA
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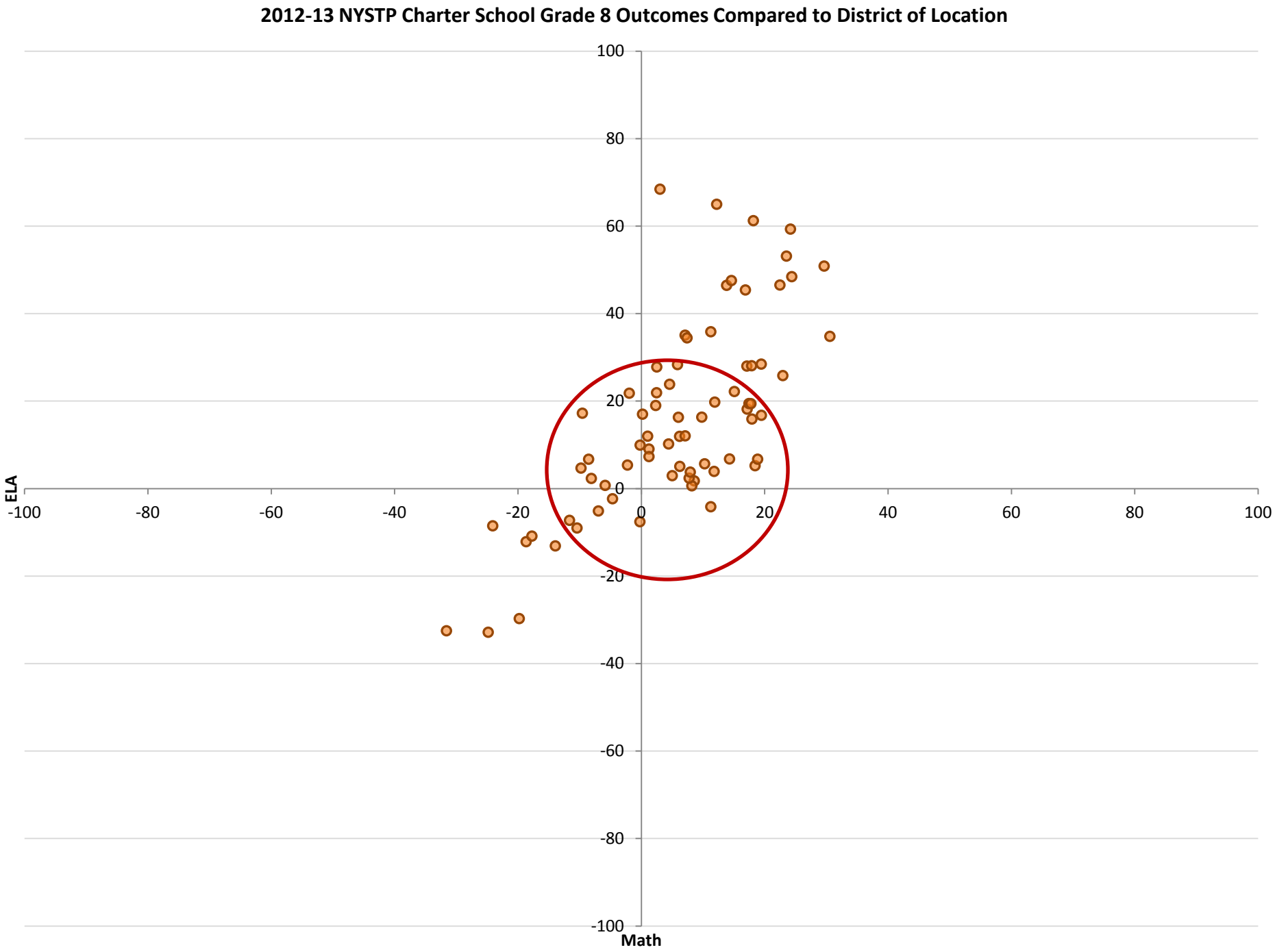
2012-13 NYSTP Charter School Grade 8 Outcomes Compared to District of Location
ELA
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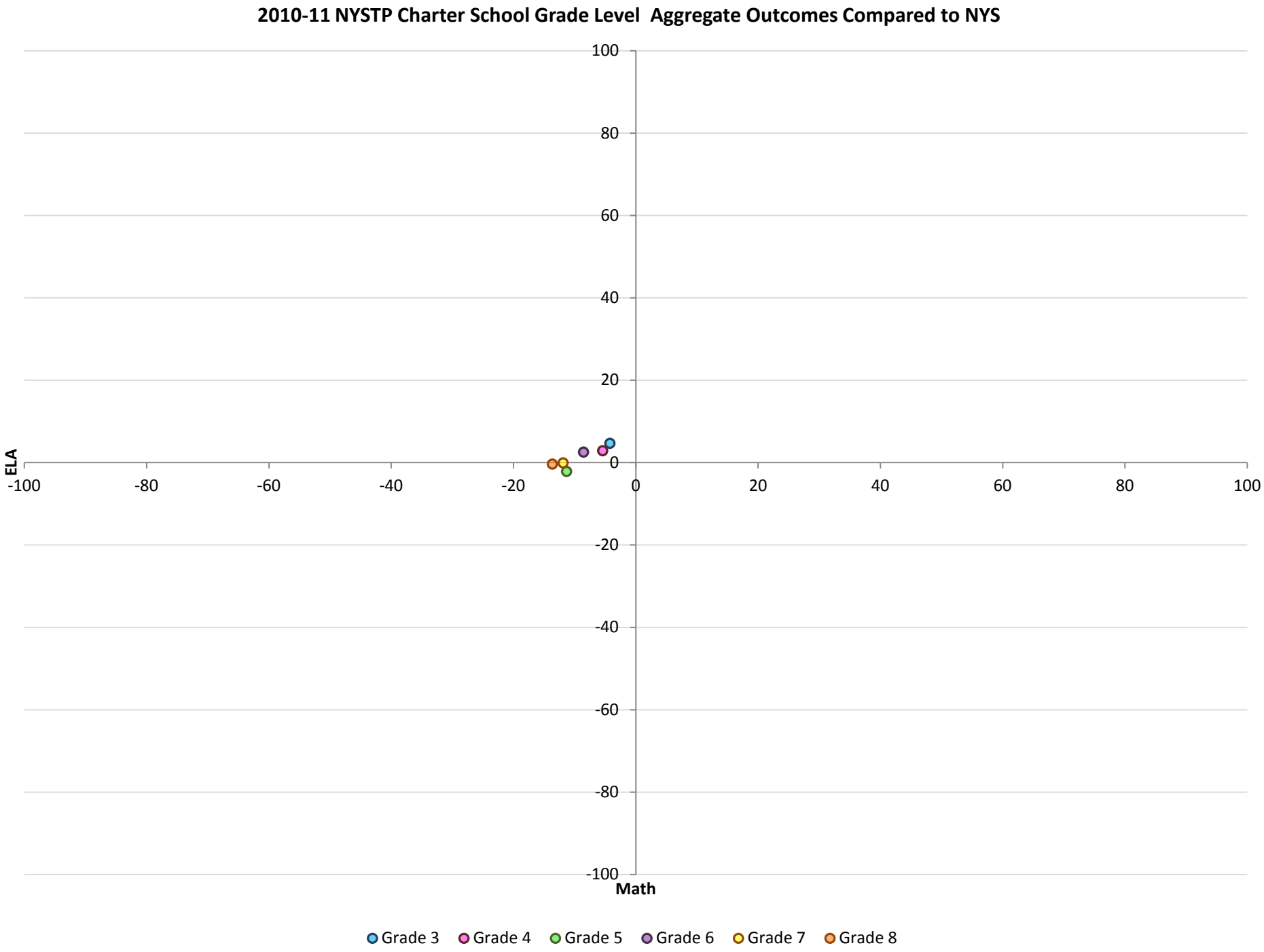
NYSTP Grades 3-8 Aggregate Three-Year Outcomes:
All Charter Schools Compared to NYS


2010-11 NYSTP Charter School Grade Level Aggregate Outcomes Compared to NYS
ELA
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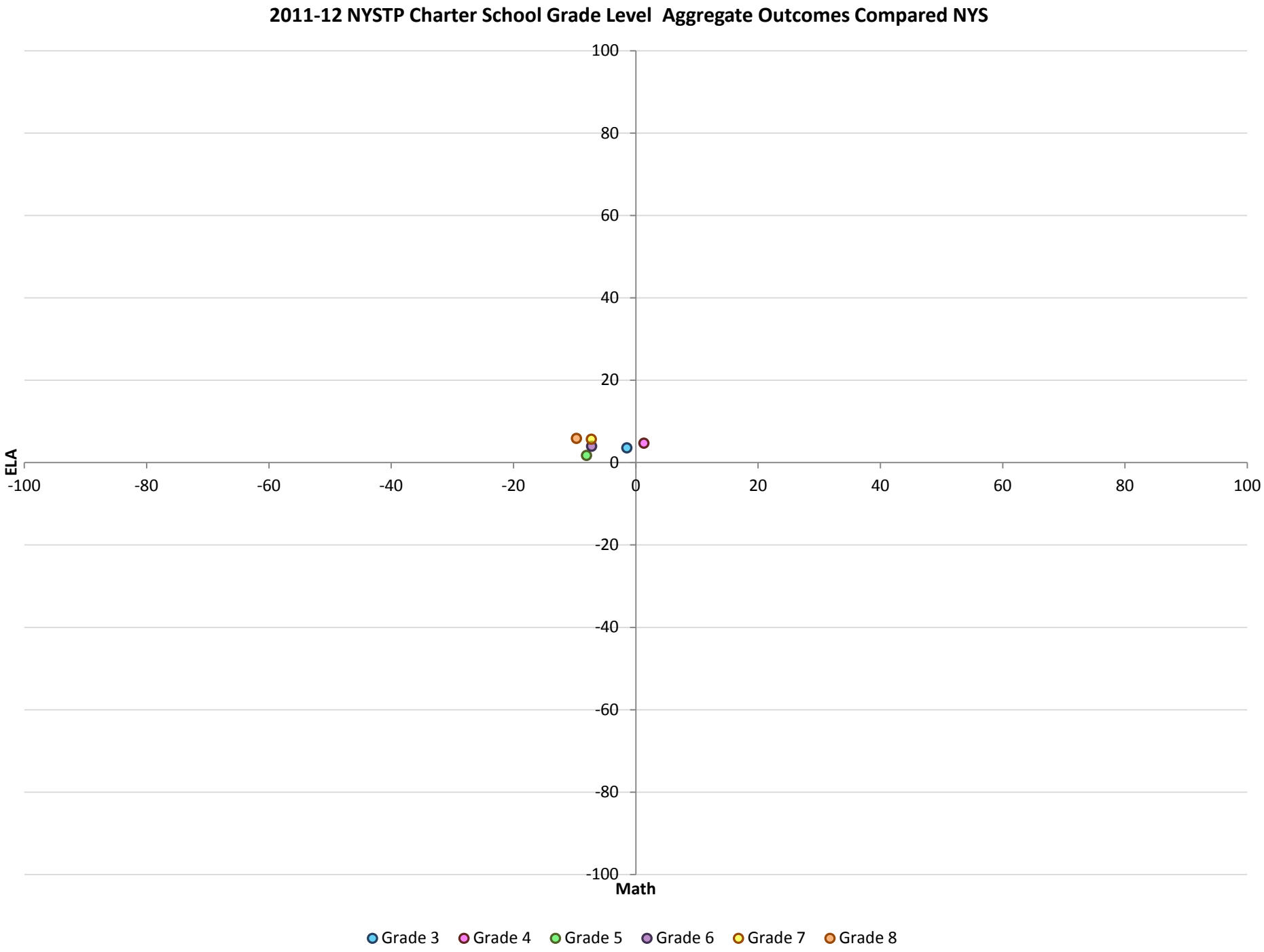
Grade 3
Grade 4
Grade 5
Grade 6
Grade 7
Grade 8


2011-12 NYSTP Charter School Grade Level Aggregate Outcomes Compared NYS
ELA
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Grade 3
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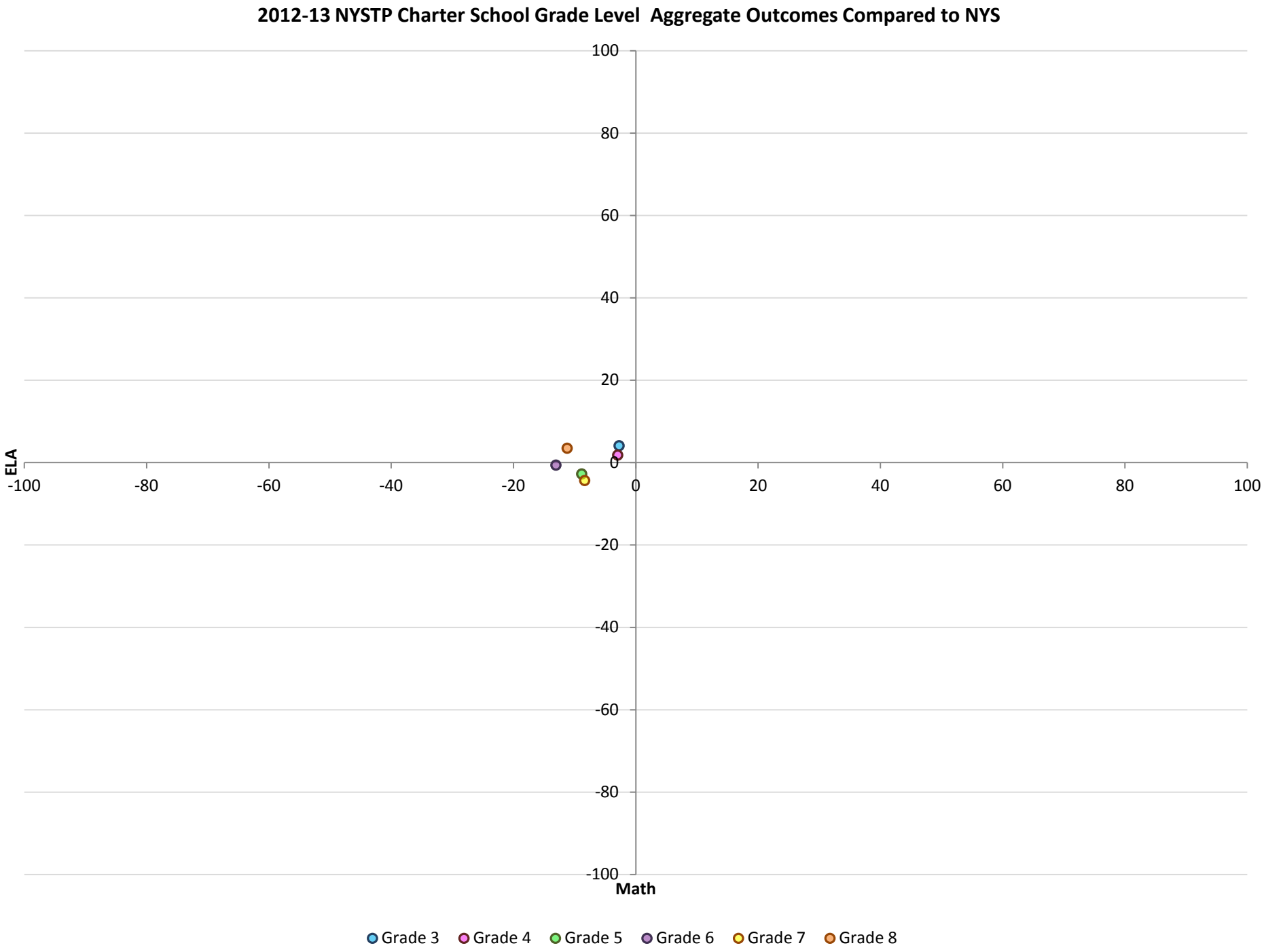
Grade 8


2012-13 NYSTP Charter School Grade Level Aggregate Outcomes Compared to NYS
ELA
Math
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-40
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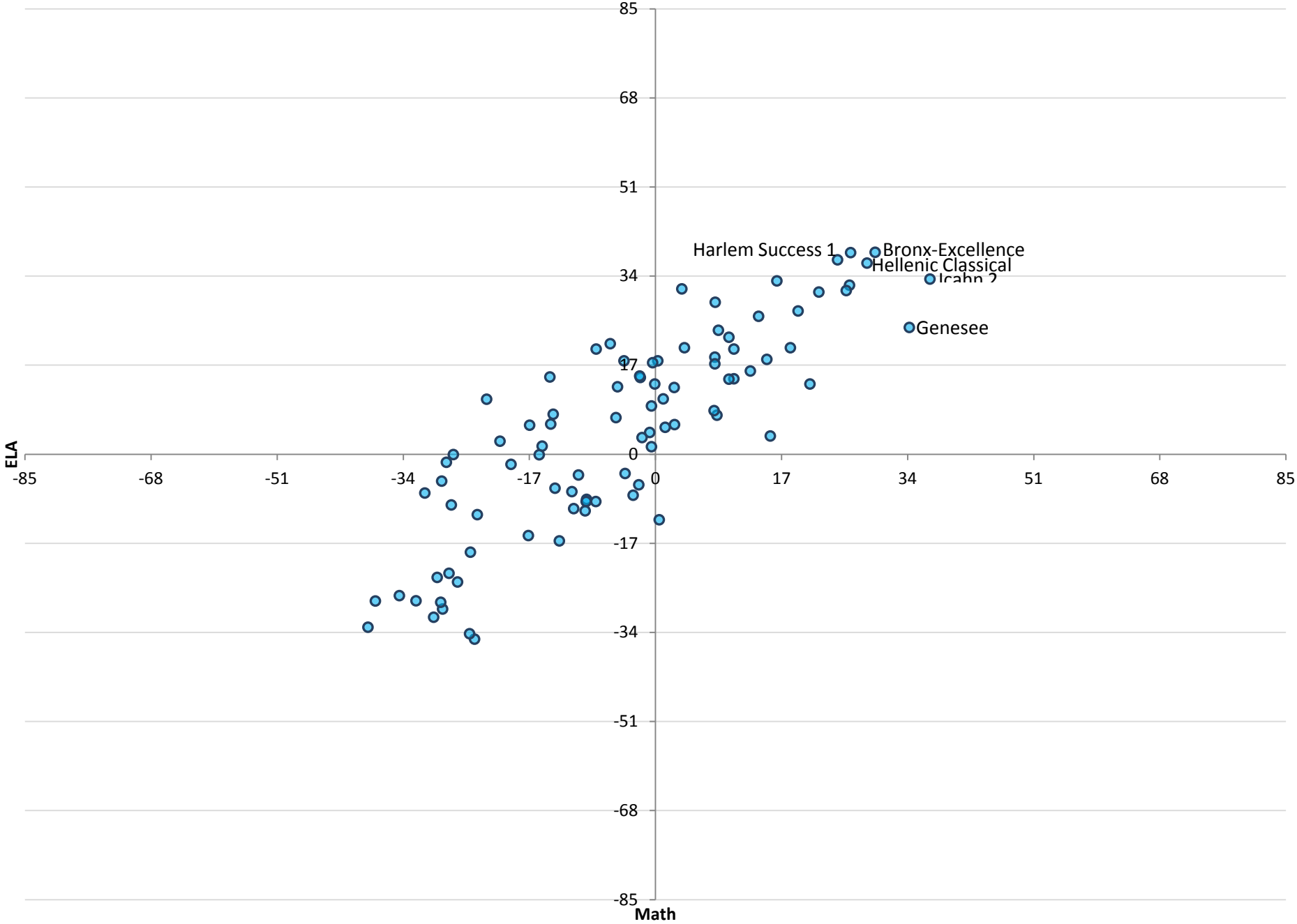
-80
-100
-100
-80
-60
-40
-20
0
20
40
60
80
100
Grade 3
Grade 4
Grade 5
Grade 6
Grade 7
Grade 8

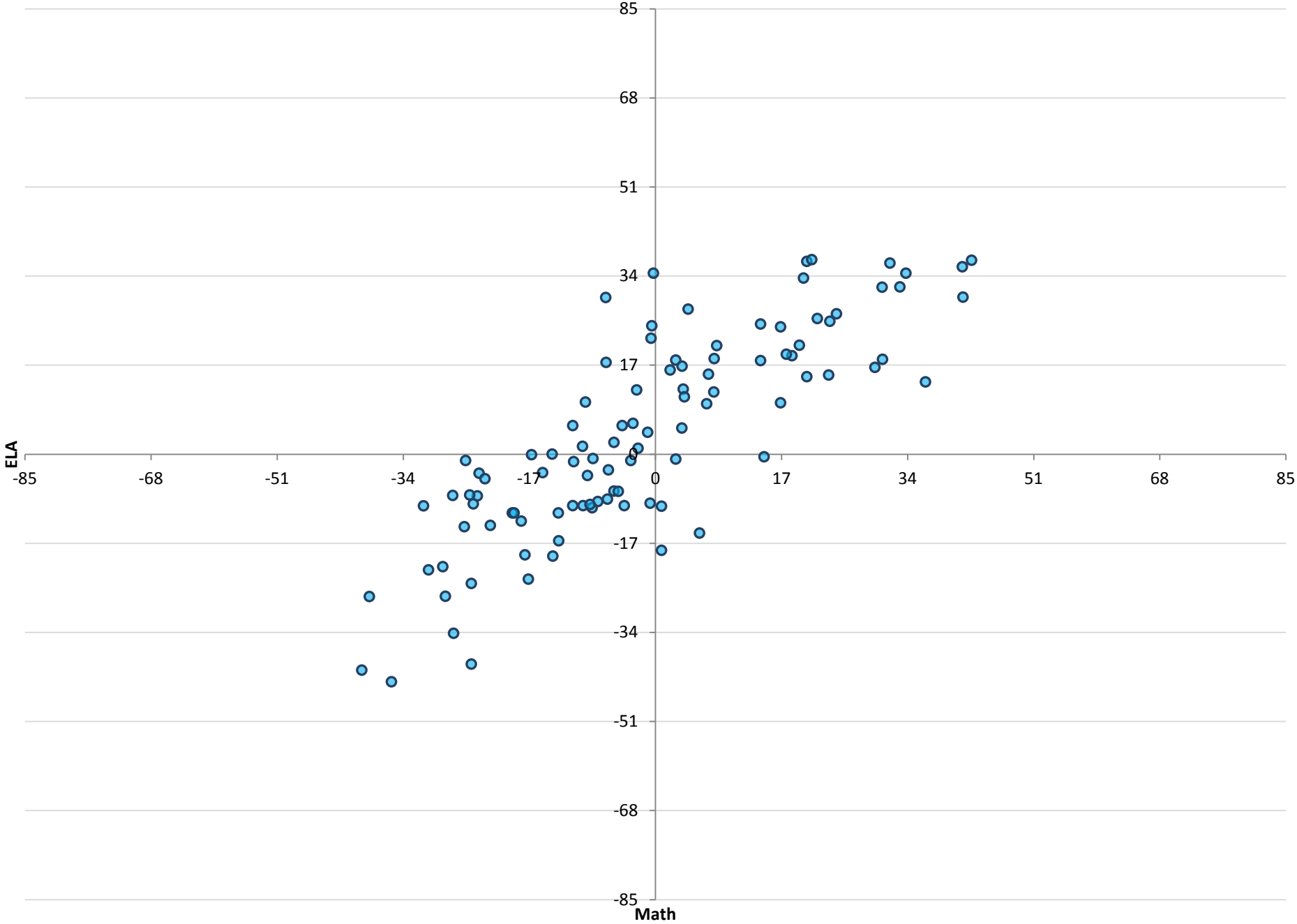
NYSTP Grade Level Three-Year Outcomes: All Charter Schools Compared to NYS

Grade 3

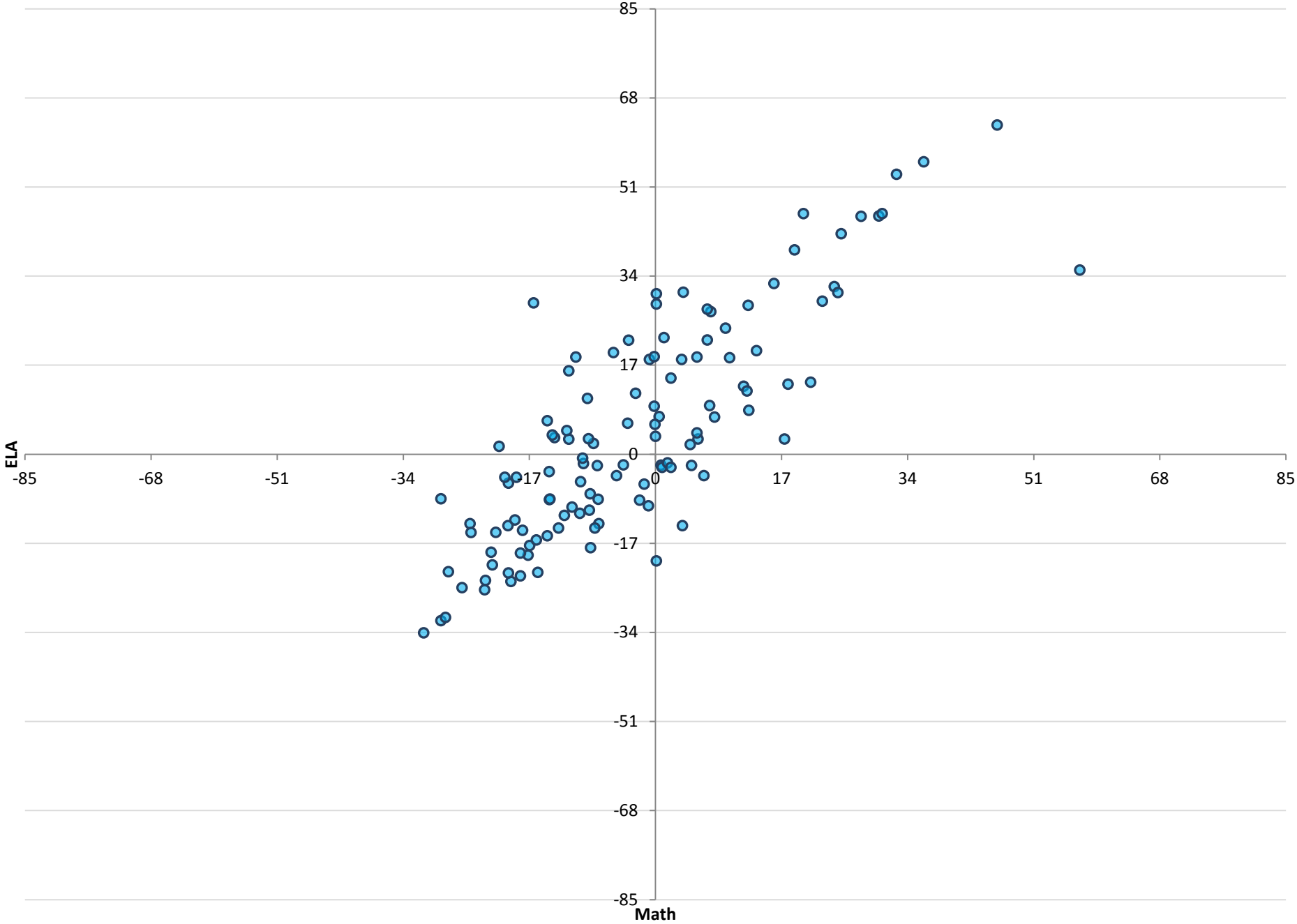
2010-11 NYSTP Charter School Grade 3 Outcomes Compared to NYS



2011-12 NYSTP Charter School Grade 3 Outcomes Compared to NYS



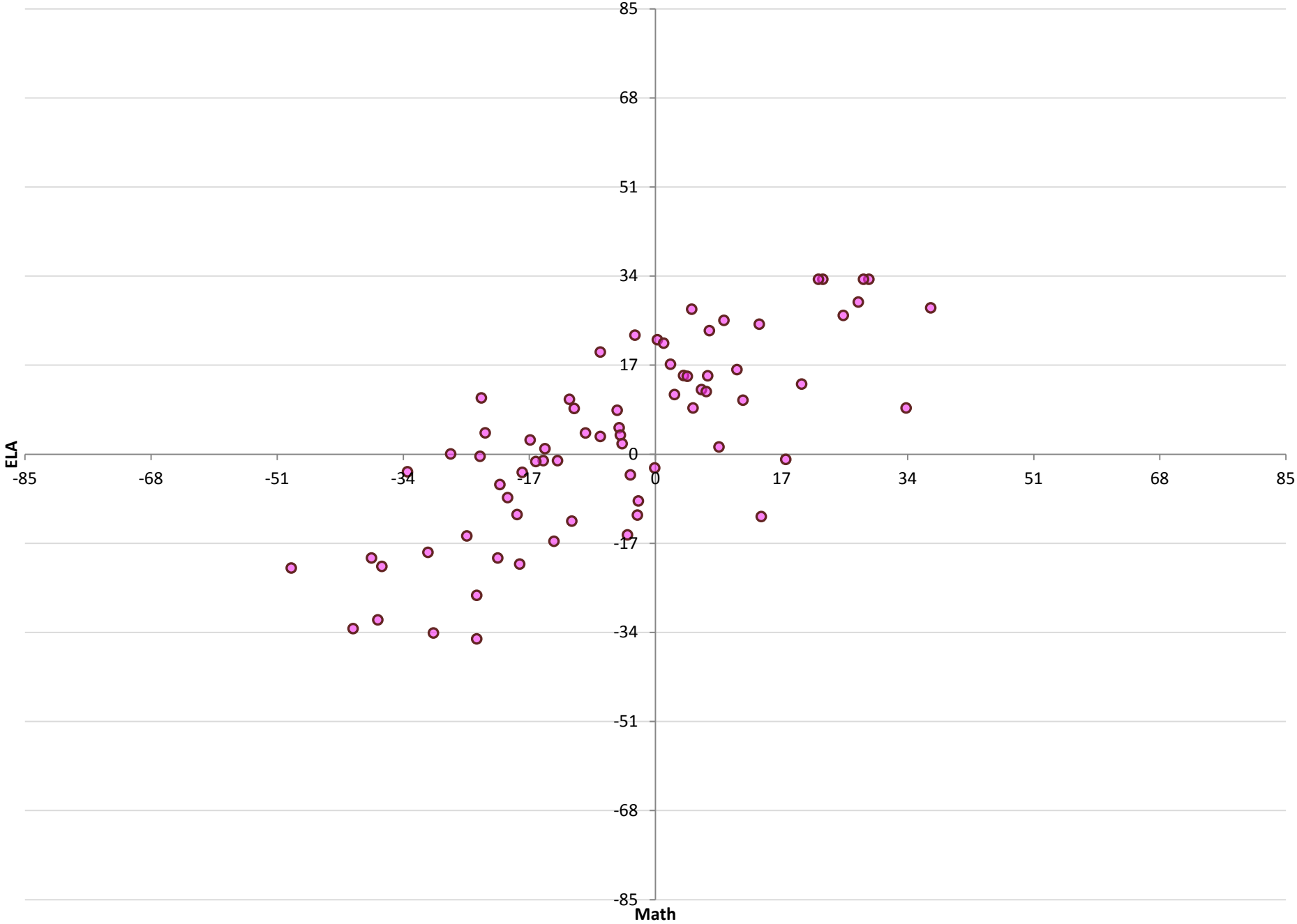
2012-13 NYSTP Charter School Grade 3 Outcomes Compared to NYS



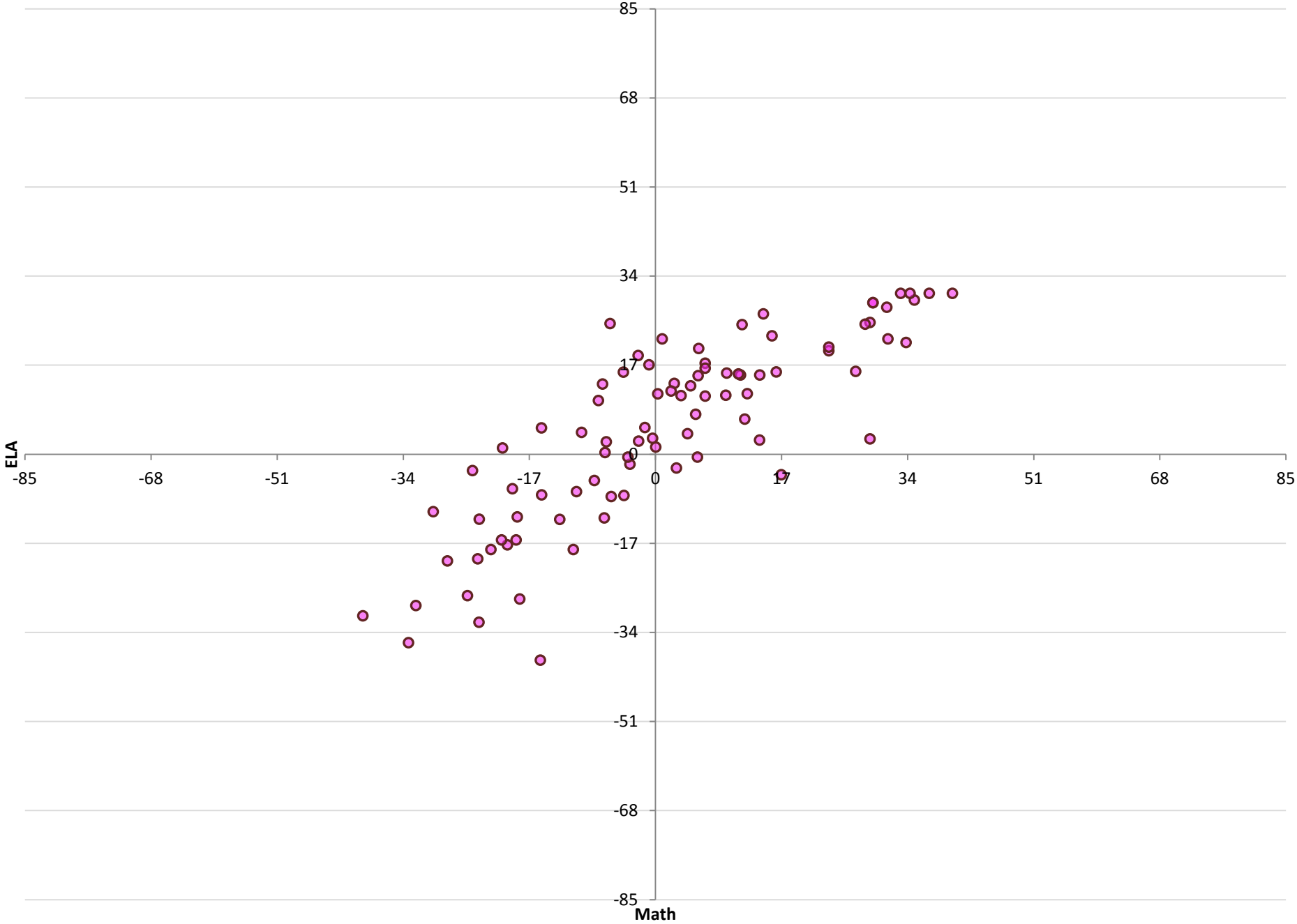
NYSTP Grade Level Three-Year Outcomes: All Charter Schools Compared to NYS

Grade 4

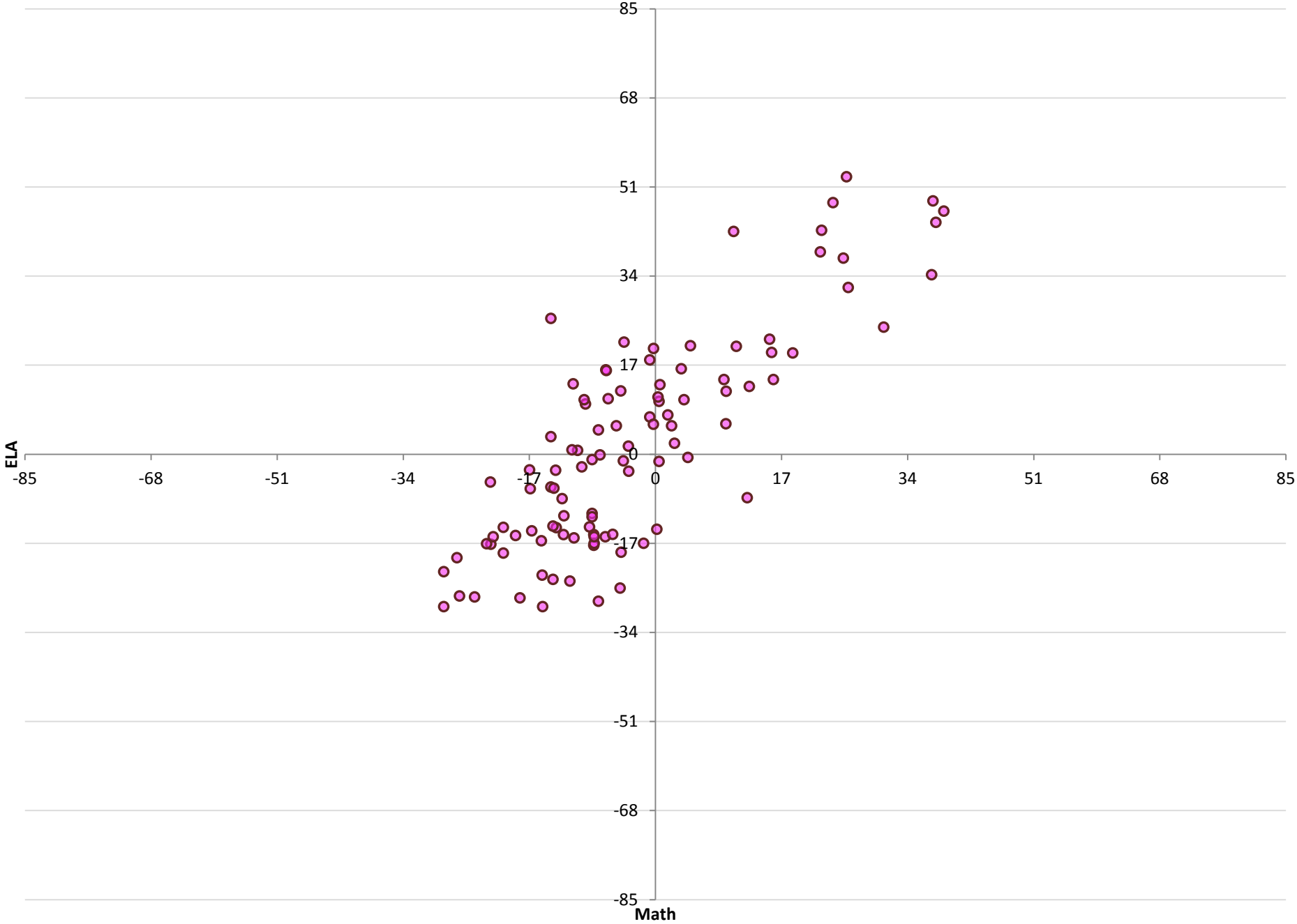
2010-11 NYSTP Charter School Grade 4 Outcomes Compared to NYS



2011-12 NYSTP Charter School Grade 4 Outcomes Compared to NYS



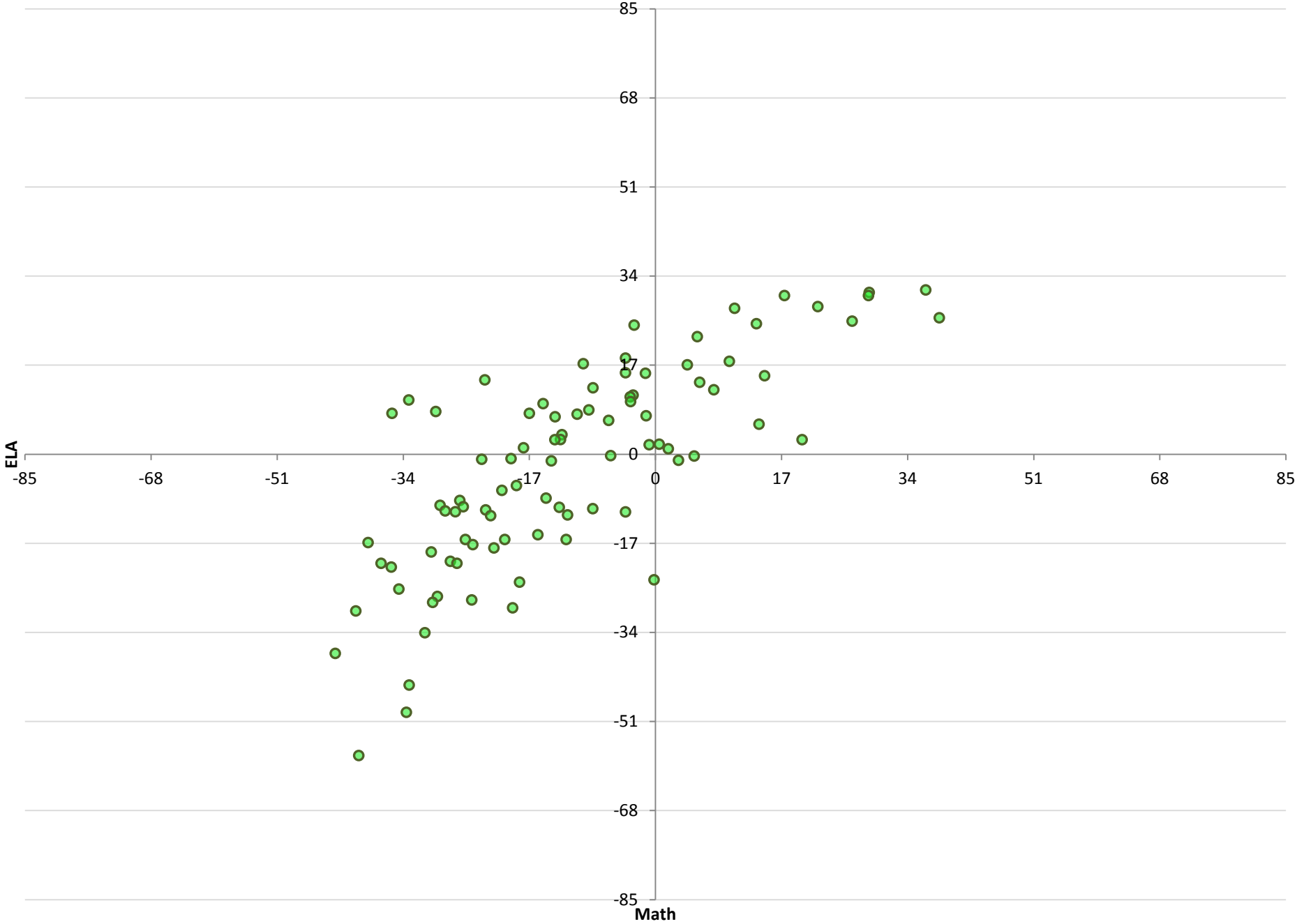
2012-13 NYSTP Charter School Grade 4 Outcomes Compared to NYS



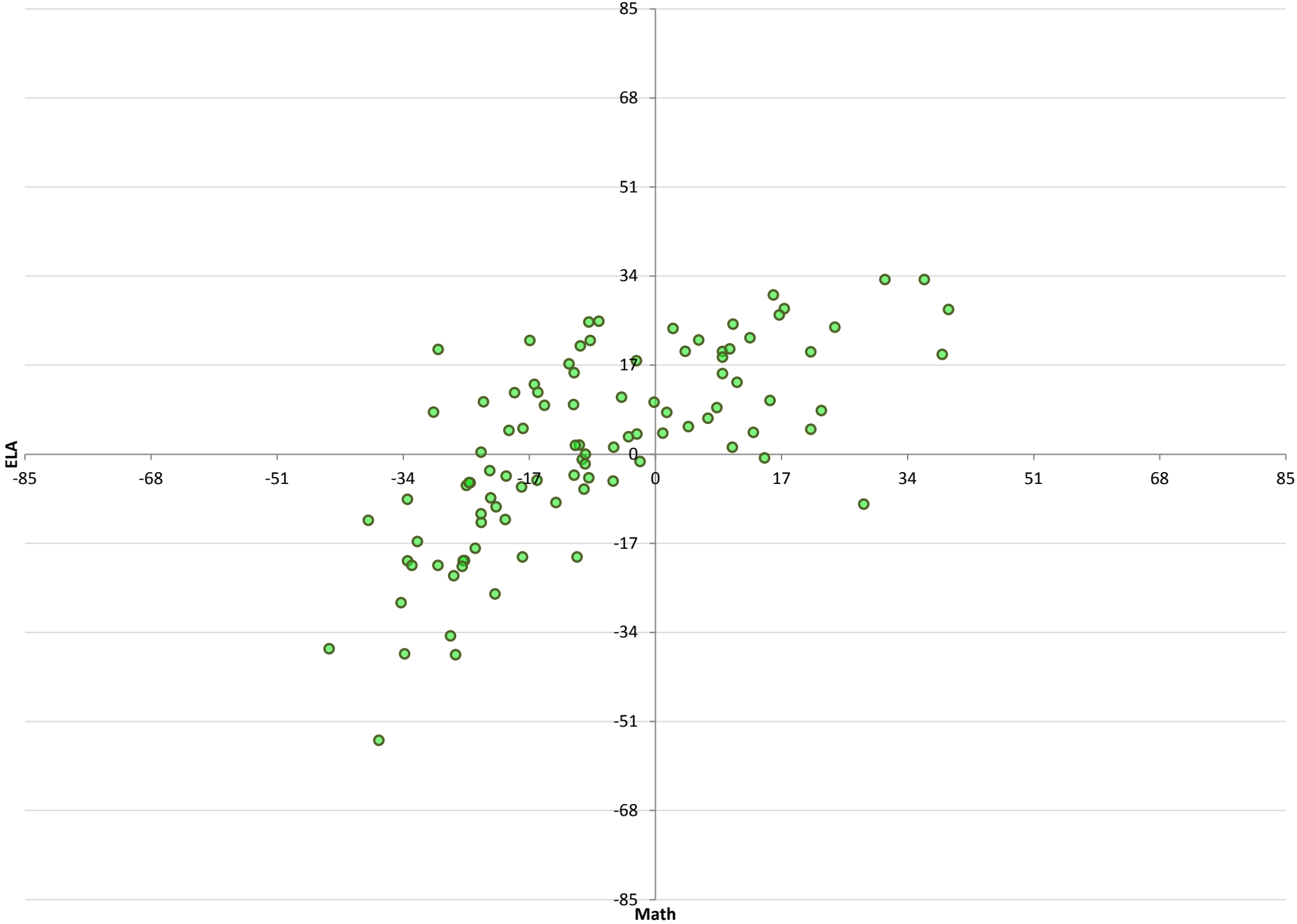
NYSTP Grade Level Three-Year Outcomes: All Charter Schools Compared to NYS

Grade 5

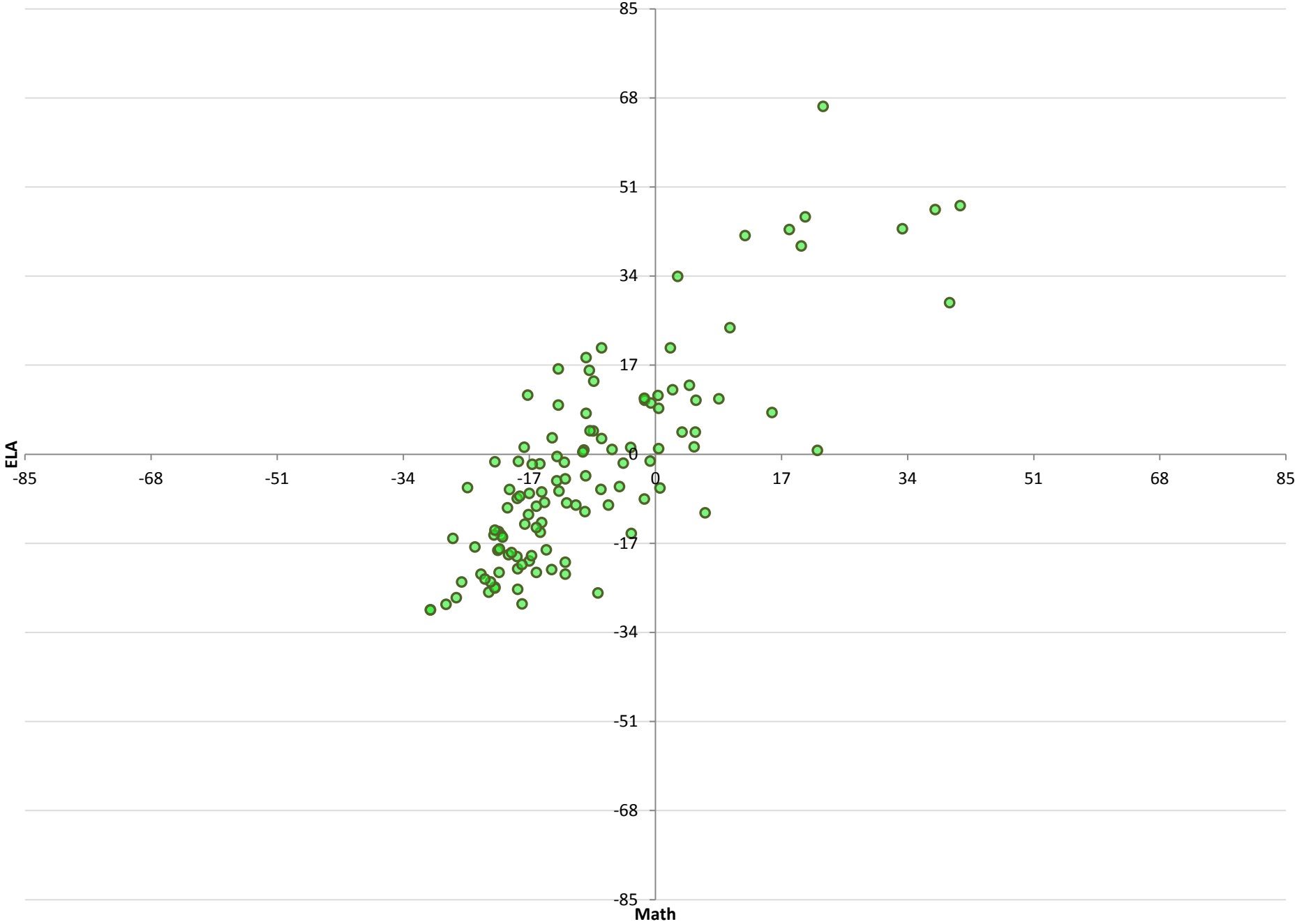
2010-11 NYSTP Charter School Grade 5 Outcomes Compared to NYS



2011-12 NYSTP Charter School Grade 5 Outcomes Compared to NYS

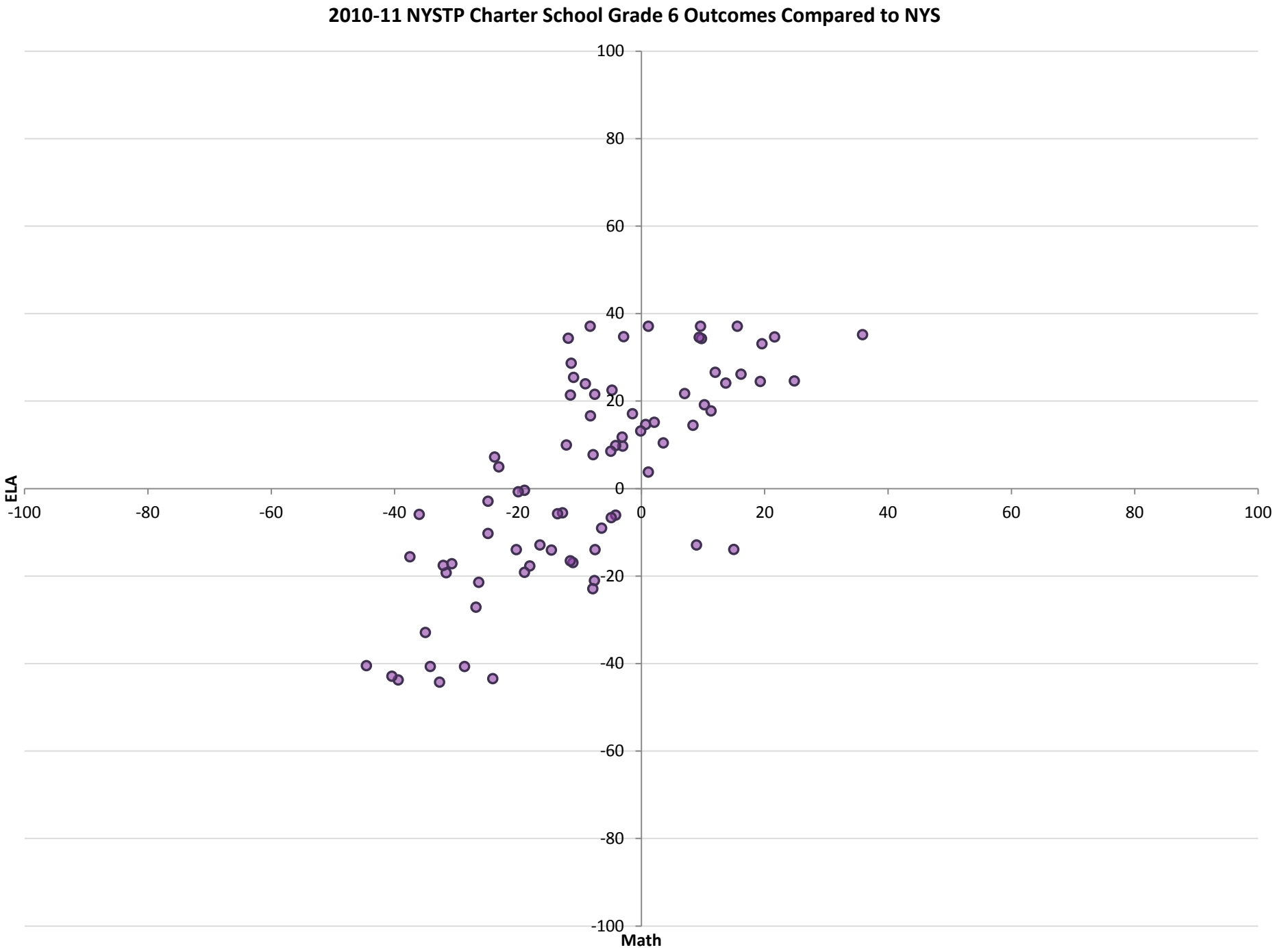


2012-13 NYSTP Charter School Grade 5 Outcomes Compared to NYS

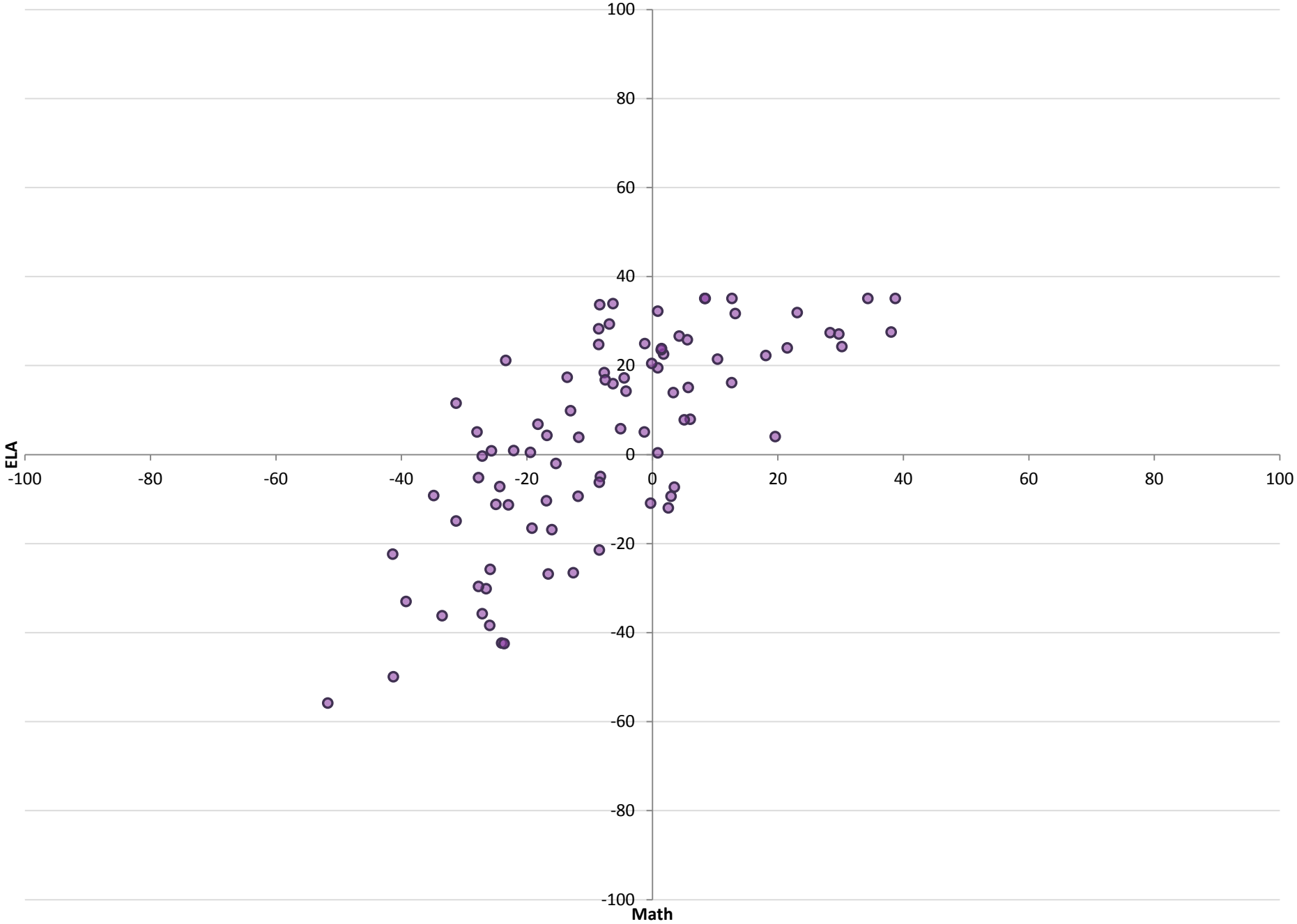


NYSTP Grade Level Three-Year Outcomes: All Charter Schools Compared to NYS

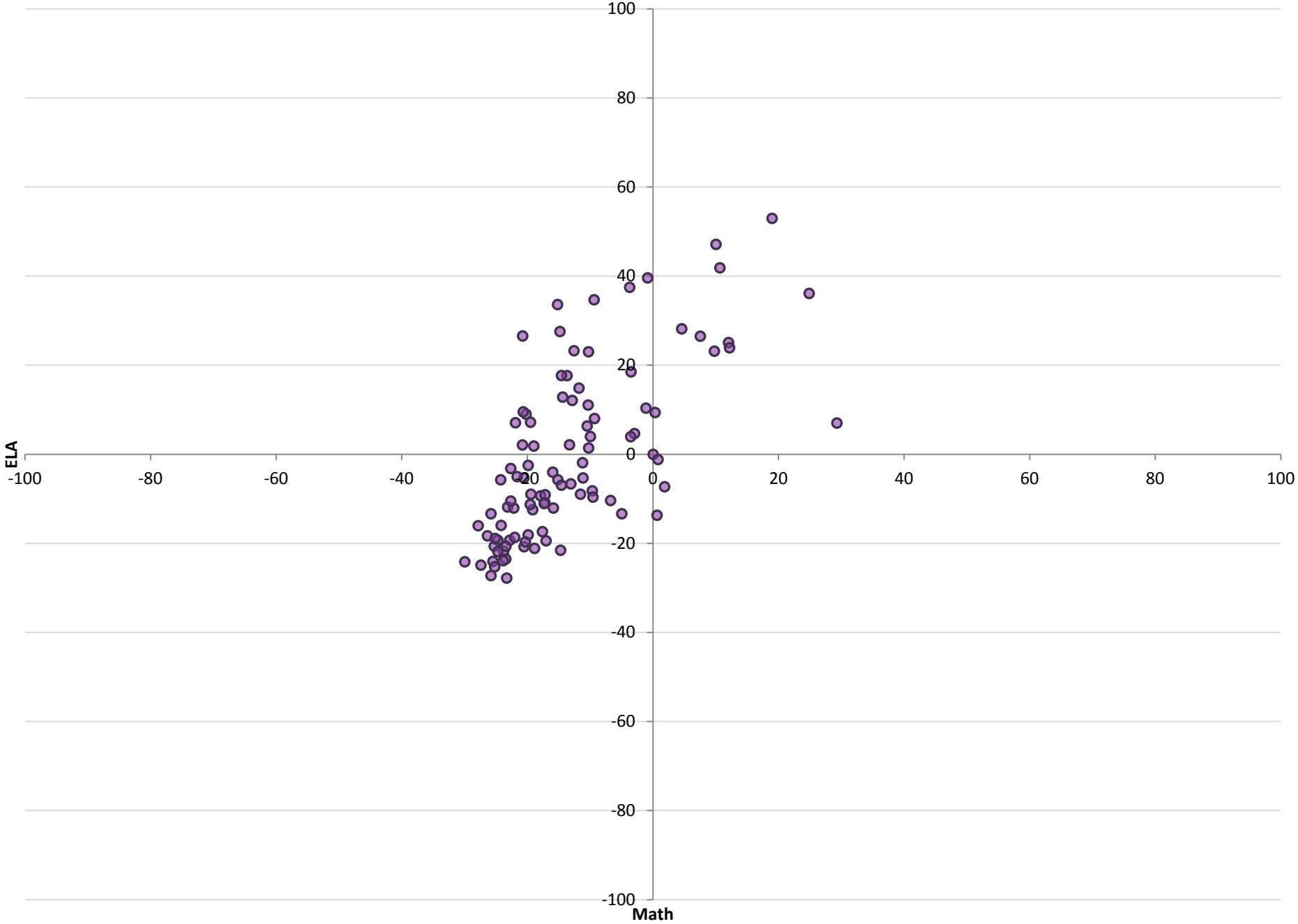
Grade 6


2010-11 NYSTP Charter School Grade 6 Outcomes Compared to NYS
ELA
Math
100
80
60
40
20
0
-20
-40
-60
-80
-100
-100
-80
-60
-40
-20
0
20
40
60
80
100

2011-12 NYSTP Charter School Grade 6 Outcomes Compared to NYS



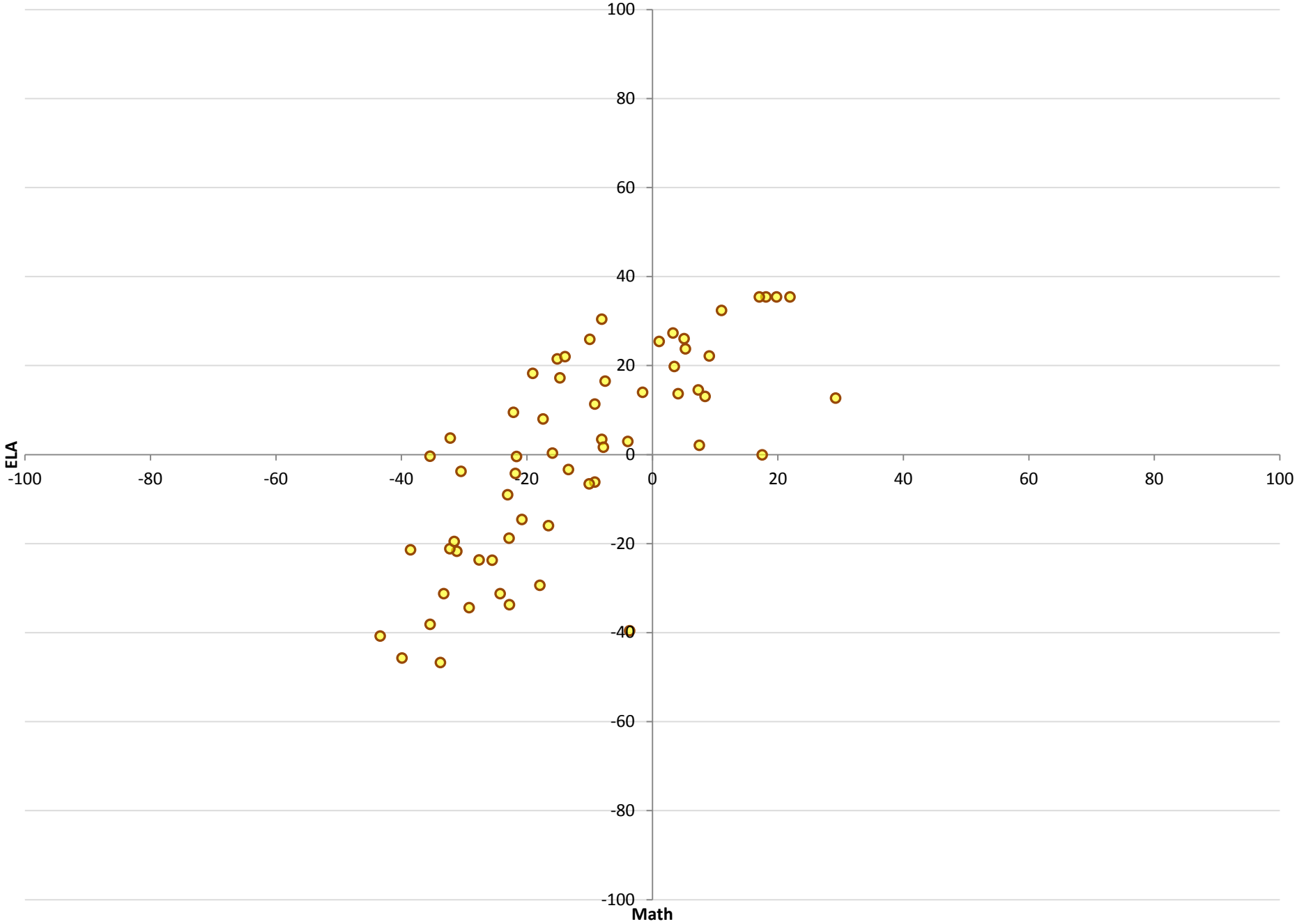
2012-13 NYSTP Charter School Grade 6 Outcomes Compared to NYS



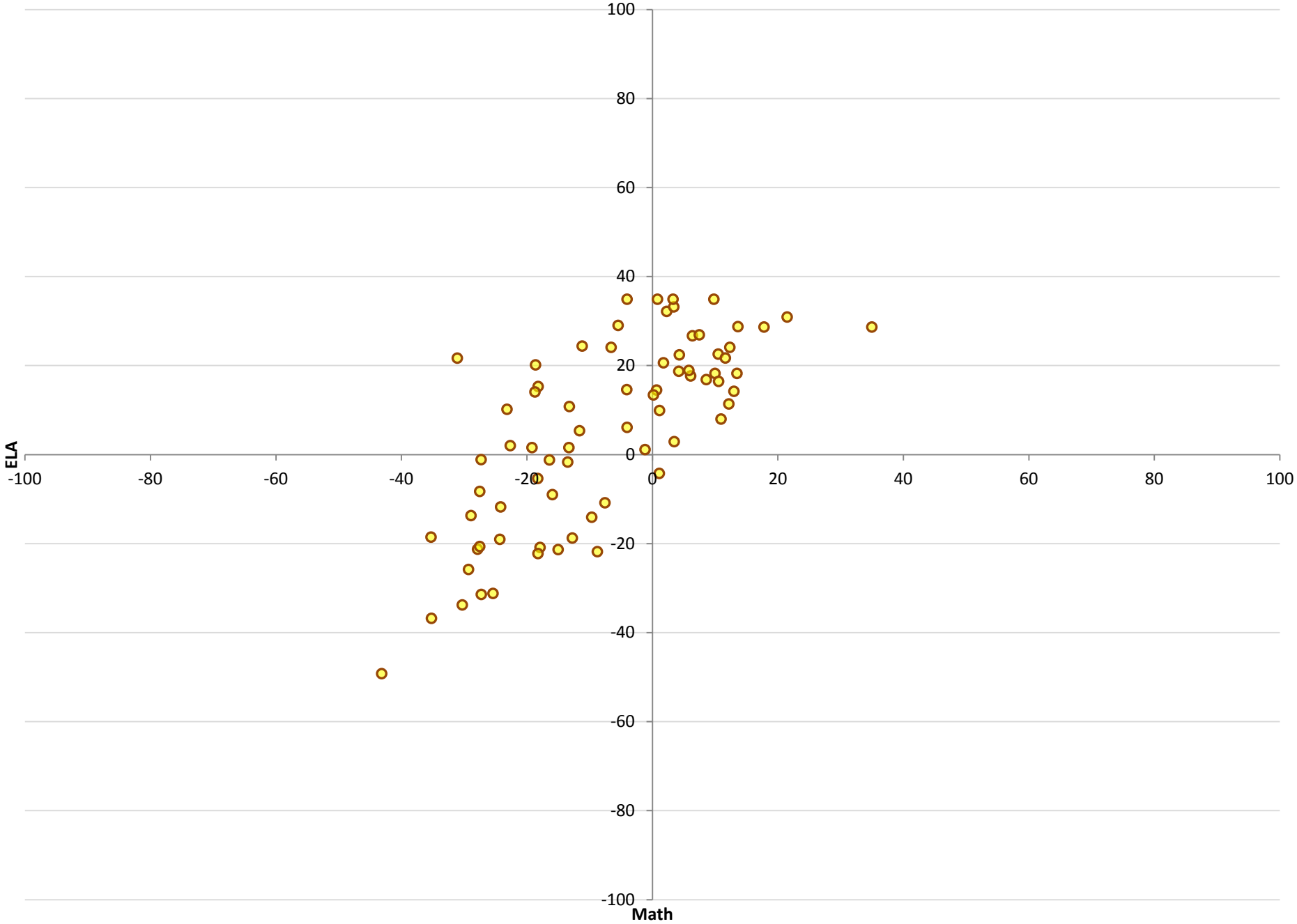
NYSTP Grade Level Three-Year Outcomes: All Charter Schools Compared to NYS

Grade 7

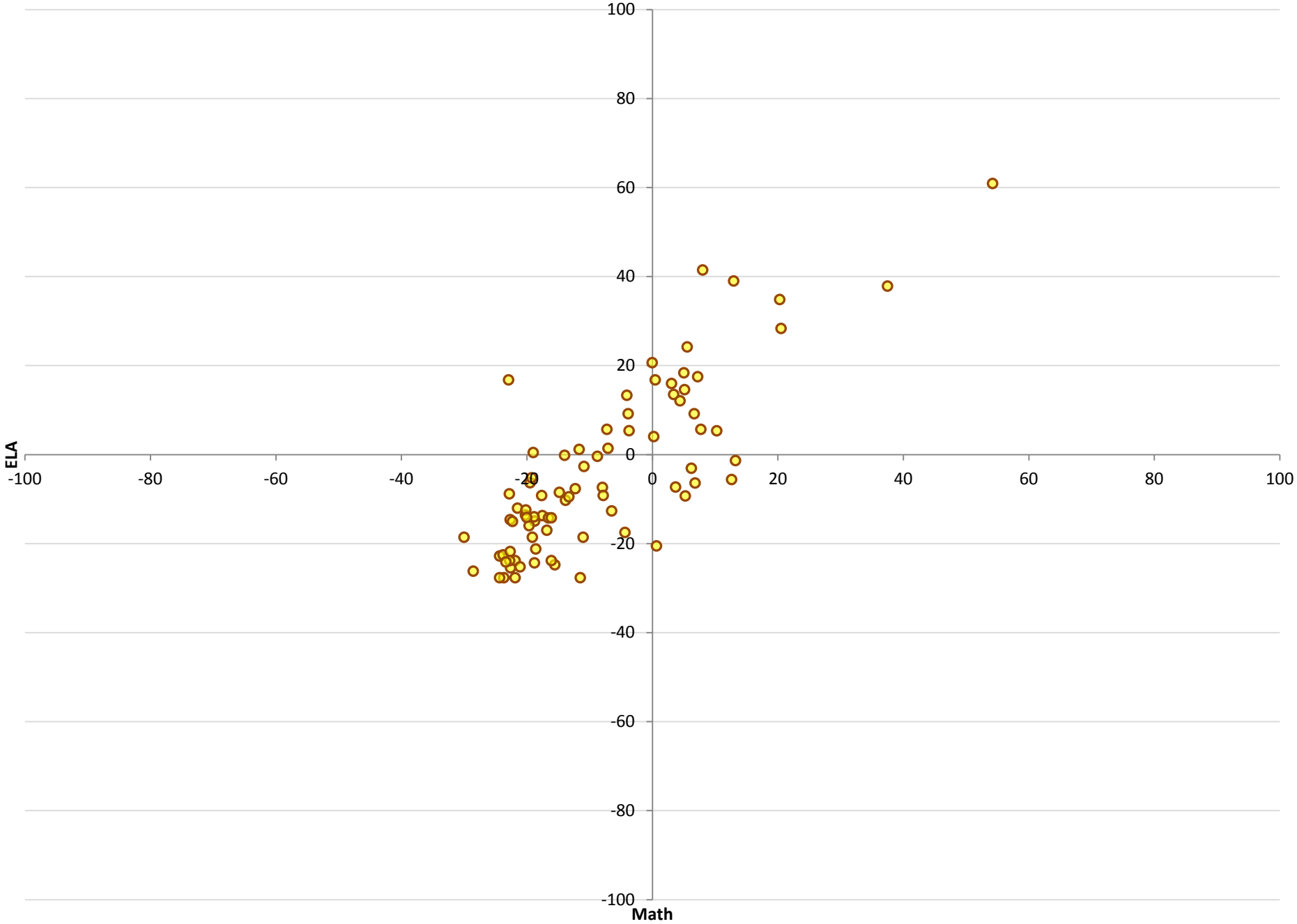
2010-11 NYSTP Charter School Grade 7 Outcomes Compared to NYS



2011-12 NYSTP Charter School Grade 7 Outcomes Compared to NYS



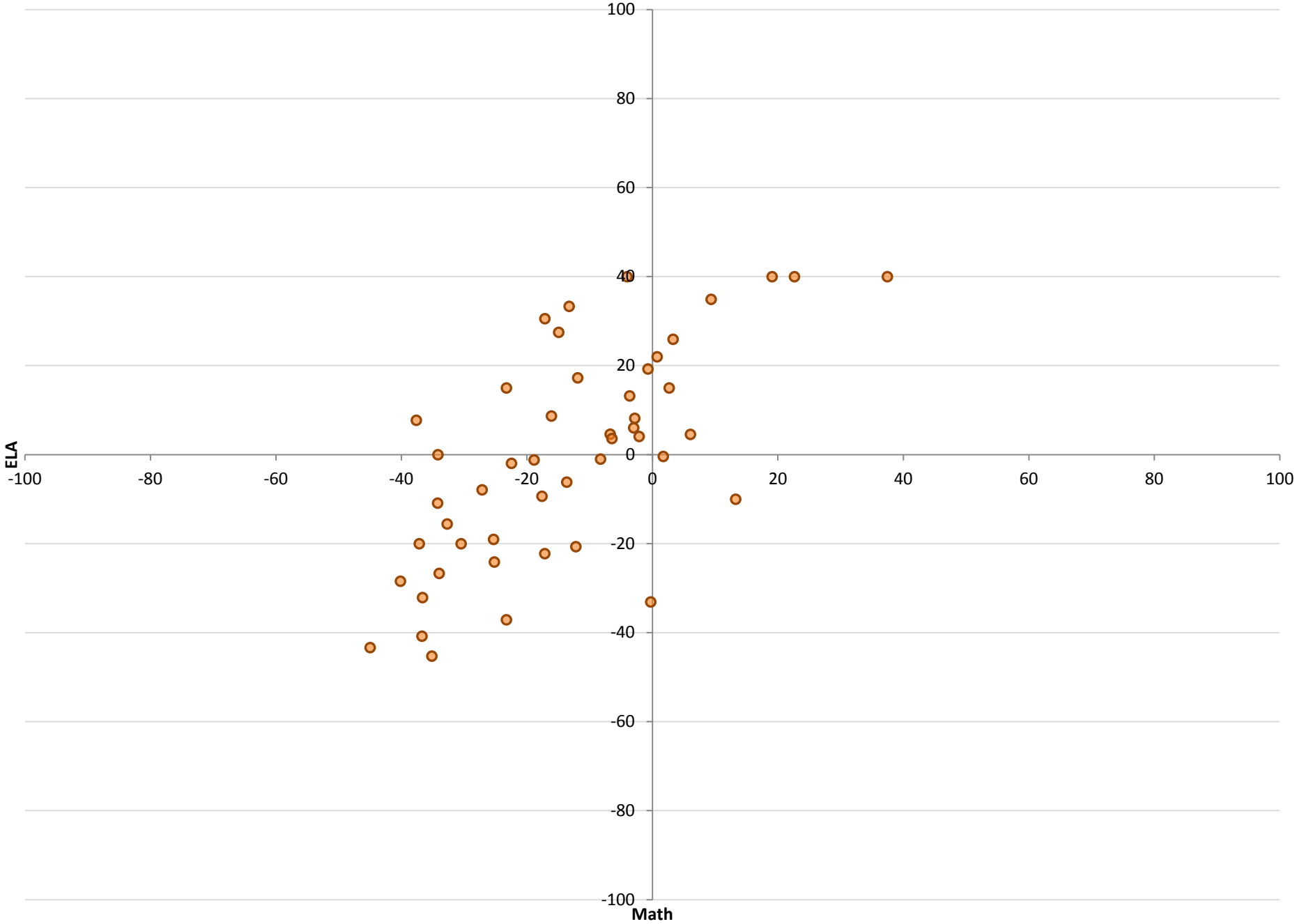
2012-13 NYSTP Charter School Grade 7 Outcomes Compared to NYS



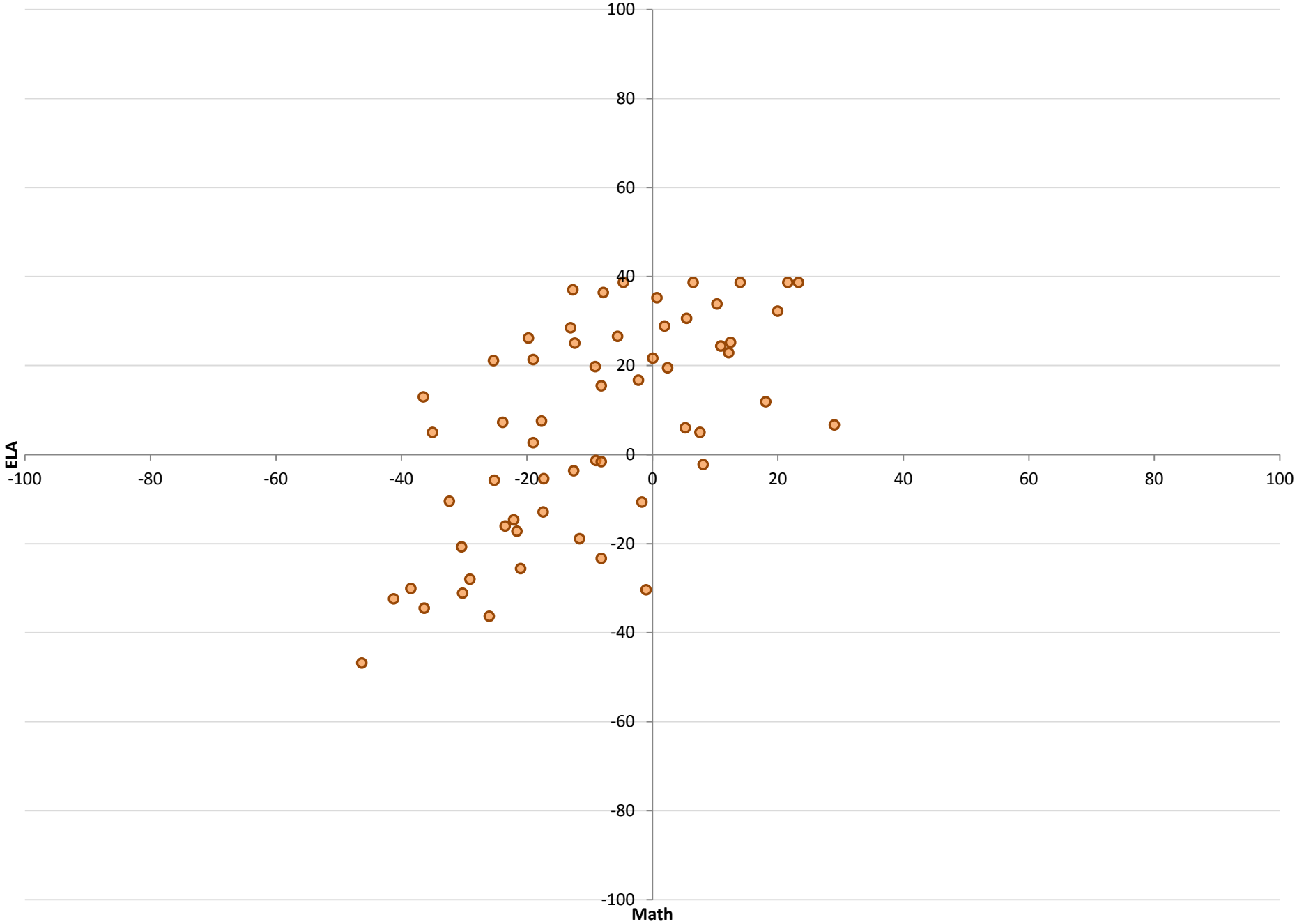
NYSTP Grade Level Three-Year Outcomes: All Charter Schools Compared to NYS

Grade 8

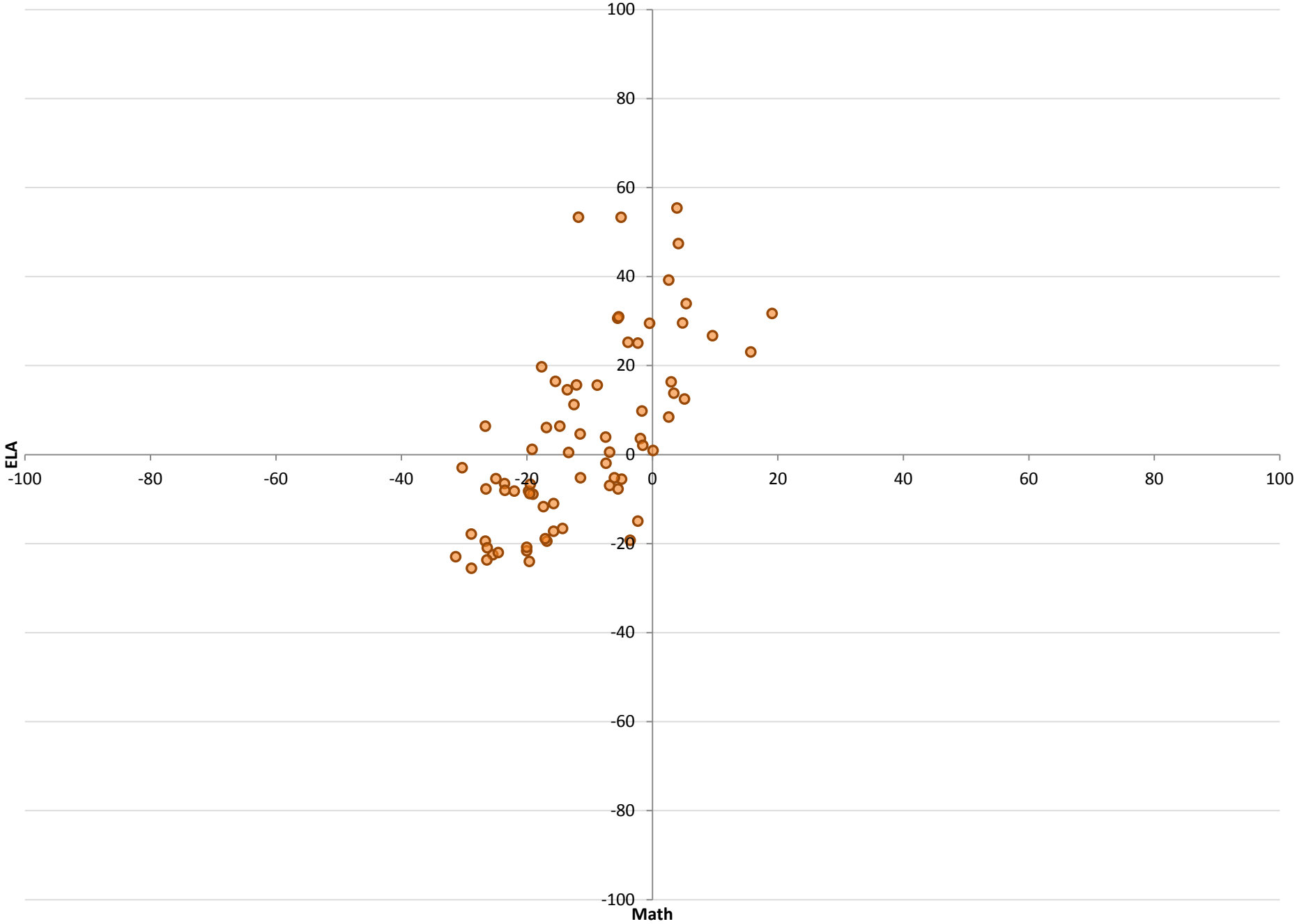
2010-11 NYSTP Charter School Grade 8 Outcomes Compared to NYS



2011-12 NYSTP Charter School Grade 8 Outcomes Compared to NYS



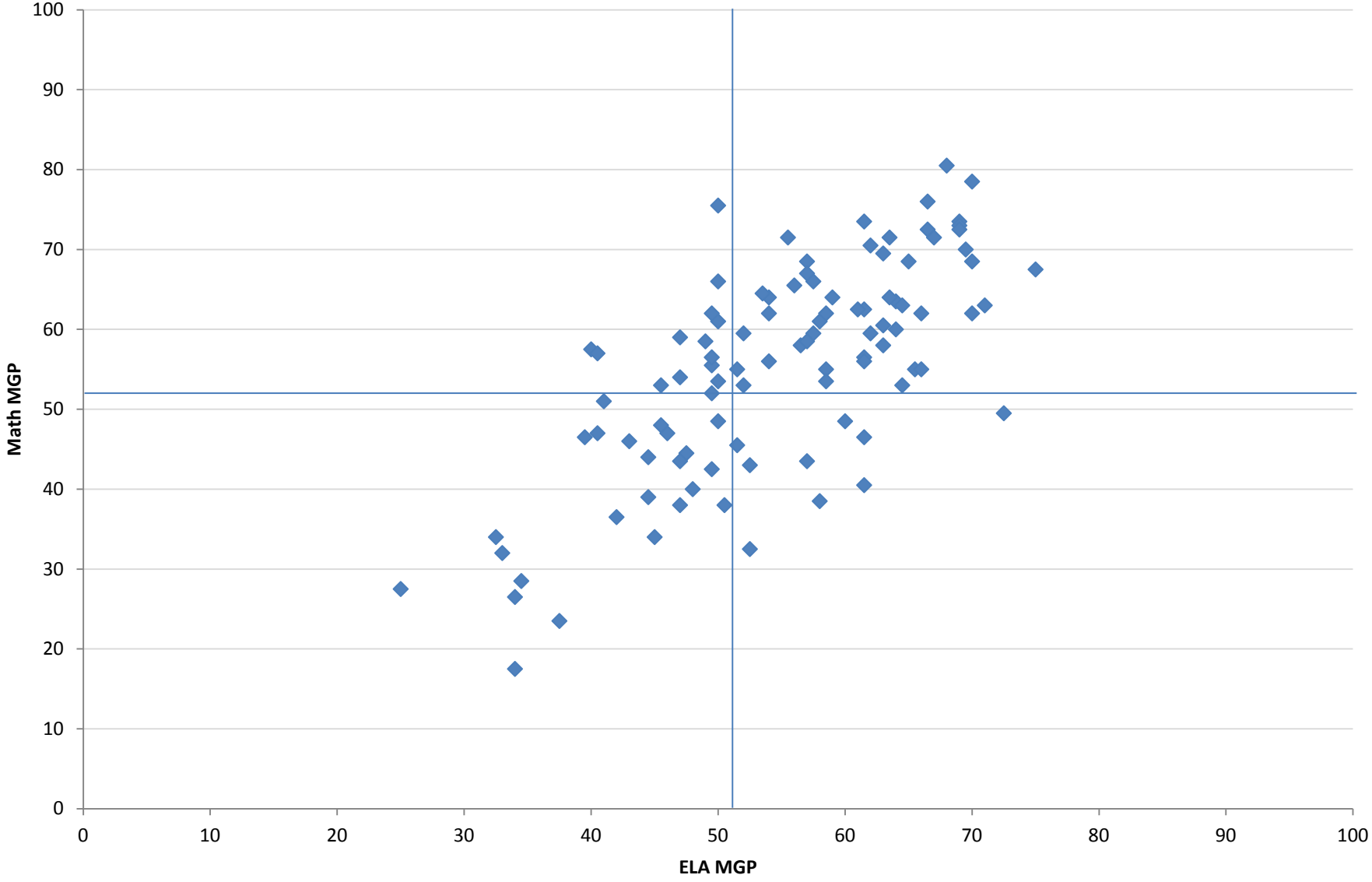
2012-13 NYSTP Charter School Grade 8 Outcomes Compared to NYS



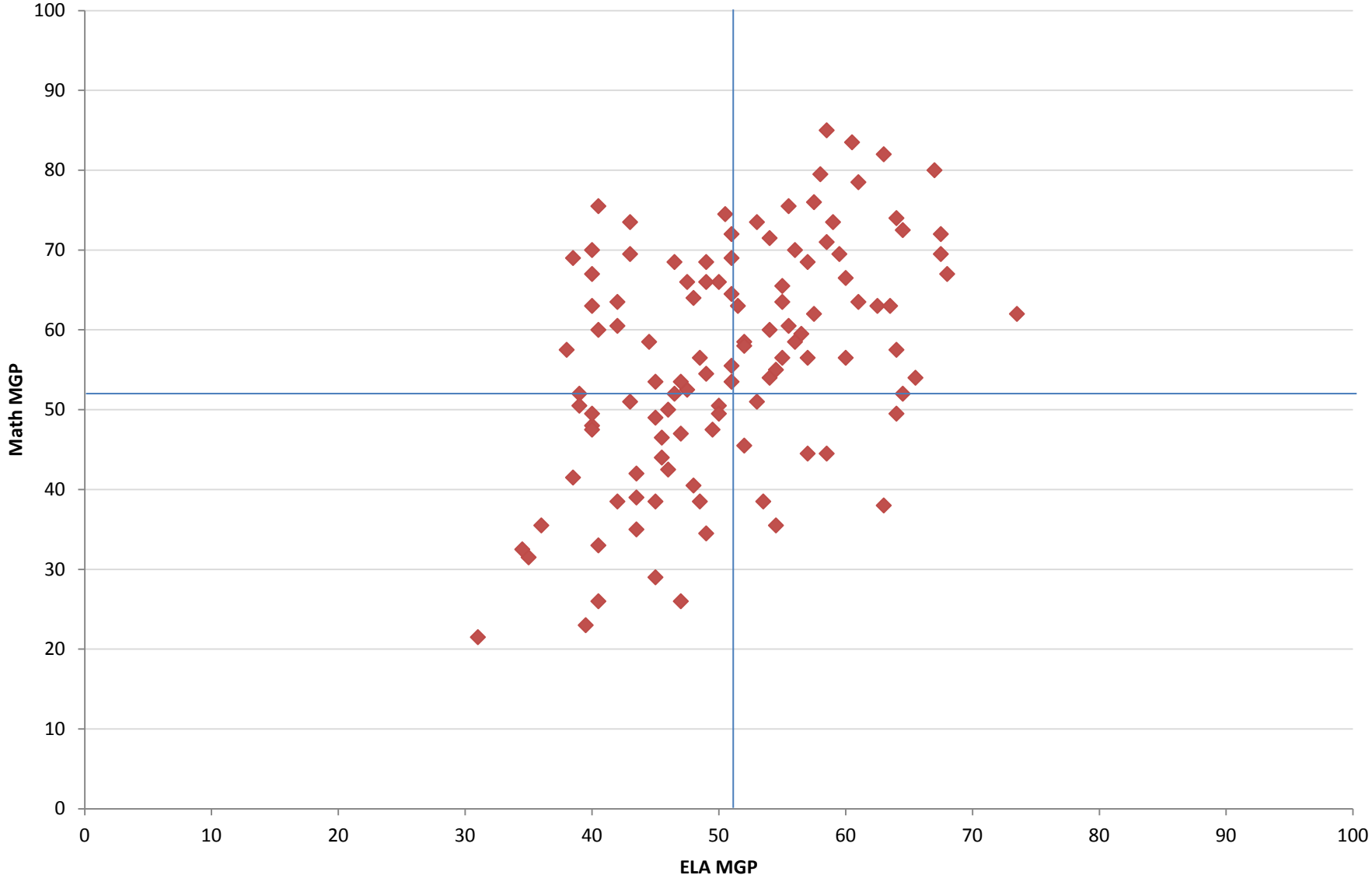
2012-13 ELA & Math Mean Growth Percentiles (MGP): All Charter Schools Compared to NYS MGP

Grade Level Analysis

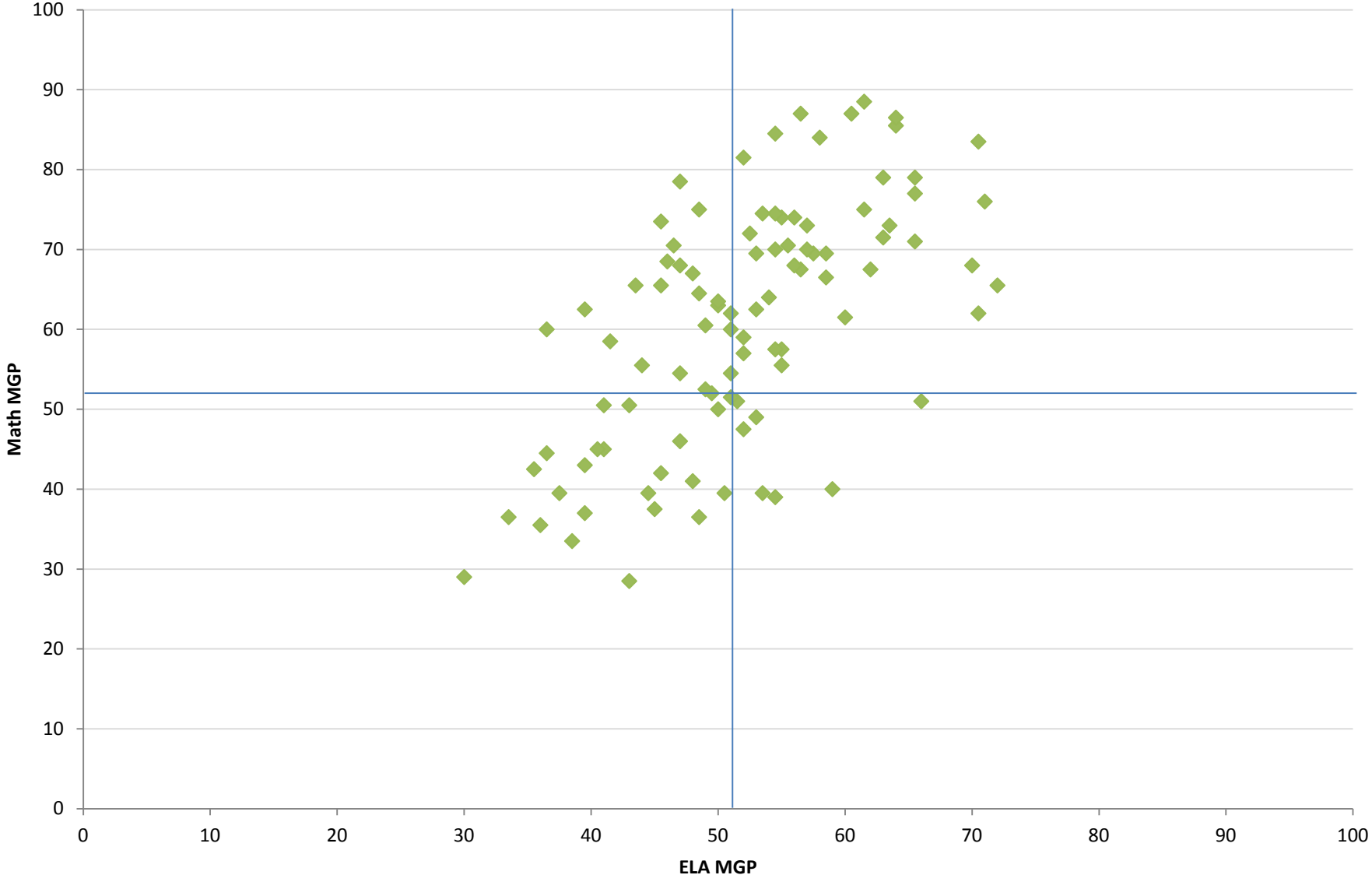
2012-13 Charter School ELA & Math Adjusted Mean Growth Percentiles (MGP) Compared to the State MGP, *4th Grade Only*



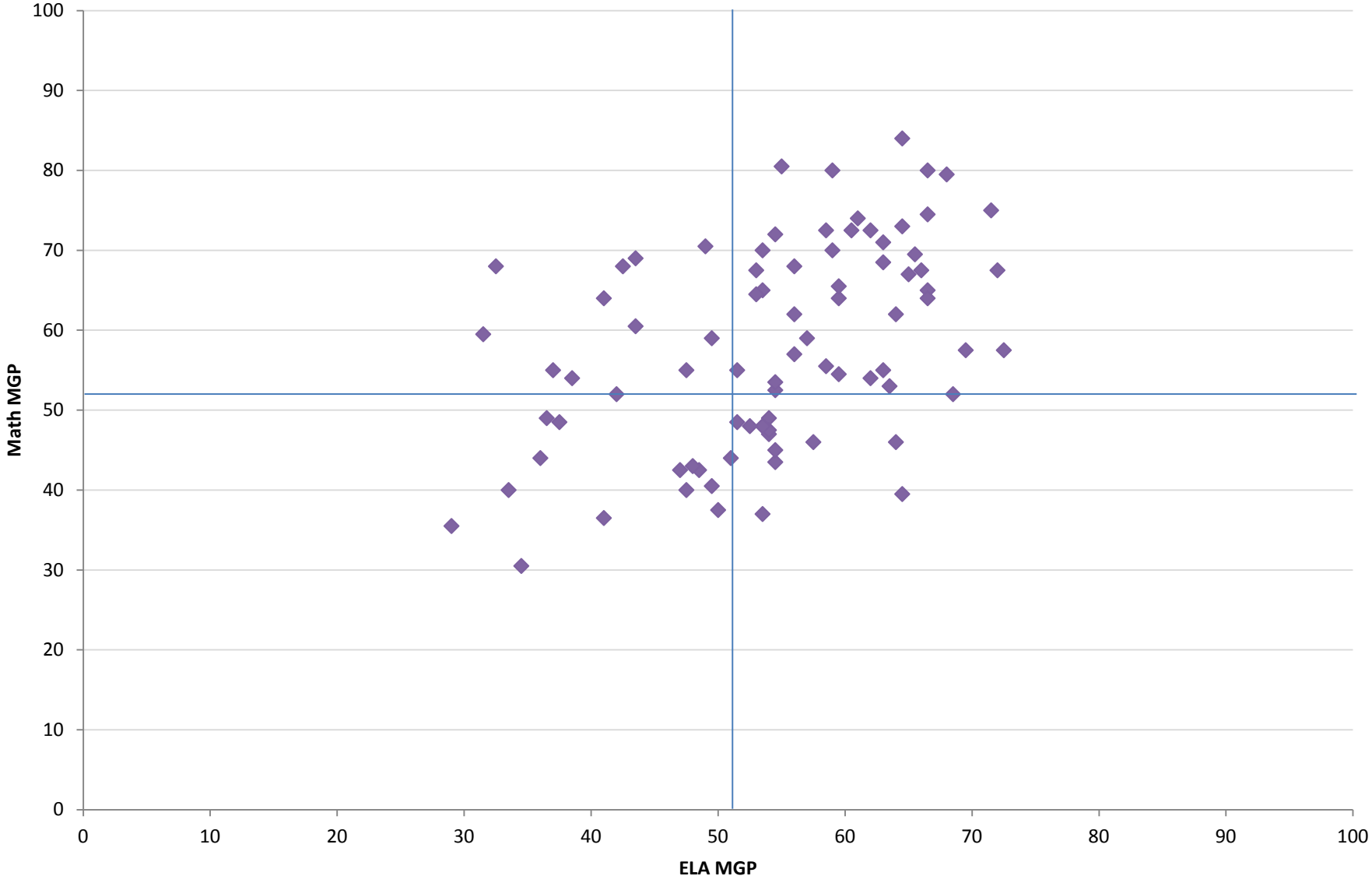
2012-13 Charter School ELA & Math Adjusted Mean Growth Percentiles (MGP) Compared to the State MGP, 5th Grade Only



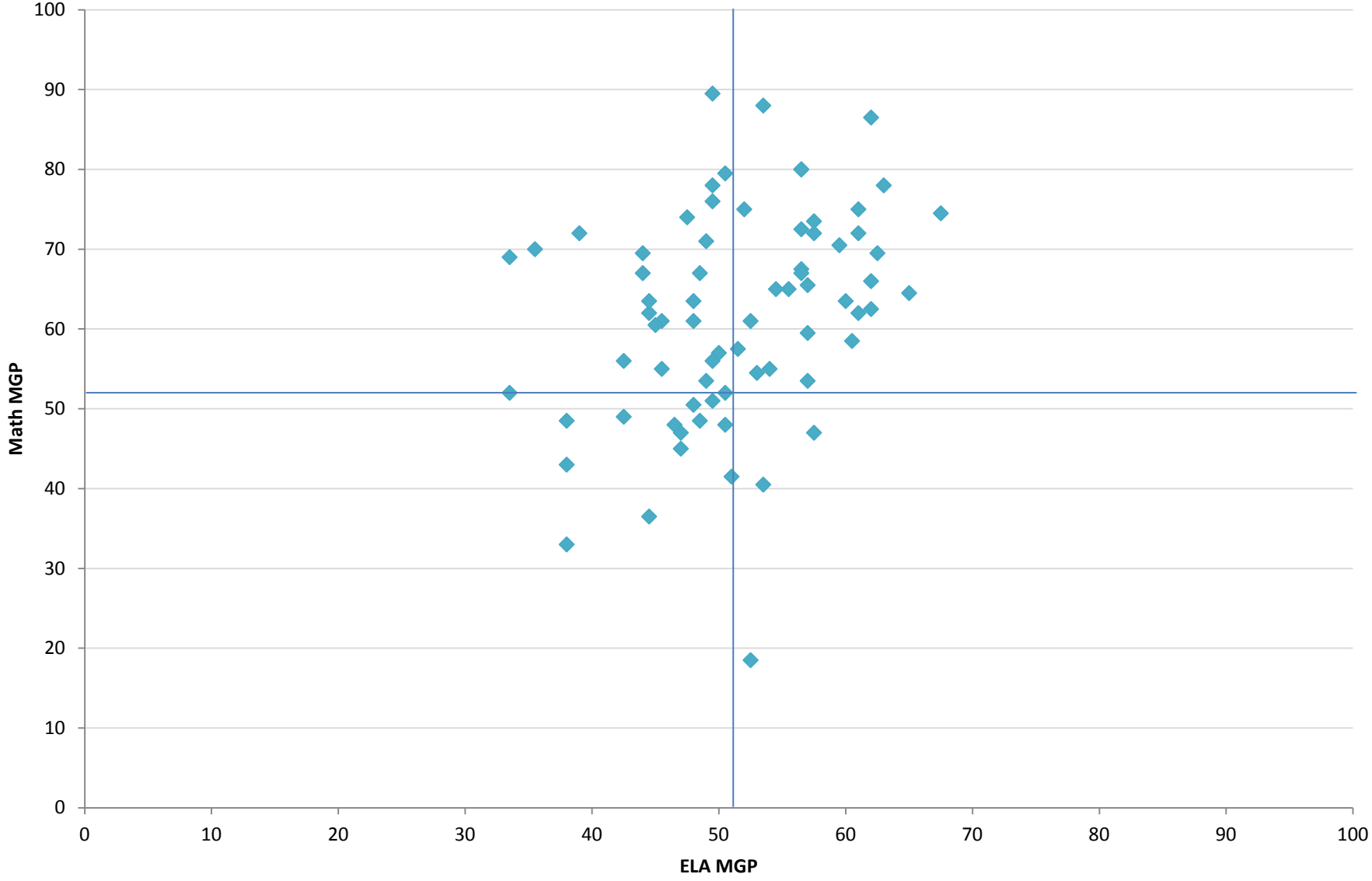
2012-13 Charter School ELA & Math Adjusted Mean Growth Percentiles (MGP) Compared to the State MGP, 6th Grade Only



2012-13 Charter School ELA & Math Adjusted Mean Growth Percentiles (MGP) Compared to the State MGP, 7th Grade Only



2012-13 Charter School ELA & Math Adjusted Mean Growth Percentiles (MGP) Compared to the State MGP, 8th Grade Only



REQUEST FOR PROPOSALS (RFP)

RFP Proposal #15-021

NEW YORK STATE EDUCATION DEPARTMENT

Title: Evaluation of the New York State Charter Schools Program

The New York State Education Department (NYSED) is seeking proposals to design, develop, and conduct a statewide evaluation of the New York State Charter Schools Program (CSP). The evaluation~~study~~ will focus on promising features of program implementation in new charter schools, the extent to which those features are promulgated to current and potential charter school operators, and outcomes for students enrolled in new charter schools.

The purpose of the evaluation~~study~~ is to improve:

- the processes used by the State's two current charter authorizers, the New York State Board of Regents and the State University of New York (SUNY), to consider and act on high-quality charter applications;
- the quality of operating charter schools; and
- sharing of best practices between charter school operators, potential charter school applicant groups, and NYSED.

The evaluation will examine charters schools' access to and use of CSP funds as well as any outcomes that speak to the effectiveness or need for improvement of the CSP grant program. The evaluation will also include the identification, analysis, and documentation of essential program features offered by charter schools in receipt of CSP funds that are associated with student academic progress.

In identifying existing successes and challenges, NYSED and SUNY will be better positioned to move forward with CSP program management and overall support of the State's charter schools.

Eligible bidders include not-for-profit organizations, for-profit organizations, and public or private institutions of higher education with extensive experience in designing and conducting ~~statewide~~ large-scale statistical and/or program evaluations for government agencies. ~~and overseeing evaluation projects in individual educational organizations, such as school districts and charter schools.~~ The successful bidder will demonstrate comprehensive skills in qualitative and quantitative research methods, including regression analysis and survey research; fluency in data manipulation and analysis software (R/SAS/Stata/SPSS or comparable statistical software); and excellent written communication skills, including visual representation of data using charts and graphs.

The contract resulting from this RFP is anticipated to begin on September~~March~~ 1, 2015 and end on August~~June~~ 31~~0~~, 2018.

Subcontracting will be limited to thirty (30) percent of the total contract budget. Subcontracting is defined as non-employee direct personal services and related incidental expenses, including travel. Bidders are required to comply with NYSED's Minority and Women-Owned Business Enterprises (M/WBE) participation goals for this RFP through one of three methods. Compliance methods are discussed in detail in the Minority/Women-Owned Business Enterprise (M/WBE) Participation Goals section of the RFP.

Components contained in RFP Proposal #15-021 are as follows:

1.) Description Of Services To Be Performed
2.) Submission
3.) Evaluation Criteria and Method of Award
4.) Assurances
5.) Submission Documents (separate document)

Questions regarding this Request for Proposals must be submitted by e-mail to: XXXXX no later than the close of business xxx, 2014. Questions regarding this request should be identified as Program, Fiscal, or MWBE. A Questions and Answers Summary will be posted to: http://www.p12.nysed.gov/compcontracts/compcontracts.html no later than xxxx.

Field Code Changed

Program Matters **Fiscal Matters**

E-Mail: E-Mail:

M/WBE Matters

E-Mail:

The following documents must be received at NYSED no later than xxxxxx **2014 by 3:00 PM**:

1. Submission Documents labeled **Submission Documents – RFP#15-021 Do Not Open**
2. Technical Proposal labeled **Technical Proposal - RFP #15-021 Do Not Open**
3. Cost Proposal labeled **Cost Proposal – RFP #15-021 Do Not Open**
4. M/WBE Documents labeled **M/WBE Documents—RFP #15-021 Do Not Open**
5. CD ROM containing the technical, cost, submission and M/WBE proposals submitted using Microsoft Word. Place in a separate envelope labeled **CD-ROM-RFP#15-021 Do Not Open**.

Submit each of the above documents in a separately sealed envelope.

The mailing address for all the above documentation is:

NYS Education Department
Attention: RFP#15-021
Contract Administration Unit 501W EB
Bureau of Fiscal Management
89 Washington Avenue
Albany, NY 12234

(Facsimile copies of the proposals are NOT acceptable)

~~RFP#13-016~~
~~Subcontracting will be limited to 30 percent of the annual contract budget.~~

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Section 1: Description of Services to be Performed

Work Statement and Specifications

This section of the RFP details the services and products to be acquired. Please note that the contract process also includes general New York State administrative terms and conditions, as well as terms and conditions required by New York State law. These terms and conditions address issues related to both the submission of bids and any subsequent contract; they are included separately in this bid package for your information. Please review all terms and conditions

Background

The purpose of the federal Charter Schools Program (CSP) is to increase understanding of the charter school model by (1) expanding the number of high-quality charter schools available to students across the nation by providing financial assistance for the planning, program design, and initial implementation of charter schools, and (2) by evaluating the effects of charter schools, including their effects on students, student academic achievement, staff and parents.

The U.S. Department of Education awards grants to state educational agencies (SEAs) on a competitive basis to enable them to conduct charter school programs in their states. SEAs use their CSP funds to award ~~sub~~grants to eligible applicants in their state. These ~~sub~~grants are used for two primary purposes: (1) initial planning, program design, and implementation of new charter schools; and (2) dissemination of information, including best practices, by charter schools open at least three consecutive years with demonstrated success in several areas as specified by statute. A majority of the ~~sub~~grants are awarded to newly-authorized charter schools in the form of multi-year "planning and implementation" grants, with a lesser number awarded as "dissemination" grants.

New York State was awarded its most recent CSP grant in 2011, ending July 31, 2016. NYSED intends to apply for additional funding beyond 2016; however, receipt of additional funding is not guaranteed.

NYSED is required to conduct an evaluation of its implementation of CSP as a condition of receiving federal funds. The findings of the evaluation will inform how NYSED and SUNY can better assist charter schools in improving their programs and thereby the academic progress of their students.

Work to be Performed

Summary of Work:

~~RFP#13-016~~

In our~~its~~ approved 2011 application for a federal CSP award, NYSED identified four specific project objectives. The selected vendor will design and develop methodologies to measure the extent to which NYSED and SUNY have met the goals:

1. Increase the number of high-quality charter schools in New York State, especially those serving students who are at greatest risk of not meeting State academic standards.
2. Strengthen the overall quality of the New York State charter-authorizing and CSP grant administrative infrastructure.
3. Promote the dissemination of New York State charter school best practices to other public schools.
4. Improve student achievement outcomes in New York State charter schools, particularly for students who are at greatest risk of not meeting State academic standards.

Scope of Work and Expected Outputs:

1. In our~~its~~ approved 2011 application for a federal CSP award, NYSED identified specific quantitative performance measures and targets for each of the project objectives listed above.

For project objective #1:

- Each year, at least 90 percent of post-charter planning and implementation ~~sub~~grant recipients will give an overall rating of "satisfied" or higher when asked to rate NYSED's administration of the CSP subgrant program in the areas of clear communication, timely release of funds, and responsiveness.

The vendor will conduct quarterly surveys to gather information, compile the information, then report the results to NYSED.

For project objective #2:

The New York State Quality Charter Authorizing Partnership (NYSQCAP) is a collaborative partnership formed in 2012 between NYSED, SUNY, and the New York City Department of Education to support the creation of high-quality charter schools in New York.

- Each year, at least 75 percent of NYSQCAP authorizing staff members will give an overall rating of "satisfied" or higher when asked to rate the quality of collaboration and professional development opportunities provided through NYSQCAP.

~~NYSQCAP, or the New York State Quality Charter Authorizing Partnership, is a collaborative partnership formed in 2012 between NYSED, SUNY, and the New York City Department of Education to support the creation of high-quality charter schools in New York.~~

The vendor will conduct an annual survey to gather information, compile the information, then report the results to NYSED.

For project objective #3:

Comment [TH1]: Is there anything from USDoE on how these objectives need to be measured or is it truly up to the vendor to decide?

Comment [VK2]: You'll see that the performance measure chart USDOE required us to use to apply for CSP forces use of quantitative measures. Other than that, I'm not aware of any parameters.

Comment [TH3]: I am assuming these 1-4 project objectives are what was on our CSP application. They all seem to have measurable goals except Project objective #1 compared to the #1 above in Summary of Work is a "stretch". SUNY does not issue P&I grants but they do grant charters so I am assuming their schools are involved in this evaluation measure in some way.

Comment [VK4]: Correct assumption. I don't see the alignment either – I think he had come up with something. SUNY schools are included.

Comment [TH5]: On average how many grants end a year?

Comment [VK6]: I'd say 12, but going down annually not up.

Comment [TH7]: If this is a survey for grantees after they received their P&I grant, why is not just a one time survey on their overall grant program? What would be reported on a quarterly basis, and when would it be reported (after or during the grant program)?

Comment [VK8]: An error on my part. It's supposed to be annual.

Comment [TH9]: Will the vendor create this survey or are the questions already created?

Comment [VK10]: Surveys were created and used by the old evaluator. I wasn't sure how to say that or if we should say that. I guess they could use them or could decide to junk them (they're not very good). I wasn't sure how to say that.

Comment [TH11]: Is this just a name or is this an organization with staff?

Comment [TH12]: So staff members are going to rate themselves? Who would provide the PD?

Comment [VK13]: This "group" was made up for the purposes of the State's application for CSP. It's supposed to be composed of people from SUNY CSI, NYCDOE and SED, meeting regularly for mutual improvement. They don't meet, and the name isn't known outside of here. That's why I included the definition.

~~RFP#13-016~~

- By the end of year four of the grant (July 31, 2015), a minimum of 75 percent of key stakeholders at each partner school will indicate that the dissemination partnership with a high-performing charter school has had an impact on the implementation of best practices at their school.
- ~~Beginning in year three of the grant (August 1, 2013), there will be a 10 percent annual increase in the number of educational personnel in traditional public school districts that are aware of resources related to charter school best practices.~~ ~~**Out of date – delete?**~~
- ~~Beginning in year three of the grant (August 1, 2013), there will be a 5 percent annual increase in the number of educational personnel in traditional public school districts that indicate that they have adopted charter school best practices.~~ ~~**Out of date – delete?**~~

- By the end of years four, five and six of the grant, 75 percent of key stakeholders at each partner school will indicate that the dissemination partnership with a high-performing charter school has had an impact on the implementation of best practices at their school.

The vendor will conduct annual surveys to gather information, compile the information, then report the results to NYSED. The report will include an analysis of the extent to which the results met the performance target.

- Beginning in year three of the grant (August 1, 2013), there will be a 10 percent annual increase in the number of educational personnel in traditional public school districts that are aware of resources related to charter school best practices.
- Beginning in year three of the grant (August 1, 2013), there will be a 5 percent annual increase in the number of educational personnel in traditional public school districts that indicate that they have adopted charter school best practices.

The vendor will conduct annual surveys to gather information, compile the information, then report the results to NYSED. The report will include an analysis of the extent to which the results met the performance target.

~~*The vendor will conduct a survey to gather information, compile the information, then report the results to NYSED.*~~

For project objective #4:

- ELA 4th: Each year the percentage of charter school students in New York State, in the fourth grade, who achieve at or above the proficient level on State examinations in reading/English language arts will increase by two percentage points from the prior year.
- Math 4th: Each year the percentage of charter school students in New York State, in the fourth grade, who achieve at or above the proficient level on State examinations in mathematics will increase by two percentage points from the prior year.
- ELA 8th: Each year the percentage of charter school students in New York State, in the eighth grade, who achieve at or above the proficient level on State examinations in reading/English language arts will increase by two percentage points from the prior year.

Comment [TH14]: Is there a measureable goal for 7/31/16 and beyond?

Comment [VK15]: After discussion with Susan, I made changes to the entire section. Please see below.

Comment [TH16]: Is this only for the one round of dissemination grants that were awarded?

Comment [VK17]: Yes

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Comment [VK18]: I had misread these two bullets. The vendor has to come up with a way to survey the general public school district population. The past evaluator did not do this work, and I think we have a scope issue. Should we say which and how many school district staff need to be surveyed?

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- Math 8th: Each year the percentage of charter school students in New York State, in the eighth grade, who achieve at or above the proficient level on State examinations in mathematics will increase by two percentage points from the prior year.
- Each year, high school graduation rates for all charter school students in New York State will either meet the state standard of 80 percent or will reduce the gap between the state standard and the prior year's rate by at least 20 percent, as measured by either the four year graduation cohort rate or the five year extended cohort graduation rate.
- Each year, high school graduation rates for all charter school students with disabilities in New York State will either meet the state standard of 80 percent or will reduce the gap between the state standard and the prior year's rate by at least 20 percent, as measured by either the four year graduation cohort rate or the five year extended cohort graduation rate.
- Each year, high school graduation rates for all English language learner charter school students in New York State will either meet the state standard of 80 percent or will reduce the gap between the state standard and the prior year's rate by at least 20 percent, as measured by either the four year graduation cohort rate or the five year extended cohort graduation rate.
- Each year, high school graduation rates for charter school students who qualify for free or reduced-price lunches in New York State will either meet the state standard of 80 percent or will reduce the gap between the state standard and the prior year's rate by at least 20 percent, as measured by either the four year graduation cohort rate or the five year extended cohort graduation rate.
- Each year, high school graduation rates for charter school students who reside in a rural-designated school district in New York State will either meet the state standard of 80 percent or will reduce the gap between the state standard and the prior year's rate by at least 20 percent, as measured by either the four year graduation cohort rate or the five year extended cohort graduation rate.
- By the end of the grant period, results from a rigorous outcomes research study will show that New York State charter schools outperform, at a statistically significant level, comparable students in traditional New York State public schools in categories determined by the research design.

Each year t~~For all but the last measure, the~~~~T~~he vendor will~~ annually~~ be provided student data by NYSED to determine if~~whether New York State is meeting~~ each of these performance targets are being acheived. The~~ culminating study will be comprised of a longitudinal~~ evaluation of the ELA and math outcomes of New York State charter school students as compared to traditional public school peer outcomes at the grades 3-8 and high school levels.~~.~~ The evaluation will compare~~stud~~ all student scoring~~y requires an absolute comparative outcome~~ as well as an adjusted comparison with~~hich~~ controls for at-risk student characteristics.

The vendor will compile the results and report to NYSED. *All of the annual reports will include an analysis of the extent to which the results met the performance targets.*

At the end of the grant period, the vendor will provide an executive summary of the extent to which New York State met all of the performance measures and targets.

2. To gain further and better understanding of the extent to which New York State charter authorizers are contributing to the overall quality of the New York State charter-authorizing and

Comment [TH19]: Can this be removed. This is more of a statement than a performance measure.

Comment [VK20]: It does need to be in there. I quoted from the performance measures – if you take out the extraneous verbage, it says "results of a study will show that charter school students outperform public school students".

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Comment [TH21]: If we have the data why can't this work be done at SED or must it be done by an outside vendor. The amount of funds available for this contract will not be high so just seeing if there are items that can be reduced.

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Comment [TH22]: Who determines these categories? How many charactteristics? Will it be those already categorized by the department.

Comment [VK23]: We were doing the work in the office and planned on doing the "culminating study" as well. But, we specified in the State application that we would use an external evaluator, and the initial report from last year's USDOE monitoring visit has a finding for not using one. So . . .

Regarding the description of the study, I think the description as initially written will give bidders a good idea of the study's scope. I can try to simplify the language, if you want. It's just saying that it has to compare charter school and public school student performance on the State tests and graduation rates but do it year by year by year, then adjust it all for each "characteristic" – ELL, SPED, FRPL, etc. A decent amount of work, but not huge bucks.

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Comment [VK24]: We added the last two sentences after I sent you the draft.

CSP grant administrative infrastructure (CSP project objective #2), a comparison of New York State charter authorizer practices is required. A study to compare and contrast practices would include:

- Each authorizer's strategic vision for chartering and its progress toward achieving that vision.
- The extent to which each authorizer's practices are based on national principles and standards for quality charter school authorizing – in particular, new charter school decisions, performance standards, and charter renewal decisions.
- The progress of each authorizer's charter schools toward meeting the academic and financial goals in that authorizer's performance framework.
- The extent to which each authorizer updates its performance framework to support higher achievement or to ensure better compliance.
- The extent to which each authorizer monitors its schools, including site-based visits.
- The extent to which each authorizer's charter agreement includes conditions for amendment and is updated to ensure consistency with changes in State and federal laws.
- The extent to which each authorizer participates in training and technical assistance opportunities that would improve authorizing practices.

The vendor will analyze the practices of New York State's current authorizers – the Board of Regents and SUNY – as well as two former authorizers – the New York City Board of Education and the Buffalo City Board of Education, both of which continue to be responsible for the schools they authorized – and produce a report to be provided to NYSED.

Comment [TH25]: Is this a requirement? Above you state there is a partnership NYSQCAP, so why wouldn't the partners just share their best practices among themselves?

Comment [VK26]: This is not required. Susan asked to have it included and would be the best source of info about this section.

Travel Cost

Travel is required to ~~charter authorizers'~~NYSED offices in Albany or ~~and~~ New York City (whichever location is closest to vendor's) to meet with NYSED staff~~is expected and should be included in the budget~~on two occasions for three hours. The vendor's reimbursement for ordinary and necessary travel expenses associated with the duties resulting from this RFP is limited to current State rates~~. No air travel will be permitted to travel to the authorizers' offices.~~.

Comment [TH27]: Need to state how many times per year so they know what to bid for a cost. Why do they need to come to Albany or NYC?

Comment [VK28]: I forgot to change this. I think it's a good idea to meet, but I'm a fanatic about it. It can go if you want,

Confidentiality

All materials, including but not limited to all collected data and required reports, must be kept strictly confidential and secure, and may not be disseminated in any manner or discussed with anyone other than persons authorized by NYSED.

Reporting

The bidder will be required to submit quarterly progress reports, and annual reports. The annual report will be due sixty (60) days after the end of each contract year, except in the final contract year, when these reports will be due 30 days after year-end. This first annual report should summarize data during the first contract year. Beginning in year two, annual reports should summarize data for each subsequent contract year, integrating cumulative data from prior year data collection activities.

Comment [TH29]: Not sure what exactly your requirements are hear so this can be changed to meet your need

Comment [VK30]: Can we say that reports are required as specified in the Scope of Work and Expected Outputs section?

Payment

Quarterly payments will be made to the vendor once NYS Standard Vouchers and quarterly progress reports are reviewed and approved by NYSED. All services will be reimbursed based on actual expenses incurred by the vendor. Failure to submit all required reports and provide all required services may result in the suspension of future payments.

Ownership

NYSED will be the sole owner of all surveys, protocols, data collected during the life of this contract. All data will be turned over to NYSED in Word, Access, Excel or other format as the data may require, prior to the final payment to be issued under this agreement. NYSED shall also own all other materials, processes, and products (software, code, program evaluation tool, documentation and other written materials) developed under this contract. Any sub-contractor is also bound by these terms.

Electronic Processing of Payments

In accordance with a directive dated January 22, 2010 by the Director of State Operations - Office of Taxpayer Accountability, all State agency contracts, grants, and purchase orders executed after February 28, 2010 shall contain a provision requiring that contractors and grantees accept electronic payments. Additional information and authorization forms are available at the State Comptroller's website at www.osc.state.ny.us/epay/index.htm.

Subcontracting Limit

Subcontracting will be limited to 30% of the total contract budget. Subcontracting is defined as non-employee direct personal services and related incidental expenses, including travel.

For vendors using subcontractors, a Vendor Responsibility Questionnaire and a NYSED vendor responsibility review are required for a subcontractor where:

- the subcontractor is known at the time of the contract award;
- the subcontractor is not an entity that is exempt from reporting by OSC; and
- the subcontract will equal or exceed $100,000 over the life of the contract;

For additional information about Vendor Responsibility, see the **Vendor Responsibility** section contained in **3.) Evaluation Criteria and Method of Award** of this RFP.

If the vendor proposes to change subcontractors during the contract period, NYSED must be notified prior to the change. NYSED reserves the right to reject any replacement subcontractors proposed by the vendor and reserves the right to approve all changes in subcontractors. The Subcontracting Form located in the Submission Documents must be updated annually and submitted to NYSED. Using this form, the vendor must also report to NYSED, on an annual basis, actual expenditures incurred for all subcontractors and indicate which subcontracting costs are associated with M/WBE.

Contract Period

One contract resulting from this RFP will be awarded. The contract is anticipated to begin on XXX 2015 and end on XXXXX.

At the end of any contract term otherwise provided for herein, if a replacement contract has not yet been approved in accordance with State law, any contract awarded hereunder may be extended unilaterally by the State, upon notice to the contractor, at the same terms and conditions, including all contract pricing, for a period of one month, if funding is available and/or services are needed. Additionally, this extension may be for a period of up to three months, with the concurrence of the contractor. However, any extension will terminate immediately upon approval of the replacement contract except in instances where a period for transition of contractors has been previously provided for.

Consultant Staff Changes

The Contractor will maintain continuity of the Consultant Team staff throughout the course of the contract. All changes in staff will be subject to NYSED approval. The replacement Consultant(s) with comparable skills will be provided at the same or lower rate.

U.S. Department of Education
Grant Performance Report (ED 524B)
Project Status Chart

PR/Award #: U282A110005

SECTION A - Project Objectives Information and Related Performance Measures Data (See Instructions. Use as many pages as necessary.)

1 . **Project Objective** [ ] Check if this is a status update for the previous budget period.

Increase the number of high-quality charter schools in New York State, especially those serving educationally disadvantaged students who are at greatest risk of not meeting State academic standards.

Performance Measure	Measure Type	Quantitative Data					
		Target			Actual Performance Data		
		Raw Number	Ratio	%	Raw Number	Ratio	%
1.a. By December 31, 2015, New York State charter authorizers will issue 150 additional charters for new high-quality charter schools to open.	GPRA		90 / 150	60		74 / 150	49
1.b. By December 31, 2015, the New York State charter authorizers will issue 15 additional charters for new highquality charter schools to open that meet grant priorities related to school turnaround.	PROJECT		9 / 15	60		0 / 15	0
1.c. Each year, 100% of the portfolio of existing charter schools who earn charter renewal from their authorizer will meet New York State's high-quality charter school performance standards; those that do not will be closed.	PROJECT		50 / 50	100		63 / 63	100
1.d. Each year, at least 90% of post-charter planning and implementation subgrant recipients will give an overall rating of "satisfied" or higher when asked to rate NYSED's administration of the CSP subgrant program in the areas of clear communication, timely release of funds, and responsiveness.	PROJECT		90 / 100	90		67 / 100	67

Explanation of Progress (Include Qualitative Data and Data Collection Information)

Please see section C.

ACCOUNTABILITY HANDBOOK

for NYC DOE Chancellor-Authorized Charter Schools

SCHOOL YEAR 2014-2015

NEW YORK CITY DEPARTMENT OF EDUCATION
Office of School Design and Charter Partnerships
52 Chambers Street, Room 213
New York, NY 10007
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Introduction

The New York City Department of Education (NYC DOE) via the Office of School Design and Charter Partnerships (OSDCP) is an authorizer currently overseeing 69 Chancellor-authorized, operating charter schools in all five of New York City's boroughs. OSDCP serves as the Chancellor's designee to oversee and make determinations concerning renewal for Chancellor-authorized charter schools, holding these schools to rigorous performance standards, and providing operational support to all charter schools in NYC. The NYC DOE OSDCP's evaluative measures and tools, and its standards of excellence are transparent. This document provides an overview of the NYC DOE OSDCP accountability framework and serves as a guide for Chancellor-authorized charter schools to better understand how OSDCP holds schools accountable.

Article 56 of the New York State Education Law, or the New York State Charter Schools Act of 1998 ("the Act"), enabled the creation of independent, innovative, and autonomous charter schools. These charter schools are afforded more freedom over their educational program and operations than traditional public schools in return for a commitment to meet higher standards of accountability. As set forth in the Act [§2850(2)], the purpose of charter schools in New York is to:

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

The Act states that a charter may be granted for no more than a five-year period, near the end of which the school can apply to its authorizer for renewal of its charter for an additional period of up to five years. The purpose of this renewal period is to hold charter operators accountable for their individual charter goals and for making significant academic progress with their students.

The oversight and monitoring role of the NYC DOE as a chartering entity is governed by the New York State Charter Schools Act and each school's Charter Agreement. This handbook describes the framework, lens and tools through which OSDCP measures and evaluates charter school performance (academic, fiscal, and organizational) annually and upon renewal. All charter schools are also held accountable for meeting their individual charter goals. We believe that by providing clarity and detail, feedback to schools based on our evaluations, and timely notification or intervention, where appropriate, schools can chart a successful course toward renewal.

In addition to this document, schools and their governing boards should consistently closely refer to the goals and standards established in their charter, the executed contract between the board and the NYC DOE (the "charter agreement"), the NYC DOE OSDCP Accountability Framework (see page 6), and other NYSED and NYC DOE-issued memoranda including technical advisories and FAQs. If a school has been issued a Notice of Concern, Notice of Deficiency, or Notice of Probation by the NYC DOE, the school should follow the guidelines and requirements set forth in that notice in order to reach full compliance.

Given the changes to the Act, changes and newly issued relevant state and federal laws and DOE Chancellor regulations (as applicable), ongoing revisions to the standard charter agreement, and our continuing efforts to ensure rigorous accountability while respecting schools' autonomy, OSDCP's oversight

processes described in this handbook will continue to evolve.

NYC DOE OSDCP Accountability Framework

The NYC DOE OSDCP's Role in Charter School Accountability

As articulated in the New York State charter law (Education Law Article 56, Sections 2850-2857), charter schools in New York are approved for operation for limited terms, not more than five years at a time, and are charged with providing:

- Improved student achievement
- Increased learning opportunities for all students, with an emphasis on at-risk students
- Expanded choices for families
- Innovative teaching practices and educational designs
- New professional opportunities for teachers, administrators, and school staff
- Performance-based accountability

While all of the items are important, the first three are inextricably linked. Charter schools exist to provide high-quality choices to families and students, particularly at-risk students, through cultivating strong educational environments that lead to high academic achievement. Charter schools have autonomy to define what "increased learning opportunities" they are providing to their communities, subject to approval by their authorizer, whether that might be access to innovative educational models, such as a blended school model, or a STEM program targeted for specified at-risk student groups, or a rigorous college preparatory program coupled with a unique career focus. Regardless of the means, all schools must deliver significant educational benefit through improved student achievement and represent a high quality choice for the families they seek to serve. Charter schools are encouraged to set ambitious goals and to pursue them with thoughtful urgency. Consistent, substantial progress toward those goals throughout the charter term will provide evidence that a charter school is properly discharging its responsibilities under the law.

The New York City Department of Education's Office of School Design and Charter Partnerships (OSDCP) team monitors and supports the schools it authorizes via an annual accountability cycle. Chancellor-authorized schools submit an Annual Report to the State Education Department; receive a citywide School Quality Report[1], which includes results from the NYC DOE's annual School Survey and NYS assessment results; and annually submit an external audit of the school's finances.

All Chancellor-authorized charter schools will undergo an Annual Comprehensive Review (ACR) process that may involve a school visit, and all Chancellor-authorized charter schools are subject to potential pop-in visits by the NYC DOE. If a school is up for renewal it may receive a renewal visit in place of the ACR, but will be subject to the full renewal process including a visit for the school year in which the renewal is considered. For more information on the types of monitoring visits that OSDCP conducts, please see page 21.

In addition, the OSDCP team may attend regularly scheduled meetings with a school's board of trustees or request an interview with the board chair during the year.

Schools that do not meet certain performance expectations or are out of compliance with their charter agreement may receive additional monitoring and/or be required to complete and submit a Corrective Action Plan. A variety of circumstances may trigger this additional monitoring; it could be a product of one of the annual accountability cycle events/reports (concerns regarding a fiscal audit, NYS assessment

[1] Beginning with the 2013-14 school year, the NYC DOE replaced the DOE Progress Report with the DOE School Quality Report. The 2012-13 school year is the last year NYC public schools will have a Progress Report score. The Progress Report and School Quality Report contain similar indicators of performance.

results, operational issues, etc.), in response to an investigation prompted by a complaint, or academic performance concerns related to charter renewal.

The NYC DOE OSDCP Accountability Framework

To help Chancellor-authorized charter schools better understand what we mean by success for charter schools, the OSDCP team has developed an Accountability Framework built around four essential questions for charter school renewal:

1. Is the school an academic success?
2. Is the school a fiscally and operationally sound, viable organization?
3. Is the school compliant with its charter and all applicable laws and regulations?
4. What are the school's plans for its next charter term?

Although academic performance is primary, the NYC DOE takes into account a wide variety of factors (as indicated by the framework strands and available evidence detail) when evaluating a school. These factors include academic, fiscal, operational and environmental indicators of a charter school's performance. Additionally, some of the indicators we evaluate relate to expected performance as defined in the New York State Charter Schools Act including evidence of improved student learning and achievement, special emphasis on expanded learning experiences for students who are at-risk of academic failure, use of different and innovative teaching methods, parent and student satisfaction, and enrollment and retention of special student populations. Further detail about the application of the framework to school reflection and evaluation is provided beginning on page 17.

What follows is a framework that outlines strands, indicators, and potential evidence for each of the four essential questions. The framework identifies what OSDCP looks at in determining whether a school is successful enough to earn a new charter term, with or without conditions, and the duration of the charter term recommended by NYC DOE. As schools use the NYC DOE OSDCP Accountability Framework, they should remember that charter schools exist to deliver improved student achievement for the students they serve, particularly at-risk students, so the schools are high-quality choices for families. This reminder should help a school apply this framework to its own performance analysis, underscoring the state and city's commitment to superior academic performance as the most important factor in a school's performance, while also recognizing the importance of closing the achievement gap and offering high-quality learning opportunities for all students.

1. Is the School an Academic Success?
1a. High Academic Attainment and Improvement
Schools that are academic successes have many of the characteristics below: • Meet absolute performance goals established in school charter • Meet student progress goals established in school charter • Meet other rigorous academic goals as stated on school charter • Demonstrate increasing student achievement/growth • Are closing the achievement gap for at risk students, including special needs and ELL students • Are surpassing academic performance measures of DOE identified peer-schools • Are surpassing academic performance measures compared with district/city proficiency averages

Evidence for success might include, but not be limited to, the following depending on school configurations:

- Grades 3-8 NYS ELA Results (absolute and comparative performance, individual student progress, progress for at-risk populations, etc.)
- Grades 3-8 NYS Math Results (absolute and comparative performance, individual student progress, progress for at-risk populations, etc.)
- Grades 4 and 8 NYS Science Results (absolute and comparative performance, individual student progress, progress for at-risk populations, etc.)
- HS 4- and 6-Year Graduation Rates
- Grades 8-12 NYS Regent Exam Results
- Grades 8-12 College Readiness Credit Accumulation
- Percentage of Students Applying to and Being Admitted to College
- Percentage of Students Taking AP Courses and/or Percentage of Students Passing AP Courses
- When applicable, NYSAA or other approved alternate assessments results
- Results on state accountability measures
- Charter School Academic Goals
- School-reported internal assessments
- NYC DOE Progress Reports or School Quality Reports[2]

1b. Instructionally Sound and Responsive Education Program

Schools with successful education programs have many of the characteristics below:

- Are self-reflective and examine practice based on outcomes against goals
- Have well-thought out curricular programs that are aligned with NYS learning outcomes as described by state and Common Core Learning Standards
- Use instructional models and resources that are consistent with school mission and flexible in addressing the needs of all learners
- Have defined strategies that they can measure and monitor for closing the achievement gap
- Offer defined opportunities for remediation and acceleration
- Utilizes a coherent and effective interim assessment system (e.g., use of formative, interim, and summative assessment data) for monitoring progress, predicting performance, and adjusting instruction
- Have an effective process for supporting improved classroom instruction, including frequent observation and feedback
- Have effective strategies and quality instructional programs for addressing students with special needs and ELLs
- Use a defined process for evaluating and supporting curricular tasks, programs and resources for effectiveness and fit with school mission and goals

[2] Beginning with the 2013-14 school year, the NYC DOE replaced the DOE Progress Report with the DOE School Quality Report. The 2012-13 school year is the last year NYC public schools will have a Progress Report score. The Progress Report and School Quality Report contain similar indicators of performance.

Evidence for successful education programs, in addition to positive results, may include, but not be limited to, many of the following:

- Classroom observations
- Instructional planning documents (alignments, scope and sequences, curriculum maps, unit and lesson plans, etc.)
- Instructional leader and staff interviews
- Special Education/ELL progress monitoring documentation
- Professional development plans and resources
- Student/teacher schedules
- Student Intervention / Response to Intervention program description and resources
- Interim assessment results
- Data findings; adjusted lesson plans
- Self-assessment documentation

1c. Learning Environment

Schools with successful learning environments have many of the characteristics below:

- Provide a safe, respectful, and stable academic environment conducive to student leaning (one with efficient transitions and safe hallways, cafeteria, yard, etc.)
- Have a strong academic culture that creates high academic and behavioral expectations in a way that motivates students to consistently give their best effort academically and to actively engage in their own learning and the life of the school
- Use a comprehensive approach to student management, including positive behavioral expectations and a clear discipline policy to build and sustain a safe, orderly, and supportive classroom environment
- Have classrooms where academic risk-taking and student participation is encouraged and supported
- Have formal or informal structures or programs in place that provide students opportunities to develop as individuals and citizens (for example: a character education, citizenship, or community involvement or service program)

Evidence for successful learning environments may include, but not be limited to, many of the following:

- Classroom observations
- NYC DOE School Survey results (students, parents and teachers)
- School mission and articulated values
- Student management plan (code of conduct, school values, discipline policy, positive incentive system, etc.)
- Student attendance and retention rates
- Student discipline data (referral, suspension, expulsion)
- Parent complaint/concern information
- Self-administered satisfaction survey results
- Interviews with school leadership, staff, and, if appropriate, students
- Scheduled student engagement opportunities (e.g., student advisory, internships, student government, student led conferences, peer tutoring, peer mediation, etc.)
- School calendar and class schedules

2. Is the School a Fiscally and Operationally Sound, Viable Organization?

2a. Mission and Goals

Schools with a successful mission and goals have many of the characteristics below:

- Have an animated mission statement and clearly articulated goals (both academic and non-academic) that staff, students and community embrace
- Demonstrate an active self-evaluation process that involves regular monitoring, an examination of practices based on outcomes against goals, and reporting on progress towards school goals
- Have processes for adjusting strategies in support of goals as appropriate in response to monitoring data

Evidence for a successful mission and goals might include, but not be limited to, the following:

- Mission Statement
- School charter and external documents (student/family handbooks, school website, etc.)
- Annual Reports, school improvement plans, leadership/Board reports
- Board agendas and minutes
- Parent, student, and teacher satisfaction surveys
- Participation at parent-teacher conferences, school advocacy events, participation in academic goal related programs
- Stakeholder interviews (board, parents, staff, students, etc.)

2b. Leadership and Governance Structure

Schools with successful leadership and governance structures have many of the characteristics below:

- Have a clearly articulated governance structure, compliant with its charter and all applicable laws and regulations, with clear lines of accountability for the Board, school leadership and all staff
- Have a capable Board of Trustees with appropriate officers, committees, and a purposeful blend of skills and experiences to provide oversight and strategic direction to fulfill the mission and goals of its charter
- Have a Board that is fully compliant with all applicable laws and regulations, particularly, but not limited to, Open-Meeting Law and conflict of interest laws, and is fully compliant with its Board approved by-laws (number of meetings, quorum, posting of calendar, agenda and minutes)
- Have a defined process for Board reflection on effectiveness, assessing developing needs, and plan for professional growth
- Have developed a succession plan for board and school leadership, consistent with the charter and Board by-laws, to ensure continuity of direction and leadership over time
- Implements a school leadership structure that is aligned with charter and that is sufficient to fulfill school's mission and achieve its accountability goals and, if and when necessary, makes timely adjustments to that structure with proper notice to and approval by its authorizer
- Have timely and appropriate access to legal counsel
- Have instructional leadership staffing and support structures that holds staff accountable for student learning outcomes and provides regular feedback on instruction to teachers, including both formal and informal observations

Evidence for school governance and organizational design may include, but are not limited to, the following:

- School charter
- Board by-laws, roster, trustee resumes, calendar of meetings, meeting agenda and minutes
- Annual conflict of interest forms
- Board resources for evaluating school leadership and staff, including rubric/performance metrics
- Board resources for self-reflection and professional growth
- Board development plan
- Board interviews
- Staff roster, job descriptions, staff handbook and core operational policies
- School calendar
- Professional development plans
- Stakeholder interviews (board, school leadership and staff)

2c. School Climate and Community Engagement

Schools with a sustaining school climate and engaged parent and community support have many of the characteristics below:

- A healthy professional school climate that is collaborative, student-centered, and open to parents and community support
- Employ an effective means of measuring and monitoring core constituency satisfaction (parent, staff, and, when age appropriate, student), including, but not limited to, the NYC DOE School Survey
- Have effective home-school communication practices and engagement strategies to ensure meaningful parent involvement in the learning of their children
- Strong community-based partnerships that support and advocate for the school
- Engage families actively in the life of the school, including advocacy, community engagement, and feedback on school policies and initiatives
- Have a clear procedure for parents and staff to express concerns to school leadership and the Board, as appropriate, including a clearly articulated escalation path to authorizer
- Share instructional and operational practices with the larger NYC school community and actively seek opportunities for partnering and collaboration
- Encourage professional conversations about effective performance and quality instruction among staff, through, for example, such means as regular and periodic teaming (grade level teams, data days, etc.) and peer observations
- Have systems in place to evaluate professional development effectiveness and provide ongoing support for school-wide and individual initiatives

Evidence for school climate and community engagement may include, but not be limited to, the following:

- NYC DOE School Survey satisfaction parent, teacher, and, if appropriate student results
- Student retention and wait list data
- Staff retention data
- Leadership, staff, parent, student interviews
- Student and staff attendance rates
- Parent attendance at parent-teacher conferences
- Parent association meeting calendar and minutes
- Community partnerships and sponsored programs
- Participation in NYC DOE initiatives and efforts to collaborate/partner with other NYC schools
- Parent and community feedback via public hearings, renewal calls to parents, etc.
- Community outreach documents (newsletters, announcements, invitations, etc.)
- School Professional Development Plan and staff feedback on professional development events
- Resources for evaluations and observations, scheduled opportunities for professional collaboration, staff feedback on professional development events
- Student/Family and Staff Handbooks

2d. Operational Health

Schools that are effective, sustainable organizations have many of the characteristics below:

- A safe, clean and appropriately resourced educational facility with all appropriate services specified in charter and mandated by appropriate law and regulations
- Demonstrate efficient and orderly daily operations
- Have appropriate insurance coverage and insurance and facility documents
- An effective process for recruiting, hiring, compensating, monitoring, supporting, and evaluating school leadership and staff
- A flexible, data-driven approach to professional development for all staff
- Consistently meet student enrollment and retention targets as established by SED (applicable to schools renewed after 2010)
- Communications with NYC DOE are timely, comprehensive, and appropriate
- If applicable, school relationship with a charter management organization identified in charter and supported by a management agreement that spells out services, responsibilities, accountability reporting, performance expectations, and fees

Evidence of an operationally viable organization may include, but not be limited to, the following:

- Required facility documents (lease, certificate of occupancy, fire and safety inspections, etc.)
- Appropriate insurance documents
- Operational policies and procedures
- Operational organizational chart
- Secure storage areas for student and staff records
- Policies/protocols for maintaining secure records
- School safety plan
- Immunization completion rate information
- Appropriate AED/CPR certifications

2e. Financial Sustainability

Schools that are responsible stewards of public funds and are effective, sustainable organizations have many of the characteristics below:

- Maintain annual budgets that meet all short- and long-term financial responsibilities with available revenues
- Provide rigorous oversight of financial and operational responsibilities, at school leadership and Board levels, in a manner that keeps the school's mission and academic goals central to short- and long-term decision-making
- Consistently clean financial audits and compliant escrow accounts
- If applicable, strong, accountable partnerships with management organizations and other partners and significant vendors to support delivery of charter school's design and academic program
- School leadership and Board maintain effective internal controls of finances to ensure integrity of financial management and a proactive approach to mitigating risk
- School leadership and Board oversee financial and operational responsibilities in a manner that keeps the school's mission and academic goals central to decision-making
- Demonstrate financial planning for future school years, including per-pupil and space-related cost projections

Evidence for a financially sound, viable organization may include, but not be limited to, the following:

- School budget, P&Ls, and monthly/quarterly cash-flow reports
- Financial audits, escrow accounts and other fiscal reporting documents
- Financial leader(s) resume and accountability documents
- Financial and operational organizational chart
- Contracts or Memos of Understanding (MOUs) for significant partnerships and vendor relationships

3. Is the School in Compliance with its Charter and All Applicable Laws and Regulations?

3a. Approved Charter and Agreement

Schools in substantial compliance with the school's charter and charter agreement have the characteristics below:

- Implement the key features of their charter as described in the original charter and, if appropriate, as modified in approved revisions to their charter, including but not limited to mission, academic program, school organization, grade configuration, enrollment, goals, etc.
- Ensure that up-to-date charter is available on request to staff, parents, and school community
- Implement comprehensive academic, behavioral, oversight, management, and operational policies and procedures that are substantially aligned with the charter and the school's stated mission and vision

Evidence for a school's compliance with the terms of its charter and charter agreement may include, but not be limited to, the following:

- Authorized charter and signed agreement
- Charter revision request approval and documentation
- School mission
- School policies and procedures
- Annual Comprehensive Review reports
- Board meetings, agendas and minutes
- Leadership/Board and staff interviews
- Public hearings (renewal or material revision hearings)

3b. Applicable Federal and State Law

Schools in substantial compliance with federal and state law have the characteristics below:

- Meet all legal requirements for Title I and IDEA regulations and reporting
- Meet or exceed enrollment and retention targets for Free and Reduced Price Lunch, ELL and Special Education students to those of their community school district of location[3] *or* are making documented good faith efforts to reach comparable percentages for enrollment and retention
- Implement school policies related to student discipline and promotion and retention that are fully compliant with laws and regulations related to students with disabilities and due process regulations
- Conduct an independently verified fair and open lottery and manage enrollment process and annual waiting lists with integrity
- Employ instructional staff with appropriate security clearances and meet all certification requirements

[3] School-specific targets for enrollment and retention are to come from NY State Education Department. This requirement of the New York State Charter Schools Act applies to schools renewed after 2010.

Evidence for compliance with applicable federal and state law may include, but not be limited to, the following:

- School reporting documents
- School's NYSED Annual Report
- Student recruitment plan and resources
- Student management policies and promotion and retention policies
- Student/Family Handbook
- Student discipline policy and records
- Parent complaint/grievance records
- Lottery policy, resources, and records; enrollment procedures and records
- Demographic data (school, district, and other as appropriate)
- Staff roster, fingerprint clearance for all staff, certification status of all instructional staff

3c. Applicable Regulations

Schools in substantial compliance with applicable regulations have the characteristics below:

- Safe and secure facilities with no significant compliance concerns
- Consistently clean annual audits, up-to-date escrow accounts, and complete all other financial reporting as required
- Boards that meet requirements for size, meeting frequency, public notice, applicable open-meeting and conflict of interest regulations, as well as comply with NYC DOE OSDCP's requirements for reporting changes in board membership and securing approval for new board members
- Inform NYC DOE OSDCP, and where required, receive OSDCP approval for changes in significant partnerships, such as dropping/replacing a management organization
- Effectively engaged parent associations

Evidence for compliance with applicable regulations may include, but not be limited to, the following:

- School or building safety plan; appropriate inspection documents
- Annual audits, escrow accounts, other financial reporting documents
- Board roster, calendar, agenda and minutes, conflict of interest documents, notification of changes/approval of new member request documents
- Charter revision requests
- Revised or new contracts
- Parent association calendar of meetings, identified officers, parent association agenda and minutes, parent satisfaction survey results
- Stakeholder interviews

4. What Are the School's Plans for its Next Charter Term?

4a. School Expansion or Model Replication

In anticipation of a new charter term, a school may consider various growth options: replication, expansion to new grades or increased enrollment, or alteration of its model in some significant way. Successful schools generally have processes for:

- Conducting needs/opportunity assessments
- Forming Board and leadership committees or subcommittees to investigate options, develop action plans, ensure capacity and resources are aligned, etc.
- Engaging school community in articulating charter revisions (or a new charter in cases of replication) to determine community needs and to communicate regarding the school's proposed growth plans
- Ensuring that the final proposal is ambitious but realistic in its plans
- Creating a well-reasoned and documented prospective for the school's new charter term and, if applicable, a new charter proposal (for replication)

Evidence for likely success in planning for school growth in a new charter term may include, but not be limited to, the following:

- Renewal application narrative, including performance results and analyses of the current charter term
- Renewal application revised charter submission, including mission, program description, governance, organization, budget, etc. for new term
- Charter revision or merger applications
- Leadership and Board interviews

4b. Organizational Sustainability

Successful schools consistently perform despite change. While there is no single path for ensuring sustainability, successful schools often have the following features:

- School anticipates organizational opportunities/needs and plans for resource development (for example, human resource policies for growing your own talent, or fundraising or budget management to take care of anticipated capital needs and to mitigate risks for the unexpected, or board development to bring new talent or specific needs-based expertise to the school)
- School develops contingency plans especially for facilities or financial scenarios

Evidence for organizational sustainability may include, but not be limited to, the following:

- Charter renewal application
- Board roster and resumes
- Board committees and minutes
- School organizational chart
- Staff rosters
- Staff handbook
- Leadership and staff interviews
- Budget

4c. School or Model Improvements
Successful schools are thoughtful about the continued appropriateness of school design features and elements of their models. They: • Review performance carefully and even without major changes through expansion or replication, are careful to adjust elements to ensure continued and improved success • Develop plans to improve the school learning environment, including improving their facilities to expand program offerings and/or developing new partnerships to further the school's mission
Evidence for successful improvements to a school's program or model may include, but not be limited to, the following: • Renewal application narrative, including performance results and analyses of the current charter term • Renewal application revised charter including mission, program description, governance, organization, budget, etc. for new term • Leadership and Board interviews • Contracts or Memos of Understanding (MOUs) with partners or important vendors

Using the NYC DOE OSDCP Accountability Framework for Charter Schools

How should schools use this framework?
The framework provides a comprehensive description of what successful charter school performance might look like. Some elements, including the most important, are school performance outcomes: NYS assessment results, graduation rates, credit accumulation, closing the achievement gap, internal assessment results, satisfaction results on DOE School Surveys, attendance rates, and the like. The framework can be used by Boards and school leaders to keep these critical outcomes clearly in focus, reflect on their own progress in pursuit of positive outcomes, and to define the interim measures that will be regularly monitored to ensure positive results for these outcomes each year.

Other elements of the framework are descriptive of best practice means to the required positive performance outcomes, including what a responsive education program looks like, a healthy and supportive learning environment and school climate, an effective governance structure and school organization, etc. These elements are more broadly defined because effective schools can approach these in a variety of ways depending on their educational and administrative philosophy, their school design and instructional model, their approach to student management, etc. Despite the designed flexibility in these areas, effective Boards and school leaders can adapt the indicator statements to their school's unique features and use the evidence for the indicators to monitor successful implementation of their school model.

Still, other elements are essentially yes/no indicators, including many of the financial indicators in Essential Question 2 and the compliance related strands and indicators in Essential Question 3. Boards and school leaders need to know these are important and ensure schools have audits completed on time and that audits are clean, for example, or that the school meets its enrollment and retention targets for FRL, Special Education, and ELL students. (On the latter example, the Board and school leaders should know the state-established targets, the school's standing relative to those targets and what efforts the school is making to meet those targets.) When an answer is "no" to any of these financial or compliance related elements, there should be observable evidence that the school is either working on a remedy or adjusting efforts to get a better result.

Finally, Essential Question 4 speaks to the importance for charter schools to not just bear in mind that they are always in the renewal process but that their long-term success depends on having a strategic vision and doing the necessary groundwork for executing that vision in a timely manner. Waiting until the renewal year to think strategically about the next term is not a recipe for success. Large initiatives require time to execute including initiatives such as moving to a private facility, growing into an existing facility, or expanding to new grade levels. The elements of Essential Question 4 are important for school leaders to bear in mind and especially for Boards to be thinking and planning about—how do we build the necessary capacity? What implications are there for the current state? What impact might the current state have on our long-term plans? The framework can be useful in prompting this kind of necessary reflection.

Because of the framework's comprehensive nature, schools can use it to prepare for any comprehensive review of the school's status and performance, whether internal or external, by re-visiting the Essential Questions, Strands, Indicators and Evidence contained in the framework. It can help schools think about where they are, how they are progressing, what might need more attention, and so on. This reflection can help with school improvement planning or preparing the school to complete its Self-Evaluation Form prior to an Annual Comprehensive Review by OSDCP staff.

Because the framework looks at school success in a structured way, school leadership or Boards can focus on a specific part of the framework for a specific purpose. For example, an education committee of the Board might review the strands of Essential Question 1 with a new committee member as part of his or her orientation to the oversight work before the committee. School leadership might do something similar with new staff or new parents to the school to ensure they understand the school's performance accountability.

Along with the school's charter, the framework can be a very useful tool to ensuring that the school community is on the same page when it comes to mission, goals, program, and accountability.

How will the OSDCP team use the framework?
The framework will provide guidance to the OSDCP team for accountability related interactions between OSDCP and the charter schools the NYC DOE authorizes. It will:

- inform our preparation for each Annual Comprehensive Review, in particular, helping us review performance and required documentation from the school to target visit discussion questions,
- help us prepare for specific interactions with charter schools (attending a Board meeting, reviewing and discussing charter revision requests, submission of required reporting documentation, etc.), and
- guide the renewal process, including our review of renewal applications, evaluation of renewal visit documentation, and preparing the Renewal Report, the last of which will include OSDCP's recommendation to the Chancellor.

The framework provides a comprehensive picture of what success looks like for each Essential Question. It is not, however, a rubric where total points are calculated and evaluated against absolute cut scores to determine which schools are renewed. Schools are too complex and circumstances too nuanced for such a strict formulaic calculation. How each question plays into a renewal decision is discussed below. The use of the different elements of the framework in renewal decisions is designed to ensure that charter schools are held accountable for performance, but that their autonomy in determining how they get their results is respected. With that in mind, strands directly related to academic performance, financial or operational health and sustainability, and compliance are more important than others, with academic performance being most important. Other strands are not unimportant; they allow for the consideration of other factors in schools being evaluated for renewal, especially in circumstances where the performance results are mixed, inconsistent or the data is not yet robust enough to be conclusive (one-three years of data).

Essential Question 1: Is the School an Academic Success?
There are three strands within this Essential Question: 1a. High Academic Attainment and Improvement, 1b. Instructionally Sound and Responsive Education Program, and 1c. Learning Environment.

1a is about student outcomes, the school's academic performance, and it is the primary strand in the framework. If the school is clearly and consistently demonstrating strong academic attainment and/or consistent and significant progress academically, then absent financial management, operational or compliance issues, the school will be renewed.

Strands 1b and 1c describe common characteristics of academically successful schools. They will help the school and OSDCP prepare for Annual Comprehensive Reviews and the renewal process. During an Annual Comprehensive Review or a renewal, the framework elements will help identify areas of strength or for growth within the feedback we provide the schools. In terms of a renewal judgment, what matters is evidence of significant educational benefit to students as measured through the academic results.

Elements of the framework beyond 1a become more important in renewal decisions when academic results are mixed or inconsistent or when academic accountability data (NYS assessment results, graduation rates, etc.) are lacking or represent only a year or two of documented results. ("Mixed" means a school meets or exceeds some academic performance measures but fails to meet others; "inconsistent" means that its academic performance fluctuates from year to year.) In those instances, the presence or absence of the conditions for success will provide additional evidence for a renewal, renewal with conditions, or non-renewal decision.

Essential Question 2: Is the School a Fiscally and Operationally Sound, Viable Organization?
There are five strands within this Essential Question: 2a. Mission and Goals, 2b. Leadership and Governance Structure, 2c. School Climate and Community Engagement, 2d. Operational Health, and 2e. Financial Sustainability. If evidence is present in support of each of the strands, the school has the capacity and resources, supported by diligent oversight, to accomplish its academic goals. The framework elements here can help the school and OSDCP prepare for an Annual Comprehensive Review or renewal and, as appropriate, would contribute to the visited school's identified areas of strength or areas for growth.

If there are no or only minor concerns around these strands, a school with very strong academic indicators would be renewed. If there are one or more serious concerns, a school may be granted a short-term renewal with conditions related to the areas of concerns, or be recommended for non-renewal.

If the school's performance across the indicators for 1a-1c is mixed or inconsistent, the school's performance in strand 2 will have more impact on the renewal decision. In these instances, OSDCP looks at the examples of evidence linked to the indicators for these strands to make a judgment on the school's capacity for consistent improvement. The school might then be renewed with clear academic conditions that if not met in the early years of the next charter term could result in probation and lead to revocation if not successfully addressed. If the financial and operational review does not yield evidence of capacity necessary for consistent improvement, the school would not be renewed.

If there are financial, operational, or governance problems that violate law or jeopardize the school's continued financial existence, the school will not be renewed even if its academic results were positive.

Essential Question 3: Is the School in Compliance with its Charter and All Applicable Laws and Regulations?
There are three strands within this Essential Question: compliance with 3a. Approved Charter and Agreement, 3b. Applicable Federal and State Law, and 3c. Applicable Regulations. NYC DOE authorized charter schools should always strive to be in full compliance with their charters and all applicable laws and regulations. That said, compliance issues may occur and should be addressed directly and in good faith as they occur. During renewal, schools should reflect on their standing, address any newly discovered issues, and/or report on progress toward full compliance. Material and substantive compliance violations that go unaddressed and/or unresolved may result in non-renewal.

Essential Question 4: What Are the School's Plans for its Next Charter Term?
There are three strands for this Essential Question: 4a. School Expansion or Model Replication, 4b. Organizational Sustainability, and 4c. School or Model Improvements. This Essential Question concerns a school's plans for significant changes in its charter for the next charter term. These may include grade expansion or changes in enrollment, or model improvements, such as replacing a core curriculum program. The evidence is evaluated to determine whether the school has the capacity to take on these changes successfully and, even if significant model or program changes are not being proposed, does it have the capacity to sustain its performance through the next charter term. Changes in governance or school leadership would be addressed in this Essential Question. Current performance concerns would be largely addressed in the previous three Essential Questions so the evaluation of the elements related to this Essential Question would not likely impact a decision to renew or not, but would impact whether a material revision, such as a request to expand to new grades, is approved with renewal.

OSDCP reserves the right to not renew a school based on current and past performance, regardless of the school's plans for its next charter term.

NYC DOE Monitoring Visits

Rationale

The NYC DOE OSDCP team has developed a comprehensive monitoring plan for conducting ongoing oversight of schools to provide feedback on their progress toward meeting their goals and thus toward renewal. OSDCP views the purpose of monitoring visits as twofold:

1. To gather data on a school's educational environment, board capacity, leadership, and operational/financial viability to be able to make informed renewal decisions; and
2. To provide schools with formative feedback and support.

For schools that demonstrate strong student progress and achievement, smooth operations, effective leadership, highly satisfied parents, effective internal controls, and most importantly, an ability to self-reflect and constantly improve, an Annual Comprehensive Review visit may not be necessary each year. Therefore, those schools that have demonstrated continued success through strong performance results, sound operational/financial practices, and strong Board capacity may not receive a formal visit each year. Instead they may receive a shorter, more informal pop-in visit.

The chart below outlines the different types of visits that OSDCP may conduct. This section contains information on the protocols for each type of visit, the documentation required, and the potential outcomes of the visits.

Visit Type	Year of Charter	Visit Length	Additional Notes
Pop-In Visit	Any (may occur in addition to or in place of an Annual Comprehensive Visit)	1-3 hours	OSDCP reserves the right to "pop in" to any school over the course of the year for an informal visit. This includes visits to the Board of Trustees during regularly scheduled board meetings. These visits may be "social" pop-ins or "oversight" pop-ins (please see pages 22-23 for more details).
Annual Comprehensive Review Visit	Any (may occur in addition to or in place of a pop-in visit; typically does not occur during a renewal year, pending OSDCP's discretion)	½ - full day with potential for follow-up	All Chancellor-authorized schools are eligible for this visit. See pages 24-27 for more information.
Renewal Visit	Timing of visit varies depending on charter expiration date—typically occurs within 6 months of charter expiration	2-3 days	All schools that are up for renewal will receive a more thorough visit from the OSDCP team. See pages 27-34 for more information.

Pop-In Visits

Overview

The OSDCP team reserves the right to conduct multiple types of pop-in visits over the course of the school year. These may include social pop-ins (including visits to non-DOE authorized schools), oversight pop-ins (2-3 hour visits for Chancellor-authorized schools), or additional visits to follow up on parent complaints, probationary status, or other areas of concern. School leaders may or may not be informed of visit times in advance.

Social Pop-Ins

Social pop-ins are brief and informal and can occur at any time during the school year. For NYC charter schools that are not authorized by the DOE, pop-ins are opportunities for the NYC DOE to check in with school leaders regarding operational support and co-location/facility issues at the start of the school year and to learn more about the school's educational programming for NYC public school students.

For Chancellor-authorized charter schools, these visits are opportunities for school leadership to discuss with OSDCP staff the successes and challenges of opening weeks, OSDCP staff to preliminarily observe the school's educational environment and academics, and for school leadership to share with the OSDCP team the school's plans for the year. These visits are usually conducted by one to two OSDCP team members and typically last no more than two hours. The OSDCP team will not request any pre-visit documentation before social pop-ins, and generally will not follow up with any formal or informal communication.

Oversight Pop-Ins

Oversight pop-in visits can occur at any time during the school year. Cohorts may decide to conduct an oversight pop-in at a particular school rather than a formal Annual Comprehensive Review visit if the school has recently been visited for a renewal and/or if the school demonstrates continual high levels of performance. Schools will typically be informed of a targeted week for the pop-in visit, but not of the actual date. (Cohorts may request input from schools regarding "black-out dates" within the window during which the school will be unable to host a visit due to testing, field trips, or absence of school leaders.)

Oversight pop-in visits generally consist of a meeting with school leadership, short classroom observations with an instructional leader, and conclude with a brief summary conversation. Except in exceptional circumstances or when following up with a school on probation, a formal report will not be generated in response to these visits. The OSDCP team will not request any pre-visit documentation before the pop-in visit, but may ask to view documents on site. These visits are usually conducted by one to three OSDCP team members and last 2-3 hours.

Protocol for Pop-In Visits

Because oversight pop-in visits are not pre-scheduled, the meeting with school leadership may include only the school leader or some members of the school leadership team, depending on availability. Questions for the pop-in visit will be framed around the four essential questions of the NYC DOE OSDCP Accountability Framework and may include questions about other documentation that the school has submitted to OSDCP.

School leaders should make teachers and assistants aware that their classrooms may be visited during the visit. School leaders should also make teachers aware that the visit is a check-in on the school's progress, not of the individuals or of individual teachers' practices. Reviewers will not provide feedback to teachers; reviewers may speak with students while they are observing a lesson, if appropriate, but will not interrupt

the lesson. Reviewers may ask students about what work they are completing during a group activity, about a recently completed task, or other questions relevant to the review. Reviewers will not provide instruction to students at any point.

Annual Comprehensive Review Visits

Overview

The NYC DOE OSDCP conducts an Annual Comprehensive Review each year of all NYC-authorized charter schools, some of which will receive an accompanying school visit. The purpose of the visit is to assess progress toward the school's charter goals as well as the school's performance in relationship to the NYC DOE OSDCP Accountability Framework. Unlike OSDCP's pop-in visits, the Annual Comprehensive Review visit is planned in advance and requires the school to prepare documentation and set up interviews prior to the visit.

The typical visit consists of classroom observations and interviews with school leadership, operations team members, administrators (e.g. Special Education & ELL coordinators, if requested), and teachers. OSDCP may request a separate meeting with the school's Board, but this may not take place on the day of the visit. Visits usually begin with a meeting with the leadership team during which school leadership may discuss its self-evaluation, but primarily members of the OSDCP visit team will ask questions. Visits will end with a debrief during which the OSDCP visit lead shares feedback from the visit. More information may be found in the sample schedule on page 27.

Prior to the visit, school leaders should expect to hear from a member of the OSDCP team with more details about the targeted visit date(s) for the school, a sample schedule for the visit, and a list of requested documentation. Members of your cohort team will be in touch with you throughout the weeks prior to the visit to discuss the following topics:

1) Confirmation of the visit date(s)
2) Scheduling key activities of the visit (interviews with teachers, school leaders; debrief meeting)
3) Any school questions regarding documentation, etc.
4) Directions, space accommodations and any other logistical matters

This annual review is an opportunity for OSDCP to observe the school's daily practices, implementation, processes, and routines. Documentation should be available on site, and the school should not collect documents for review from a location outside of where they are usually organized (except as outlined below). Although the team reviews various documents, the school should not prepare any *additional* binders or folders of information for the visit team, unless specifically requested.

Please note that the school should make available for the visit team a room of where the team can work and discuss observations in privacy during its visit. OSDCP requests the use of this room without disruption during the lunch period and the afternoon internal visit team debrief period (see sample schedule below).

After the Annual Comprehensive Review visit, OSDCP will issue a report containing the findings of the documentation reviewed, desk audit and school visit, if applicable. All schools will be given the opportunity to review the report for factual errors and submit requested technical corrections. Once OSDCP has incorporated the appropriate revisions, it will finalize the reports and post these to the DOE official website. These reports will be used as evidence for renewal decision-making.

Visit Team Composition

The Annual Comprehensive Review team is comprised of (in most cases) between two and four representatives of the OSDCP team, along with members of other Department of Education offices (such as the Division of Specialized Instruction and Student Support) and DOE consultants, as needed. Team members focus on different areas, based on their area of expertise and knowledge base.

Protocol for Annual Comprehensive Review Visits

The leadership team meeting in the morning generally begins the visit with an opportunity for schools to answer questions from the OSDCP visit team related to the school's self-evaluation and other sources of data. Schools are allowed to define the composition of their leadership team for the purpose of the morning and afternoon debrief; however these should always include the school leader or head of school and, if the school has a formal leadership team, OSDCP prefers they all be included in the meeting if possible. However, schools sometimes choose to include additional staff, such as a director of curriculum, representative(s) from the charter management organization (CMO), if applicable, and/or consultants or coaches who have a critical support role with the school. Board members may also attend these meetings. The individuals who will be participating in the leadership team meetings should be identified during the pre-visit phone call.

Unlike in pop-in visits, we include teacher interviews on the Annual Comprehensive Review visit schedule. Members of the visit team conduct small group interviews (generally 1-2 teachers per group) of approximately 20 minutes per interview. OSDCP requests to meet with a range of teachers from different grade levels, different subject areas, and with a range of experience / years at the school. OSDCP also generally meets with the school's operations team and may request separate meetings, such as with the school's Special Education coordinator or dean of students. These details will be discussed during the pre-visit phone call with the visit lead.

The protocol for classroom observations is similar to the guidelines for pop-in observations, but these visits may be longer in duration (10-20 minutes, although this may vary depending on the specific lesson and activity that students are completing). Schools should have a member of the instructional leadership team available to accompany OSDCP team members on all classroom visits and debrief each observation afterward. The OSDCP visit lead will review expectations for these observations with the school leader prior to the visit.

School leaders should make teachers and assistants aware that their classrooms may be visited. Review team members may review student work, lesson plans, rubrics, and other documentation present in the classroom during time slated for observations. School leaders should also make teachers aware that the visit is a check-in on the school's progress, not of individuals or of individual teachers' practices. Reviewers do not provide feedback to teachers. Reviewers may speak with students while they are observing a lesson, if appropriate, but will not interrupt the lesson. Reviewers may ask students about what work they are completing during a group activity, about a recently completed task, or other questions relevant to the review. Students' anonymity will be preserved and no student observations will be identified by name either in the Annual Comprehensive Report or during debrief meetings with the leadership team.

At the end of the day, the OSDCP visit team will reconvene with school leadership for a debrief meeting in which OSDCP will share preliminary findings regarding the school's performance as related to the NYC DOE OSDCP Accountability Framework and the four essential questions. These are the "headlines" of the Annual Comprehensive Review report, but may vary in number or wording in the final report. In addition, OSDCP may include additional evidence from documentation or observations in the final report.

Documentation for Annual Site Visits

The following documents should be emailed to OSDCP (charteroversight@schools.nyc.gov) prior to the visit. This list may be subject to change; you should expect to hear from one of your cohort members in advance of the visit to discuss required documentation.

- **School Self-Evaluation Form** (use template)
- **School Data collection Form** (use template)

- **Roster of all Instructional Staff, Non-Instructional Staff, and Board Members** (use template)
- **School Organizational Chart** including job titles, staff names, and lines of reporting
- **Schedule of School Fire and Bus Drill Dates for 2014-15SY** (schools in non-DOE operated facilities only)
- **School Safety Plan** (schools in non-DOE operated facilities only)
- **Special Education Compliance Form** (use template)
- **Board minutes** for all meetings held to date of submission during the 2014-15 school year
- **Mid-Year Fiscal Check-In** for Year-to Date Period Ending 12/31/14
    - Profit and Loss statement for the YTD period ending 12/31/14 (must indicate Board Approved Budget vs. YTD performance and Revised Budget)
    - Statement of Cash Flows YTD period ending 12/31/14
    - Balance Sheet (balances on 12/31/14)
    - Statement of Functional Expenses for YTD period ending 12/31/14

NOTE► All documents are required each year for the Annual Comprehensive Review, regardless of whether or not a school will receive a related visit.

Other Visit Documentation

The following is a list of possible documentation to be reviewed or discussed during the visit. The team reviews curricular and other documents where they are typically located, as they are normally arranged, stored or organized (except as outlined above). Again, this list is subject to change and the review team may request to see additional documentation not included in the list below.

- ☐ Admissions and Attendance Policies
- ☐ Disciplinary Policy
- ☐ Curricular maps/pacing guides – explanation of academic program
- ☐ Lesson plans
- ☐ Professional development plans
- ☐ Program information for special needs and ELL students
- ☐ Explanation of internal assessment program and any relevant samples
- ☐ Student Performance Data
- ☐ Internal satisfaction surveys
- ☐ Current building safety documents
- ☐ Staff evaluation tools and documents
- ☐ Operational systems and policies
- ☐ Attendance, attrition, and waitlist data
- ☐ Any other relevant documentation, as requested

Annual Comprehensive Review Visit Sample Schedule

The visit schedule for any given school is dependent on their individual school schedules, the availability of staff to speak with visit team members, and other school-specific variables. OSDCP reserves the right to change or modify this schedule at any point prior to or during the day of the visit.

Sample Schedule*

Time	Activity
8:00 – 8:15	Arrival
8:15-9:30	Meeting and Interview with School Leadership • Introduction and Visit Purpose (OSDCP)—5 minutes • Q & A—70 minutes
9:30-12:00	Classroom Visits and Interviews with Teachers and Administrators (i.e. Special Ed./ELL Coordinators, Director of Operations, Data Manager)
12:00-1:00	Team Lunch Meeting (Schools should NOT order/buy lunch)
1:00-2:00	Flexible Time (Additional data gathering, additional meetings, and/or additional classroom visits as necessary)
2:00-2:45	Internal Debrief (DOE Staff)
2:45-3:30	Meeting and Debrief with School Leadership

*This schedule is subject to change and is meant to provide an outline of the activities to be conducted. The details of the visit at any particular school will be determined in collaboration with the Principal/School Leader during the pre-visit phone call.

**Additionally, some schools, depending on size or circumstance, may require a longer (up to 2 days) visit.

Renewal Process

Overview

The NYC DOE does not automatically grant charter renewal, and no charter operator is entitled to renewal. Rather, a school must prove that it has earned renewal and is worthy of continuing the privilege of educating New York City public school students. To make such determinations, the OSDCP renewal team analyzes the school's renewal application, which is built around the four essential questions of the NYC DOE OSDCP Accountability Framework and includes a retrospective analysis of the school's prior track record as well as a prospective plan for the school. In reviewing this information, a school must be able to demonstrate that it can satisfy the four essential questions of the NYC DOE OSDCP Accountability Framework:

1. Is the school an academic success?
2. Is the school a fiscally and operationally sound, viable organization?
3. Is the school compliant with its charter and all applicable laws and regulations?
4. What are the school's plans for its next charter term?

While the academic performance of students is the foremost determining factor of a school's success, a school's ability to demonstrate an effective educational program, a financially and operationally viable organization, and a strong learning community with support from stakeholders are important factors that inform a renewal decision. For more information on how OSDCP makes renewal recommendations to the Chancellor, please see the NYC DOE OSDCP Accountability Framework overview on page 6.

Statutory Basis for Renewal

The New York State Charter Schools Act ("the Act") states the following regarding the renewal of a school's charter:

> **§2851.4**: Charters may be renewed, upon application, for a term of up to five years in accordance with the provisions of this article for the issuance of such charters pursuant to section twenty-eight hundred fifty-two of this article; provided, however, that a renewal application shall [also] include:
> (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. Such statement shall be in a form prescribed by the board of regents.
> (c) Copies of each of the annual reports of the charter school required by subdivision two of section twenty-eight hundred fifty-seven of this article, including the charter school report cards and the certified financial statements.
> (d) Indications of parent and student satisfaction.
> (e) The means by which the charter school will meet or exceed enrollment and retention targets as prescribed by the board of regents or the board of trustees of the state university of New York, as applicable, of students with disabilities, English language learners, and students who are eligible applicants for the free and reduced price lunch program which shall be considered by the charter entity prior to approving such charter school's application for renewal. When developing such targets, the board of regents and the board of trustees of the state university of New York shall ensure (1) that such enrollment targets are comparable to the enrollment figures of such categories of students attending the public schools within the school district, or in a city school

district in a city having a population of one million or more inhabitants, the community school district, in which the charter school is located; and (2) that such retention targets are comparable to the rate of retention of such categories of students attending the public schools within the school district, or in a city school district in a city having a population of one million or more inhabitants, the community school district, in which the proposed charter school would be located.

Such renewal application shall be submitted to the charter entity no later than six months prior to the expiration of the charter; provided, however, that the charter entity may waive such deadline for good cause shown.

The determination of whether to approve a renewal application rests in the sole discretion of a charter school's authorizer.

Renewal Process Overview

This section outlines the basic sequence of events for a renewal. It is intended only to show the general structure of the renewal process. A specific timeline will be discussed during the renewal process with each individual school.

Timeline	Renewal Component	Component Description
	Renewal Kickoff Phone Call	A member of OSDCP will discuss the process and specific timeline for the renewal process.
Typically no later than 6 months before charter expiration date, due prior to renewal site visit	Renewal Application Due	The school submits the Renewal Application to OSDCP.
Between submission of renewal application and typically up to 2 weeks prior to school renewal visit	OSDCP Review and Clarification	NYC DOE renewal team members review the Renewal Application and, if necessary, request clarifying information from the school.
Two weeks before renewal visit	Pre-Visit Documentation Submission Due	The school submits documentation that will help the NYC DOE renewal team prepare for the site visit.
TBD with each school (*expect at least 3 months prior to charter expiration date*)	Renewal Site Visit	The NYC DOE Renewal Team will visit the school for 2 to 3 days to verify and augment the information presented by the school in its written application.
TBD with each school (*may be scheduled to coincide with the renewal visit or after the visit is completed*)	Public Hearing	Per the New York State Charter Schools Act, a public hearing must be held to solicit comment on the possibility of the charter renewal.
Following the site visit	Chancellor's Decision/Report of Findings	Based on a recommendation from OSDCP, the Chancellor makes a decision as to whether to recommend charter renewal, the term of the new charter, and any renewal conditions. If the Chancellor decides not to renew the charter, the decision is final and not subject to further review

Timeline	Renewal Component	Component Description
Prior to charter expiration date	Submission to the New York State Education Department (NYSED)	If the Chancellor recommends renewal, OSDCP will submit a new charter agreement and a letter from the Chancellor to NYSED for review.
Prior to charter expiration date	Renewal Decision by Board of Regents	NYSED will consider the Chancellor's recommendation for the proposed renewal charter and decide to reject or to recommend the proposed charter to the New York State Board of Regents. The Board of Regents can approve and issue the charter as proposed by the charter entity, return the proposed charter to the charter entity for reconsideration or may fail to act on the proposed charter within 90 days of its submission.[4] If the charter is approved or if the Board of Regents fails to act, the Board of Regents will issue a charter for the term specified.[5]

Renewal Site Visit Overview

OSDCP schedules and conducts a comprehensive 2- or 3-day visit after receiving the school's Renewal Application. The purpose of the visit is to assess the quality and performance of the school in relationship to the NYC DOE OSDCP Accountability Framework. Additionally, the visit is meant to supplement and verify the information presented in the school's renewal application. The renewal visit should be viewed as one of the components leading to a renewal determination.

The main focus of the renewal visit is Essential Question 1: "Is the School an Academic Success?" Strands included under academic success address the following areas: High Academic Attainment and Improvement; Instructionally Sound and Responsive Education Program; and Learning Environment. For more information on the evidence that OSDCP looks at in making renewal determinations, please see the NYC DOE OSDCP Accountability Framework on page 6.

While the visit focuses on Essential Question 1, there is also an on-site review of elements related to Essential Questions 2 and 3, including school governance, financial practices, stakeholder satisfaction, and compliance. Most reviews in these areas are completed through a thorough examination of submitted and historical documentation. These important aspects of the school provide further evidence around the goals that were set in the charter.

[4] Per New York State Education Law 2852(5-a) and (5-b), if the Board of Regents fails to act on a proposed charter within 90 days of submission by the charter entity, the proposed charter shall be deemed to have been approved and issued by the Board of Regents at the expiration of such period.

[5] In order to align charter expirations to the academic year, going forward, charter expiration dates will be June 30 of a given school year. Your cohort Senior Director will discuss this as part of the renewal process.

The renewal visit consists of 2-3 days of classroom observations, interviews with school staff, teachers and students, as well as extensive document review. The renewal visit may be conducted over consecutive days or split between two or more site visits to the school, possibly even across more than one school year depending on the date of charter expiration.

The renewal team may also request interviews with Board members or attend scheduled Board meetings. Within a month before the full OSDCP renewal team convenes at the school, the visit lead conducts a phone conference with the school leader to review the proposed visit schedule and talk through required documentation. School leaders review the proposed visit schedule, make any necessary changes, and ask any remaining questions about the visit.

The renewal visit is an opportunity for the OSDCP visit team to observe the school's daily practices, implementation, processes, and routines. Similar to the protocols for Annual Comprehensive Review visits, while documentation should be available on site, the school should not collect documents for review in a location outside of where documents are usually organized or prepare any additional binders of information specifically for the visit team. Also, similar to the protocols for Annual Comprehensive Review visits, OSDCP requests that the school make a meeting room available for the OSDCP renewal team to eat lunch and debrief without disruption.

OSDCP recommends that all school staff and parents be made aware of the renewal process and of the importance of this milestone in the life of a charter school. The NYC DOE will send letters to families explaining the renewal process and inviting them to submit feedback on the proposed renewal of the school. OSDCP staff may also call a random selection of parents in order to gauge parents' perspectives on the school.

Visit Team Composition

The renewal visit team is comprised of (in most cases) between four and six representatives of the OSDCP team, along with members of other Department of Education offices (such as the Division of Specialized Instruction and Student Support) and DOE consultants, as needed. Team members focus on different areas, based on their area of expertise and knowledge base. Additionally, district superintendents and NYC DOE senior leadership may be invited to join the renewal review process if available.

Protocol for Renewal Visits

Renewal visits begin with a leadership team meeting in the morning during which OSDCP asks the leadership team questions based on its renewal application and other supporting documentation. As in Annual Comprehensive Review visits, schools are allowed to define the composition of their leadership team for the purpose of the morning and afternoon debrief; however these should always include the school leader or head of school and, if the school has a formal leadership team, OSDCP prefers they all be included in the meeting if possible. However, schools sometimes choose to include additional staff, such as a director of curriculum, representative(s) from the charter management organization (CMO), if applicable, and/or consultants or coaches who have a critical support role with the school. Board members may also attend these meetings; however, bear in mind that the renewal process does include an independently scheduled board (or Board chair) interview. The leadership meeting is usually longer on Day 1 but OSDCP may request an additional morning meeting with the leadership team on Day 2 depending on the progress of the Day 1 visit.

Similar to Annual Comprehensive Review visits, teachers should be made available to meet with the renewal visit team during individual or small group interviews (not more than 3 teachers per group). OSDCP requests to meet with a range of teachers from different grade levels, different subject areas, and with a range of experience / years at the school. OSDCP will also meet with the school's operations team

and may request separate meetings, such as with the school's SPED coordinator or dean of students. These details will be discussed during the pre-visit phone call with the visit lead.

In addition to teacher interviews, OSDCP also asks to schedule time for student interviews during the renewal visits. These can occur during students' lunch/recess periods or at any other time of the day that is least disruptive for students. OSDCP requests to meet with a range of students from different grade levels and who have spent different amounts of time at the school. Students' anonymity will be preserved and no student observations will be identified by name either in the renewal report or during debrief meetings with the leadership team.

The protocol for classroom observations is similar to the guidelines for Annual Comprehensive Review visit observations, but these visits are generally longer in duration (15-20 minutes, although this may vary depending on the specific lesson and activity that students are completing). Schools should have a member of the instructional leadership team available to accompany OSDCP team members on all classroom visits and debrief each observation afterward. The OSDCP visit lead will review expectations for these observations with the school leader prior to the visit.

School leaders should make teachers and assistants aware that their classrooms may be visited for longer periods of time than on previous visits. Review team members may review student work, lesson plans, rubrics, and other documentation present in the classroom during time slated for observations. Teachers do not need to be available to speak with the visit team during classroom observations.

School leaders should also make teachers aware that the renewal visit is an evaluation of the school, not of individuals, and not of individual teachers' practices. Reviewers do not provide feedback to teachers. Renewal visit team members may speak with students while they are observing a lesson. Teachers should make students aware of this possibility. The renewal report will not include names, and will make a concerted effort to protect the anonymity of all teachers and students observed.

At the end of each day, the OSDCP visit team will reconvene with school leadership for a debrief meeting. On Day 1, this debrief meeting is generally short and consists of a summary of what was observed and any additional requests for Day 2 (e.g. documentation to review, particular subjects or grade levels in which OSDCP would like to do additional observations, elements of the schedule that need to be adjusted). On Day 2, the visit team will provide a debrief that includes a discussion of next steps.

Documentation for Renewal Visit

Schools are not required to submit any additional documentation for the renewal visit beyond that which is required for the renewal application. OSDCP reserves the right to request specific updated or additional documentation as necessary.

Other Renewal Documentation

The following is a list of possible documentation to be reviewed during the renewal visit. While the team will be looking at various documents, the school should not prepare any additional binders of information specifically for the visit. If the team reviews documents other than those listed, they will do so where the documents reside within the school site.

- ☐ Curricular maps/pacing guides – explanation of academic program
- ☐ Lesson plans
- ☐ Professional development plans and schedules
- ☐ Program information for special needs students
- ☐ ELL program information
- ☐ Admission and Attendance policies

- ☐ Discipline policy
- ☐ Faculty meeting minutes
- ☐ Staff and/or Student/Family Handbooks
- ☐ Recent parent newsletters
- ☐ Explanation of internal assessment program and any relevant samples
- ☐ Student performance data
- ☐ Board minutes
- ☐ Audited financial statements
- ☐ Current building safety documents
- ☐ Staff evaluation tools and documents
- ☐ Attendance, attrition, and waitlist data

Visit Schedule

The visit schedule for any given school is dependent on their individual school schedules, the availability of staff to speak with renewal visit team members, and other school-specific variables. In general, schools should expect to build in time for the following:

- Meeting with school leadership team at the beginning of the visit
- Extensive classroom observations, accompanied by member of instructional leadership team
- Individual or small group teacher interviews in small groups of 2-3 teachers (mixed subjects / years of experience)
- Student interviews (mixed grades)
- Interviews with members of school administration (e.g. operations team, SPED/ELL coordinator, deans of school culture)
- Debrief meetings at the end of each visit day

Again, the OSDCP visit lead will reach out to the school to confirm details of the visit and build a schedule for each day.

The renewal visit team will meet at the end of each day to discuss preliminary findings and prepare for the following day, and will then debrief with the school leadership team. As discussed above, the debrief on Day 2 will be longer and will provide an opportunity for the review team to discuss the school's performance across the four essential questions of the NYC DOE OSDCP Accountability Framework.

Renewal Hearing

The renewal hearing is another important part of the renewal process. OSDCP staff will contact the school to schedule a public hearing at the school. Public notice should be distributed at least two weeks before the hearing is conducted. The school is responsible for:

- confirming the hearing date, time, and location (if not at the school) with OSDCP,
- securing an extended use permit and translation services (if needed),
- translating the notice and providing minimally the Spanish translation to OSDCP,
- backpacking the hearing notice,
- informing staff of the hearing,
- posting hearing notice in the school and on the school website, and
- providing a school representative for the hearing.

OSDCP will create the hearing notice; distribute the public hearing notice to DOE Communications, Office of Public Affairs, Division of Family and Community Engagement, and Community Education Councils;

facilitate the hearing, including materials; and post the hearing notice on the DOE website. OSDCP will consider community feedback from the renewal hearing as one piece of evidence in making the renewal recommendation.

Renewal Outcomes

After the OSDCP renewal site visit, the OSDCP team will release a draft report of their findings from the visit. These reports may include evidence from classroom observations, leadership interviews, assessment results, School Survey results, public hearings and other community feedback, as well as a variety of other data. Schools will be given the opportunity to correct factual errors in the report. If the OSDCP renewal team determines that renewal is not warranted, the school will be informed in writing of the reasons for the non-renewal. If OSDCP approves the renewal application and the Chancellor recommends renewal for the school, prior to the school's charter expiration date, OSDCP will send their renewal report and recommendation along with the school's renewal application and other supporting evidence to the Board of Regents for its approval.

The OSDCP team may recommend three potential outcomes for charter schools applying for renewal: full-term renewal (with or without conditions), short-term renewal with conditions, or non-renewal. More information on each type of renewal is below.

Full-Term Renewal, With or Without Conditions

In cases where a school has demonstrated exceptional results with its students, a five-year renewal will be granted. A school must show that its program has clearly and consistently demonstrated high academic attainment and/or consistent and significant student academic progress, has met the majority of its charter goals, has demonstrated financial stability, has demonstrated operational viability, has attained sufficient board capacity, and has an educationally sound learning environment in order to gain this type of renewal.

Short Term Renewal with Conditions

In cases where a school is up for renewal of its initial charter and has two years or fewer of state-assessment results, or where any school has demonstrated mixed academic results or has uncertain organizational or financial viability, a short-term renewal with conditions may be considered.

Non-Renewal

Renewal is not automatic. Schools that have not demonstrated significant progress or high levels of student achievement and/or are in violation of their charter will not be renewed.

Grade Expansions or Enrollment Changes

A school should seek material charter revisions as part of the renewal process. In the case of a grade expansion or change in authorized enrollment, these material charter revisions are considered separately from the charter renewal. Charter renewal, with or without conditions, is not a guarantee of approval for a proposed material charter revision.

Required Public Postings

Section 104 of the Open Meetings Law requires public bodies to give notice of all public meetings: to news media, by conspicuously posting in one or more designated public locations and by posting on the school's website when the school has the ability to do so. Additionally, Section 103 of the Open meetings Law requires that all documents subject to FOIL, as per Article 6 of the Public Officers law, to be discussed during a board meeting, or any other public meeting, be **made available upon request prior to or at the meeting.** This means that many documents that could be discussed in a board meeting including, but not limited to, agendas, meeting minutes, financial statements, school policies, etc. **must be made available.** Please note that the opinion of the Committee on Open Government is that "Optimally, the record will be made available online; if that cannot be done, the record can be made available in paper form in response to a request." This law not only applies to board meetings, but any public meeting that the school holds. For more information, please visit http://www.dos.ny.gov/coog/RecordsDiscussedatMeetings.html.

> **§104 Open Meetings Law**
> 1. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least seventy-two hours before such meeting.
> 2. Public notice of the time and place of every other meeting shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto.
> 3. The public notice provided for by this section shall not be construed to require publication as a legal notice.
> 4. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.
> 5. When a public body has the ability to do so, notice of the time and place of a meeting given in accordance with subdivision one or two of this section, shall also be conspicuously posted on the public body's internet website.

In addition, New York State statute requires that the following documents be posted and regularly updated as applicable on school's websites:

- **2013-14 NYSED Annual report** (with Board member personal contact information redacted)[6]
- **Audited financial statements**[7]

[6] NYS Charter School Law
[7] NYS Charter School Law

Notices of Concern, Deficiency, and Oversight Status

Based on the outcomes of routine oversight activities including school visits, documentation collected, or other data points (e.g. audits, complaints, investigations), schools may be placed on notice to indicate an official concern about a school's performance or operations. Reasons may be related to the school's academic performance, fiscal/operational viability, and/or compliance with its charter and applicable laws. The status of oversight may be posted publicly and the associated notices may also be made publicly available.

The chart below outlines the different types of notices that OSDCP may issue to schools based on the severity of the offense, and the possible outcomes/consequences of each type of notice.

* Please note that the statuses outlined in the table below are not in any order of progression. OSDCP reserves the right to place schools at any status level at any time. For example, a Notice of Concern may be elevated to a Notice of Probation or a school may receive a Notice of Probation without receiving earlier notices, based on the severity of the offense. OSDCP also reserves the right to determine what steps schools need to take in order to resolve the identified issue.

The New York State Charter Schools Act ("the Act") states the following regarding the revocation of a school's charter:

> **§ 2855. Causes for revocation or termination**
> 1. The charter entity, or 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.

Status*	Possible Triggers	Possible Outcomes / Consequences
Notice of Concern	Evidence of weak performance or lack of appropriate fiscal/operational oversight	Letter to the Board Chair and School Leader detailing areas of concern and expected action(s)

Status*	Possible Triggers	Possible Outcomes / Consequences
Notice of Deficiency	Failure to meet performance targets Failure to meet enrollment and retention targets Failure to comply with applicable laws Failure to comply with conditions of the charter	Letter to the Board and School Leader detailing areas of deficiency Depending on the situation, OSDCP may require a response letter from the Board and School Leader, outlining steps and timeline for correcting the identified deficiency(ies)
Notice of Probation	Serious violation of the law Material and substantial violation of the charter, including fiscal mismanagement Academic performance has violated or risks violating the standards set forth in section 2855(1) of the Charter Law	Letter to the Board and School Leader to serve as notification of probationary status and terms of probation Creation of a Remedial Action Plan (RAP), as per Article 56 (with specific improvement objectives and timelines) Board and School Leader to monitor and report on progress against RAP objectives
Notice of Extended Probation	Failure to fully meet the terms outlined in the primary probation notice and/or Remedial Action Plan, despite meaningful and timely progress Extra time frame needed to evaluate the effect of changes made	Letter to the Board and School Leader to serve as notification of extended probationary status and terms of extended probation OSDCP to review and modify RAP, when necessary
Notice of Intent to Revoke	Serious violation of the law Material and substantial violation of the charter, including fiscal mismanagement Academic performance has violated or risks violating the standards set forth in section 2855(1) of the Charter Law Finding by OSDCP that probationary status would not be the appropriate intervention for the school *or* Violation of the terms and conditions of probation or Remedial Action Plan	Notice stating reasons for proposed revocation to Board and School Leader at least 30 days prior to the effective date of the proposed revocation. Opportunity for the school to be heard in response to the notice and at least 30 days to correct the problems associated with the proposed revocation Recommendation to Chancellor to revoke/not revoke
Notice of Revocation	OSDCP office reviews results in recommendation to revoke	OSDCP recommendation to the Chancellor to revoke/not revoke based on information in Notice of Intent to Revoke, any response from the charter school, and information regarding school's action plan to correct Chancellor's decision to revoke charter Letter stating reasons for revocation to Board and School Leader

Charter Revisions

Charter schools seeking to make changes to the programs, policies, and procedures outlined in their charters are required to request a charter revision from their authorizer and to receive approval before those changes may be implemented at the school. These revisions may be material or non-material in nature. Please see below guidance for more information on differentiating between a material and non-material change, and on the proper process for submitting each type of revision request.

Material vs. Non-material Revisions

Some changes to a charter are considered material in nature; these changes require initial approval from the NYC DOE OSDCP, as well as subsequent approval from the Board of Regents through a vote at one of its monthly meetings. The schedule of Board of Regents meetings can be found at: http://www.regents.nysed.gov/meetings/dates.html .

Additionally, material charter revisions must be put before the school's community through a public hearing to collect comments regarding the proposed change(s).

Material changes include, but are not limited to:

- Revisions which fundamentally alter a school's mission, vision or educational philosophy
- Significant changes in the organizational or leadership structure of the school
- Changes in the school design and/or educational program that are inconsistent with those in approved charter
- Relocation of the school to a different school district (in NYC this is a change in CSD)
- Contracting with or discontinuing a contract with a management company
- Changing the name of the school
- Increases or decreases in the maximum approved enrollment (enrollment is capped at the maximum or total projected enrollment as in the renewal application)
- Grade configuration or grades served (adding or removing grades)

Non-material changes and revisions that do not fundamentally alter the school's mission, organizational structure, or educational program must still be submitted to, and be approved by, the NYC DOE OSDCP, and then submitted to the Commissioner of Education for consideration and final approval. Non-material changes do not necessitate a public hearing to solicit comment from the school community.

Non-material changes include, but are not limited to:

- Corrections or clarifications involving the school's mission or vision statement or other sections of the charter that do not fundamentally alter a school's mission, vision or educational philosophy and are consistent with the approved charter
- Minor corrections/clarifications to the school's organizational structure or charter
- Changes in the school's bylaws, code of conduct, discipline policy, personnel policy, complaint policy, student/family handbook, or teacher/staff handbook
- Changes in the school's admissions policy or enrollment process
- Changes in the school's schedule (length of school year, school week, or school day)

Revision Request Timeline Constraints

Non-material charter revision requests can be made on a rolling basis; however, stand-alone material charter revisions must be submitted by the NYC DOE OSDCP to the NY Board of Regents (via NYSED) by **December 15 of the academic year prior to when the proposed change will be implemented.** In order

to allow for timely submission to the Board of Regents, review of the revision request and scheduling and conducting the public hearing, **schools must submit material charter revisions to the NYC DOE no later than November 1 for implementation in the next school year.**

Revision Request Process

Despite the parameters outlined above, in practice many charter revision requests straddle the line between material and non-material. Because of this, schools that are considering making a material or non-material revision to their charter should begin by contacting their cohort's Director of Evaluation and Policy to confirm which category the revision falls under.

Once that determination is made, charter revisions follow a clear process:

1. The proposed charter revision is put to a vote during a public Board of Trustees meeting of the charter school. The school's Board votes to approve or deny the proposed revision and records this in its minutes.
2. The school's Board submits the Board-approved charter revision request to the NYC DOE OSDCP with the following components:
    a. A **cover letter** that includes the following additional information:
        i. the school name and address;
        ii. the contact person's name, position, telephone number, and email;
        iii. if different, the name and position of the person submitting the revision;
        iv. the date/year the school's charter was initially issued;
        v. the date(s)/year(s) of school's renewal(s); and
        vi. the description of the change(s) being requested (how it differs from the current charter) and rationale for the change.
    b. **Written acknowledgement** (if the submitter is not the Board Chair), a statement signed by the Board Chairperson indicating that the Board of Trustees has authorized the individual to submit the proposed revision on behalf of the Board.
    c. The **Board minutes** that record the approval of the resolution for the revision.
    d. **Revised pages of the current charter**, which show how all affected sections of the current charter will change. Use ~~strikethroughs~~ for deleted text. Use **bold** or *italics* for added text. Submit actual revised pages, <u>not</u> a summation of revised text.
3. **<u>Material Revisions Only</u>**: The school conducts a public hearing in collaboration with the NYC DOE OSDCP. The hearing must be held in the CSD where the school is located, and public notice should be distributed at least two weeks before the hearing is conducted.
    a. The school is responsible for:
        i. confirming the hearing date, time, and location (if not at the school) with OSDCP,
        ii. securing an extended use permit and translation services (if needed),
        iii. translating the notice and providing minimally the Spanish translation to OSDCP,
        iv. backpacking the hearing notice,
        v. informing staff of the hearing,
        vi. posting hearing notice in the school and on the school website, and
        vii. providing a school representative for the hearing.
    b. OSDCP will create the hearing notice; distribute the public hearing notice to DOE Communications, Office of Public Affairs, Division of Family and Community Engagement, and Community Education Councils; facilitate the hearing, including materials; and post the hearing notice on the DOE website.
4. The NYC DOE OSDCP approves or denies the revision request. Notification is sent to the head of the school's Board and the school's leader.
5. If the request is approved, the NYC DOE OSDCP sends its approval to the Commissioner of Education and/or the Board of Regents via the State Education Department for consideration and

final approval. The State Education Department will notify the NYC DOE about approval of material charter revision requests.

6. Acknowledgement of the revision is signed by both the school and the NYC DOE and kept on file.

Other Change Notifications

Note that there are several changes to instructional approach, governance policies, leadership/Board composition, and fiscal status, which require charter schools to make notification to their charter authorizer, even if these do not constitute charter revisions, within a strict timeline:

60 days prior to occurrence:

- Change of facility

30 days prior to occurrence:

- Significant change in the Charter School's curriculum or instructional approach
- Change in the Charter School's by-laws
- Change in the Charter School's code of ethics
- Change in management agreement

Within 5 business days of occurrence:

- Addition to or removal of members of the board of trustees
- Hiring or dismissal of the director/principal of the Charter School
- Execution of contracts or incurring of debt in excess of $50,000
- Receipt of a summons and/or complaint in which either the Charter School or any member of the board of trustees (acting in his or her capacity as a member of the board of trustees) is named a party to the action or matter

Conclusion

The New York State Charter Schools Act of 1998 granted charter schools more autonomy than traditional public schools over their instructional and operational programs in exchange for increased accountability. The NYC DOE OSDCP team is dedicated to meeting this challenge by respecting charters' autonomy while simultaneously holding Chancellor-authorized schools to meet the high standards expected by charter law and outlined in school charters.

Charter schools commit to meeting the purposes of the Charter Schools Act: improving student learning and achievement, increasing learning opportunities for all students (and especially those students at risk of academic failure), encouraging the use of different and innovative teaching methods, creating new professional opportunities, providing parents and students with expanded choice, and developing a method to change from rule-based to performance-based accountability systems by holding themselves accountable for meeting measurable student achievement results. The OSDCP team takes these responsibilities seriously. OSDCP believes that the renewal process officially begins as soon as a school is granted its charter: schools should always be working to build a strong track record of success and striving to reflect and improve on past successes and failures. Through a comprehensive monitoring system that includes regular visits and documentation review, OSDCP can provide schools with frequent, consistent feedback on the road toward renewal.

If you have questions about any of the information in this document, please contact the Senior Director or Director of Evaluation and Policy for your cohort. We look forward to working with you to increase high-quality school options for students and families in New York City.

Charter School Audit Guide

New York State
Education Department
89 Washington Avenue | Albany | New York | 12234

April 2017

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Planning for 2018

Please submit suggestions for the 2017-18 Audit Guide to the attention of David Frank at CHARTERSCHOOLS@nysed.gov. Items submitted throughout the year will be reviewed in January 2018 by the Audit Guide committee.

What's New in 2017

- SECTION 6 and APPENDIX C: Removal of certificate of occupancy and fire safety inspection documentation from internal control over financial reporting process

What Was New in 2016

- SECTION 4: (New) Accounts Receivable
- SECTION 4: (New) Pensions
- SECTION 4: (New) Investments
- SECTION 4: Clarification Per Pupil Funding
- SECTION 5: Clarification of Education Corporations and Single Audits for Education Corporations that operate more than one charter school
- SECTION 5: Clarification of Related Parties
- SECTION 6: (New) Green Book
- SECTION 7: Clarification of Uniform Guidance (Single Audit)
- SECTION 8: Clarification of CSP Agreed-Upon Procedures requirements when a Single Audit is required for a charter school's first year of operations.
- SECTIONS 6 AND 8 AND APPENDICES B AND G (New) Weighted Lottery information added to Section 6, Section 8, Appendix B and G.
- SECTION 5 DELETION: The following was deleted: Supplementary Information For charter schools operating different grade levels at multiple sites/locations under one charter, for example elementary grades at one site and middle school grades at another, the financial statements should include statements of activities broken down for each site/location as supplementary schedules

Members of the 2017 Audit Guide Committee:

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Introduction

In New York State ("NYS"), charter schools are defined as "independent and autonomous public schools" [Education Law §2853(1)(c)] and are authorized by the New York Charter Schools Act of 1998 (Article 56 of the New York State Education Law, (the" Act")). NYS charter schools are legally organized as not-for-profit education corporations [Education Law §2853(1)] and are subject to the terms of a contractual agreement, or charter, between the school and the chartering entity which approved the school's application for a charter. Charter schools are non-sectarian, tuition-free, open to all students residing in NYS, governed by the school's own self-selecting board of trustees, and independent of existing school districts.

The Act authorizes several entities as "chartering entities" or "authorizers" that can receive and approve applications for charters and then conduct oversight and evaluation of the charter schools that the entity has approved. Prior to 2010, the Act authorized the NYS Board of Regents and the Board of Trustees of the State University of New York ("SUNY") as statewide chartering entities and all local boards of education as chartering entities for their respective school districts [§2851(3)]. Amendments to the Act in 2010 removed the authority of local boards of education to approve applications for new charters although those boards remain the chartering entities for any charter schools they had previously authorized (only the New York City Chancellor, on behalf of the New York City Department of Education ("NYCDOE") and the Buffalo Board of Education have exercised the option to approve charter schools in their districts). All applications for new charters must now be submitted to either the NYS Board of Regents or the SUNY Board of Trustees. In addition, local boards of education continue to have the authority to approve applications for the conversion of existing public schools to charter schools within their respective school districts.

About the Guide

The New York Charter Schools Act requires that a charter school shall be subject to the financial audits, the audit procedures, and the audit requirements set forth in its charter. Such procedures and standards shall be applied consistent with Generally Accepted Auditing Standards ("GAAS") and Generally Accepted Government Auditing Standards ("GAGAS"). Independent audits of financial statements shall be required at least once annually. Such audits are required to be comparable in scope to those required of other public schools, keeping in mind that charter schools are required to follow the accounting standards set by the Financial Accounting Standards Board ("FASB") and school districts are required to follow the accounting standards set by the Government Accounting Standards Board ("GASB").

This Audit Guide (the "Guide") was developed to provide assistance to auditors of charter schools authorized by NYS Board of Regents as well as for any charter school receiving Federal Charter School Program ("CSP") funds through the NYS Education Department ("NYSED") (see Section 8 and Appendix B of this Guide). This guidance is focused on helping auditors understand the differences between charter schools and other non-profit entities, as well as providing specific guidance to the auditor and charter school management about the form and content of reports and testing required by NYSED and NYS law for Regents-authorized charter schools. Other charter entities are encouraged to adopt the Guide as they see fit.

Charter school officials are encouraged to read the Guide in order to understand the areas their independent auditor will be focusing on in addition to routine financial matters. **THE AUDITOR SHOULD NOT CONSIDER THIS DOCUMENT TO BE ALL-INCLUSIVE OR A SUBSTITUTE FOR PROFESSIONAL JUDGEMENT. FURTHERMORE, THE AUDITOR CLEARLY NEEDS TO FOLLOW PROFESSIONAL STANDARDS THAT ARE REFERENCED BUT NOT REPEATED AS PART OF THIS DOCUMENT.**

NYSED would like to acknowledge the assistance of the staff of the NYCDOE, the SUNY Charter Schools Institute, school officials, and several audit practitioners in preparing this document. Comments or questions regarding this Guide should be directed to the NYSED Charter School Office.

Authoritative Nature

Charter schools authorized by the NYS Board of Regents are required, under the terms of their charter agreement with the Regents, to follow the audit requirements set forth by NYSED. This Guide was written to provide standardized guidance to auditors of Regents-authorized charter schools to ensure that audits of those schools are performed in accordance with the charter agreement requirements. Any charter school, regardless of authorizer, currently receiving funding through the NYSED CSP grant is required to adhere to the terms of the Agreed-Upon Procedures ("AUP") Report on CSP funds as described in Section 8 and Appendix B of the Guide.

Background

This Guide was developed by NYSED in response to a variety of factors that affect charter schools in NYS:

- The statutory increase in the "cap" on the number of charters that can be issued to charter schools to 460
- The award of $697 million under "Race to the Top" funding to NYS from the U.S. Department of Education
- The award of a $113 million Charter School Program ("CSP") grant to NYS from the U.S. Department of Education
- Differences found in audit quality and auditor understanding of the charter school environment

NYSED's responsibilities for monitoring the use of public funds, including the CSP grant, necessitate a very high level of audit quality. This Guide is intended to enhance the auditor's understanding of the requirements for charter schools, detail certain specific procedures required by NYSED, standardize reporting of audit results and findings, and provide guidance on matters specific to charter schools in NYS.

As a pass-through entity, NYSED is responsible for monitoring the proper use of funds and compliance with CSP grant requirements by each school awarded funds under this grant. NYSED has determined that the most efficient method of monitoring grant compliance in this area is to allow each charter school's independent auditor, who is already reviewing records of the charter school, to perform additional procedures as part of the audit and to issue a separate report on those procedures. See Section 8 and Appendix B for further information on this requirement.

Section 1: Audit Requirements and Deadlines

In accordance with the charter school's charter agreement, the charter school shall retain an independent Certified Public Accountant ("CPA"), licensed in New York State, to perform an audit of the charter school's annual financial statements in accordance with GAAS and GAGAS issued by the Comptroller General of the United States as well as any additional requirements and guidelines provided by the Board of Regents.

<u>Auditor's Reports</u>

Some, and possibly all, of the following reports, prepared by the charter school's independent CPA will be necessary for a charter school and are covered in this Guide:

A. Agreed-upon Procedures Report on Initial Statement of Controls
B. Opinion on Audited Financial Statements
C. Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards (the "Yellow Book" Report)
D. Agreed-upon Procedures Report on Charter School Program (CSP) Grant
E. Report on Compliance for Each Major Federal Program; Report on Internal Control Over Compliance; and Report on the Schedule of Expenditures of Federal Awards Required by OMB Uniform Guidelines (the "Single Audit Report")

Deadlines

The Agreed-Upon Procedures report on the Initial Statement of Controls is due no later than forty-five days (45) after the commencement of the Agreed-Upon Procedures engagement. The engagement shall commence within sixty (60) days after the date on which the charter school has received and disbursed more than $50,000 in monies received from payments from school districts, under §2856 of the Education Law, or from grants or other revenue sources.

The audited financial statements must be submitted to NYSED by **November 1** of each fiscal year after the conclusion of the charter school's first year of providing instruction to students. The audit must include a management letter, if applicable, and other reports required by GAGAS. The charter school must submit the management letter along with a corrective action plan addressing any weaknesses or problems identified in the report. No extensions are available.

If the charter school expends $750,000 or more in federal funds during the fiscal year, an independent audit as prescribed in the Federal Office of Management and Uniform Guidelines must also be completed and filed with the federal government and NYSED by **November 1**. (See further details on OMB's Uniform Guidelines (Single Audits) in Section 7.) NYSED can approve an extension of the deadline for completion of the Single Audit no later than the federal due date of 9 months after year-end, i.e., March 31 of the following year.

The Agreed-Upon Procedures report on the CSP grant must be submitted to NYSED by **November 1** of each year it is required.

Section 2: Auditor Requirements

An audit in accordance with GAGAS requires the auditor to comply with more stringent independence standards, Continuing Professional Education ("CPE") and peer review requirements, and perform additional procedures beyond those performed in an audit under GAAS. A separate report on internal control over financial reporting and on compliance and other matters based on an audit of financial statements performed in accordance with Government Auditing Standards (the "Yellow Book" report) is issued to provide school management and those charged with school governance with the results of the additional procedures. Full details of Generally Accepted Government Auditing Standards and the most recent version of GAGAS are available on the Government Accountability Office ("GAO") website at http://www.gao.gov/yellowbook.

Independence

Audits performed in accordance with GAGAS require the auditor to comply with additional guidelines governing independence and require documentation of the consideration of any threats to independence. The Governmental Audit Quality Center ("GAQC") of the American Institute of Certified Public Accountants ("AICPA") has prepared a comparison of the differences between the AICPA and the Yellow Book or GAGAS independence rules for non-audit services. This comparison is available on the GAQC website (to GAQC members and non-members) at http://www.aicpa.org/InterestAreas/ProfessionalEthics/Resources/Tools/DownloadableDocuments/2012MayAICPAGAOComparision.pdf

Continuing Professional Education ("CPE")

Audits performed in accordance with GAGAS require the auditor to obtain CPE that directly relates to government auditing, the government environment, or the specific and unique environment in which the audited entity operates. Auditors performing work in accordance with GAGAS, including planning, directing, performing audit procedures, or reporting on an audit conducted in accordance with GAGAS, are required to obtain at least 24 hours of CPE every two years that meet the requirements above. Auditors who are involved in any amount of planning, directing, or reporting on GAGAS audits and auditors who are not involved in those activities but charge 20 percent or more of their time

annually to GAGAS audits should also obtain at least an additional 56 hours of CPE (for a total of 80 hours of CPE in every 2-year period) that enhances the auditor's professional proficiency to perform audits. Auditors required to take the total 80 hours of CPE should complete at least 20 hours of CPE in each year of the 2-year period. Auditors hired or initially assigned to GAGAS audits after the beginning of an audit organization's two-year CPE period should complete a prorated number of CPE hours.

Peer Review

Audit firms performing audits under GAGAS are required to have an external peer review, performed by reviewers independent of the audit organization being reviewed, at least once every three years.

Section 3: Initial Statement of Controls

Initial Statement of Controls ("Initial Statement") and Agreed Upon Procedures Report on the Initial Statement

In accordance with section 5.1 of a school's charter, NYSED requires the charter school to provide an Initial Statement to NYSED concerning the status of management and financial controls no later than one hundred-twenty (120) days from the date the charter was issued by the Board of Regents. The Initial Statement must address whether the charter school has documented adequate controls and implemented them, when applicable, relating to:

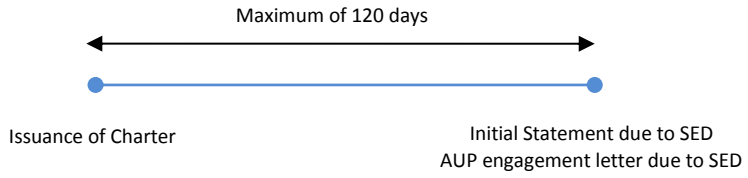
1. preparing and maintaining financial statements and records in accordance with Generally Accepted Accounting Principles ("GAAP");
2. payroll procedures;
3. accounting for contributions and grants;
4. procedures for the creation and review of interim and annual financial statements, which procedures shall specifically identify the individual(s) who will be responsible for preparing and reviewing such financial statements and ensure that such statements contain valid and reliable data;
5. existence of appropriate internal financial controls and procedures;
6. safeguarding of assets including cash and equipment;
7. compliance with applicable laws and regulations;
8. ensuring that the purchasing process results in the acquisition of necessary goods and services at the best price;
9. following appropriate guidance relating to budget development and administration; and
10. following appropriate guidance relating to a code of ethics and cash management and investments.

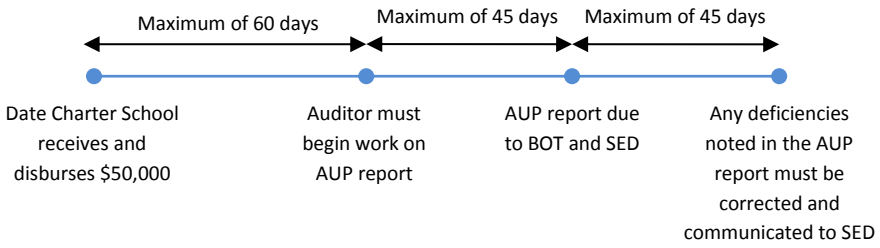
The Initial Statement shall be reviewed and ratified by the charter school's board of trustees prior to its submission to NYSED.

After completing the initial statement of internal controls, the charter school shall thereafter retain an independent CPA licensed in New York State to perform an agreed-upon procedures engagement (the "Independent Accountant's Report") in accordance with attestation standards established by the AICPA. The purpose of the engagement will be to assist the school's board of trustees and NYSED in evaluating the Initial Statement and the procedures, policies and practices established thereunder. The engagement shall commence within sixty (60) days after the date on which the charter school has received and disbursed more than $50,000 in monies received from payments from school districts, under §2856 of the Education Law, or from grants or other revenue sources. NYSED has set forth a standard format for the Independent Accountant's Report as shown in Appendix A.

The resulting Independent Accountant's Report should be provided to the school's board of trustees no later than forty-five days (45) after the commencement of such engagement with a copy to NYSED. In the event that the Independent Accountant's Report reveals that any of the above management and financial controls (subparagraphs (a) – (i) of this section) are not in place, the charter school shall remedy such deficiencies no later than forty-five (45) days from the date the Independent Accountant's Report was received by the board of trustees and shall provide to NYSED within that forty-five (45) day period a statement that all deficiencies identified in the Independent Accountant's Report have been corrected, including the date they were corrected and who was responsible for implementing the corrections. Such statement shall identify the steps undertaken to correct the identified deficiencies. NYSED may require additional evidence to verify the correction of all such deficiencies. All documents required to be submitted pursuant to this paragraph shall be submitted electronically in accordance with guidance provided by NYSED.

Timeline of Initial Statement of Controls and Related Reports





Section 4: Auditing Charter School Financial Statements

All charter school audits shall be conducted in accordance with GAAS issued by the AICPA and GAGAS issued by the Comptroller General of the United States. The procedures included in the Guide offer additional best practices to provide assistance for independent certified public accountants conducting an audit of a public charter school to ensure that the charter school's financial statements are presented fairly in all material respects. **THE PROCEDURES SHOULD BE VIEWED AS ADDITIONAL PROCEDURES UNIQUE TO CHARTER SCHOOLS AND SHOULD BE CONSIDERED IN ADDITION TO THE AUDIT REQUIREMENTS REQUIRED UNDER GAAS AND GAGAS.**

Cash

As part of the charter agreement, charter schools agree to establish an escrow account of no less than a set dollar amount as determined by NYSED. This amount is established to pay for legal and audit expenses that would be associated with a dissolution should it occur. The auditor should verify that the escrow account has been established and that it is funded at a minimum of the level established in Section 8.5 of the charter school's charter agreement.

Accounts Receivable

In planning and performance of an audit the auditor should consider use of confirmations of accounts receivable balances. AICPA Statement on Auditing Standards AU Section 330 *The Confirmation Process* requires that the auditor use external confirmation procedures for accounts receivable unless: the overall account balance is immaterial, external confirmations would be ineffective, or the auditor's assessed level of risk of material misstatement at the relevant assertion level is low.

Further guidance of confirmations can be found within AICPA Statement on Auditing Standards AU Section 326 *Audit Evidence* and AU section 505 *External Confirmation* at
http://www.aicpa.org/Research/Standards/AuditAttest/Pages/clarifiedSAS.aspx

A charter school's primary receivable source is from public funding of basic school tuition due from the school district of residence of the students attending the charter school. Other sources of receivables are, but not limited to, food service through USDA, E-Rate, or federal/state grants (see section 7). See Appendix H for example confirmation that could be used for per-pupil aid receivables from resident districts.

Food service receivable and revenues, if applicable to the charter school, can be obtained through the NYSED Child Nutrition Management System at http://portal.nysed.gov/pls/cn_port/cn8200$.startup. The auditor should consider obtaining this free public information to confirm revenue and receivables. The auditor will need the SFA Name and LEA Code to look up the charter school reports that are available to the public (if you click "find" within the search window, a list of all NYS schools will display). The information can be used to verify existence and completeness of the account balances.

Accrued Payroll and Benefits

Accrued payroll for a charter school is unique from other not-for-profit organizations as the teachers and many other staff members are 1- or 11-month employees versus typical 12-month employees at other organizations. Auditors must take into consideration that this expense should be fully accrued as of June 30, even if the teachers are being paid over the summer months, if their services have been completed as of June 30. Be aware of the timeframe of teacher contracts. Some contracts may cover the period from July 1 to June 30; therefore, the summer months pay should not

be accrued as of June 30. In addition, auditors should consider whether other related expenses such as 401(k) contributions, taxes, and other benefits are expensed over the appropriate period.

Pension

As guidance for multiple employer pension plans in the accounting standards set by FASB is not specific, the disclosures are subject to judgment as to what is informative and valuable to the user of the financial statements. We suggest, at a minimum, the following disclosures be made:

- Plan description
- Plan benefits
- Contribution requirements – employees
- Contribution requirements – employer
- Pension expense recognized for period(s) presented

As charter schools are legally organized as not-for-profit education corporations, and they are required to follow the accounting standards set by FASB, GASB Statement No. 68, Accounting and Financial Reporting for Pensions (GASB 68) does not specifically apply. However, information could be included if deemed to be of significance to the users of the financial statements. Those disclosures include:

- Funded status of the plan
- School's allocable % of asset/liability
- Plan investment asset allocation
- Actuarial assumptions
- Discount rate

Investments

Currently, there are no laws or regulations that govern the ability of a charter school to hold investments. The board of trustees of the charter school have the ultimate fiduciary responsibility and should have an approved investment policy that is authorized by the board and included within the board minutes. It is best practice to review this policy regularly and notation of the review should be included in the board minutes, as well.

If the school holds institutional funds or donor restricted funds, at a minimum, the school should be following the provisions and rules enacted in the September 2010 New York Prudent Management of Institutional Funds Act (NYPMIFA) concerning the expenditure of charitable endowment funds. A guide and information on NYPMIFA can be found at New York State Attorney General's Charities Bureau.

The auditor should inquire whether an investment policy exists and if the charter school is performing its fiduciary responsibility to oversee the investments. The auditor should obtain the investment policy, verify if it is being followed as outlined and whether it is comprehensive to address fiduciary responsibility. Potential areas to review for inclusion are: investment philosophy, investment objectives, management (internal or external advisor), risk tolerances, time horizons, allowable or unallowable investment holdings, and portfolio allocations.

Per-Pupil Funding

Charter schools receive public funding based on the number of students the charter school serves and the basic charter school tuition rate for the school district of residence of the students attending the charter school. Calculations must be made of the number of full-time equivalent ("FTE") students from each district of residence. Therefore, it is expected that testing of the revenue associated with student FTEs will comprise a substantial portion of the audit. This testing is generally broken down into two parts:

1. Testing of student existence/enrollment and verification of attendance
2. Verification of funding rate per student (determined by the student's resident district)

Student existence testing

The auditor should test that the school's internal reporting system reconciles to the full time equivalent roster. The auditor has two methods of testing existence: (1) through sending confirmations to districts of residence to confirm FTE and per-pupil aid (see Appendix H (for example confirmation) or (2) selecting a sample of students from the full time equivalent roster or similar document and test for proof of existence by looking through student files. Auditors should also verify the reported dates per the FTE report through review of attendance records, especially for any students who have transferred in or out during the year. Auditors can also consider whether report cards or other evidence of student enrollment for the year can provide the documentation needed. The auditor should also test to be sure the student has valid proof of residency, by looking at documents such as a lease or utility bill, and that the proper district is being billed for the services.

Consideration for Special Education ("SPED") students

All students who are identified to need special education services have an Individualized Education Program ("IEP"), formalized for his or her unique needs. Based on this IEP, the student is categorized into one of three levels of service, as defined by §3602(19)(b)(1)-(4) of the Education Law as follows; 0-20% service, 20-60% service, or 60% or more service required. While it is outside the scope of the audit as well as the auditor's expertise to evaluate whether the student has been assessed in the correct tier, auditors should test that the student is being funded at the appropriate level based on the IEP. Although charter schools may provide services to students that go beyond what is required in that student's IEP, it is inappropriate for a charter school to bill for more services than are required under the IEP. The auditor should also test to be sure that the proper district is being billed for the services.

Recalculation of rate

To test the calculation of the core pupil aid received, the auditor should first verify the rate used in the calculation. The charter school basic tuition rate is on the NYSED website at https://stateaid.NYSED.gov/charter under tuition by year. Auditors should verify that the charter school is using the student's resident district rate for the correct school year. Auditors should also verify that the appropriate special education funding rate is used. This rate is determined from historical data by school districts on an annual basis. A spreadsheet to determine the rate can be obtained at https://stateaid.NYSED.gov/speced under Special Education Aid Information.

The auditor should obtain the charter school's FTE reconciliation or equivalent which details all students and attendance dates (date admitted, date discharged, and FTE). The auditor should select a sample of students from this report in which to perform existence testing, as discussed above. The auditor should recalculate the FTE which essentially calculates the number of days attended between admission date and discharge date divided by total length of the school year. There is also an FTE Calculator at https://stateaid.NYSED.gov under State Aid / Attendance and Enrollment / FTE Calculator which can be used to recalculate individual student FTEs. To recalculate the core aid in total, the auditor should multiply the rate by the number of full time equivalents as determined on the FTE reconciliation form or equivalent by the district and compare to the total core pupil aid for the fiscal year being audited.

Auditors should verify that per pupil billing did not exceed the maximum approved enrollment**.** Maximum approved enrollment can be found within the charter agreement. SUNY charter agreements allow school enrollment to go over or under their chartered enrollment by 20%. All charter schools must not bill above maximum approved enrollment.

The auditor should consider vouching payments received from the funding source (the local school district typically received bi-monthly during the school year) to the bank statements. This total should be reconciled to the total core pupil aid for the fiscal year being audited. Included in the reconciliation will be any amounts due from the funding source included in accounts receivable at year end or any amounts payable to the funding source included in accounts payable at year end as amounts are trued up to actual based on actual numbers submitted at year end. This year-end FTE reconciliation will be prepared subsequent to the year-end date. The New York City Department of Education maintains a website (https://vendorportal.nycnet.edu) which provides this information for all NYC charter schools. The auditor should consider requesting this information from the charter school.

Federal Title Grants

Auditors should obtain support for additional funding at https://www.oms.NYSED.gov/cafe/reports. The information is arranged by county and school district/charter school and can be obtained for the prior five years. Available information includes a federal and state grant status report, an agency summary report and a federal allocation report. This information should be reconciled to the amounts recognized on the general ledger for the fiscal year being audited. These grants are cost reimbursement grants and therefore revenue should not be recognized in excess of grant funds expended.

Co-Locations

Many charter schools are co-located, meaning they are allowed by the local school district to use what would be otherwise empty space in its under-utilized buildings. Clearly, these charter schools are at a distinct financial advantage over those charter schools who must maintain their own location. When a charter school is co-located within a local school district building, the charter school is not charged rent but typically has an agreement with the local school district for use of that space. The charter school should disclose in its financial statements any agreement in place with the local school district as well as any rent that is charged, including fees charged for after-school or weekend usage. The charter school's financial statements should also disclose any payments related to utilities and maintenance of these facilities. In addition, the note disclosure should include the square footage of space being used by the charter school.

In some cases, a charter school may be co-located within the same building as another charter school. In this situation, expenses to maintain the facility should be allocated between the two schools. The auditor should review this allocation to determine that the method of allocation appears reasonable, whether it is based on FTE students, square footage, or some other reasonable method of allocation.

Management fees

Many charter schools utilize a third party to provide back office support for the charter school such as hiring, continuing professional development, accounting, or public relations and allow it to take advantage of economies of scale in regard to purchases, etc. These management organizations can either be charter management organizations ("CMOs"), which are non-profit organizations, or education management organizations ("EMOs"), which are for-profit organizations. In either case, these organizations typically charge a management fee for the services provided. As with the majority of long term agreements, the auditor should obtain a copy of the agreement between the charter school and the management organization and verify that the school's authorizer approved the agreement. Auditors should consider the materiality of the expense to determine whether recalculation of the expense is deemed necessary and if disclosure is required in the notes to the financial statements.

Operating Reserves

Auditors should inquire if a school has adopted a policy for operating reserves. If a policy has been adopted the auditor should determine if terms of the policy are appropriate and being followed. To be a viable operating reserve there should be a board approved policy about the purpose and use of operating reserves. The purpose of the policy is to define and set goals for reserve funds, clearly describe authorization for use of reserves and outline requirements for reporting and monitoring.

Fraud Considerations

The Statements on Auditing Standards and related Clarified Statements require that an auditor obtain knowledge about the entity's business and the industry in which it operates. In obtaining this knowledge, information may come to the auditor's attention which should be considered in identifying risks of material misstatement due to fraud. As part of these procedures, the auditor should perform the following:

1. Make inquiries of management and others within the entity to obtain their views about the risks of fraud and how they are being addressed.
2. Consider any unusual or unexpected relationships that have been identified in performing analytical procedures in planning the audit.
3. Consider whether one or more fraud risk factors exist.
4. Consider other information that may be helpful in the identification of risks of material misstatement due to fraud.

The United States Government Accountability Office lists the following conditions that might indicate a heightened risk of fraud which should be considered when identifying potential fraud:

1. Economic, programmatic, or entity operating conditions threaten the entity's financial stability, viability or budget;
2. The nature of the entity's operations provide opportunities to engage in fraud;
3. Management's monitoring of compliance with policies, laws, and regulations is inadequate;
4. The organizational structure is unstable or unnecessarily complex;
5. Communication and/or support for ethical standards by management is lacking;
6. Management is willing to accept unusually high levels of risk in making significant decisions;
7. Operating policies and procedures have not been developed or are outdated;
8. Key documentation is lacking or does not exist;
9. Asset accountability or safeguarding procedures is lacking;
10. Improper payments;
11. False or misleading information;
12. A pattern of large procurements in any budget line with remaining funds at year end, in order to "use up all of the funds available";
13. Unusual patterns and trends in contracting, procurement, acquisition, and other activities of the entity or program.

Auditors should consider the following factors that are common areas of fraud risk in charter schools.

1. Heightened risk of misappropriation of assets due to the high use of credits cards (personal and school issued) by employees of the charter school for charter school expenses. The auditor should be cognizant of this risk and develop audit steps to test appropriateness of expenses, if deemed appropriate. In addition, the auditor should consider additional testing related to expense reimbursements testing for proper approval of expenses and authorized signatures on checks.

2. The auditor should inquire regarding the existence of transactions with related parties and examine Board minutes, agreements, conflict of interest statements from Board of Trustees and key employees and other underlying documents to ascertain whether there are any material related party transactions not being disclosed. The auditor should test any material related party transactions, including transactions with management companies (CMOs and EMOs) and gain an understanding of the business purpose of such transaction and the reasonableness of the value of goods or services being provided. In the event there are transactions with a related party with which a member of the Board of Trustees has a conflict of interest, the Board minutes should be examined to ascertain whether there was a recusal from such Board member in relation to voting on procurement of such goods or services in which the member has a conflict of interest. The auditor should also gain an understanding of purchasing and procurement policies to ascertain dollar thresholds and goods and/or services that are required to be procured through a competitive bidding process.

Section 5: Presentation of Charter School Financial Statements

The charter school shall maintain financial statements that are prepared in accordance with GAAP. All statements required by FASB Accounting Standards Codification ("ASC") 958, *Not-for-Profit Entities*, should be presented including a Statement of Financial Position as of the end of the reporting period, Statement of Activities for the reporting period, and Statement of Cash Flows for the reporting period. In addition, the statements shall include the required note disclosures and a supplemental Schedule of Functional Expenses. The Schedule of Functional Expenses must be in the format provided in Appendix D and subject to the auditing procedures applied in the audit of the financial statements. Such supplemental schedule is not a required part of the financial statements and should be included for the purposes of additional analysis. Alternatively, the Schedule of Functional Expenses can be included as part of the basic financial statements.

Statement of Cash Flow

Beginning with 2014-15 audits, the direct method for the Statement of Cash Flow is strongly encouraged. While the direct and the indirect methods of preparing the statement of cash flow are allowable under accounting standards, the direct method is proposed under the FASB not for profit reporting model.

Schedule of Functional Expenses

The Schedule of Functional Expenses must present the nature of the expenses incurred in each category of program and supporting services reported in the Statement of Activities and follow the format provided in Appendix D. Classifications not applicable to the charter school may be eliminated.

If not otherwise presented, charter schools employing management companies should obtain and provide in note disclosure a breakdown of contracted services in a similar format to the Schedule of Functional Expenses to facilitate comparisons among NYSED-authorized schools.

Note on allocation of expenses: Charter schools must use allocation methods that are fair and reasonable to allocate costs for the Schedule of Functional Expenses. Such allocation methods, as well as the statistical basis used to calculate allocation percentages, should be documented and retained for review upon audit. Salaries of employees who perform tasks for more than one program must be allocated among all programs for which they work. The cost of supplies that are purchased for distribution among multiple programs must be allocated among these programs if direct charges are not possible. Allocation percentages and methodology should be reviewed, at a minimum, on an annual basis by both management and the board of trustees and adjusted as necessary.

Education Corporations

Education Corporations - One School

Upon issuance of a charter by the NYS Board of Regents to a charter school, the charter school is incorporated as an education corporation and is issued a provisional charter/certificate of incorporation (see Education Law Section 2853(1)(a)).

Education Corporations - Multiple Schools

The NYS Charter School statute also permits an education corporation to operate more than one charter school (Education Law Section 2853(1)(b-1)). In those cases, each individual charter school is not a separate education corporation; the entity to which the provisional charter/certificate of incorporation is granted is the governing education corporation with the authority to operate those charter schools for which charter agreements were executed between the education corporation and the authorizer. For education corporations that operate more than one charter school, combining schedules (not consolidated statements) must be issued as supplemental information and provide information by charter.

Education Corporations- Mergers

Mergers of education corporations have an effective date that is the first day of a fiscal year or aligned with a quarterly financial date. The preference is for the effective date to be the first day of a fiscal year. For effective dates that fall on a quarterly date, a full accounting must be maintained for each education corporation on the closing date as individual entities. Beginning with the effective date, combined opening financials must be maintained as the merged education corporation. Financials are required the day prior to the effective date to ensure that everything is accounted for and moved into the merged entity. For education corporations that have merged and operate more than one charter school, combining schedules (not consolidated statements) must be issued as supplemental information and provide information by charter.

OMB Single Audit Clarification for Education Corporations That Operate More Than One Charter School

- If the education corporation has received and passed through to their schools $750,000 or more in federal funds, the Education corporation would be required to have an audit in accordance with the Uniform Grants Guidance.
- Any separate corporation that expends over $750,000 or more in federal funds in total (whether received directly or through a pass-through entity) during the fiscal year would be required to have an audit in accordance with the Uniform Grants Guidance.
- If a consolidated financial statement is being audited (more than one corporation is being consolidated in accordance with GAAP), a consolidated single audit must be conducted if the parent corporation expends $750,000 or more in federal funds.

Related Parties

According to FASB ASC 958-810 *Reporting of Related Entities by Not-for-Profit Organizations*, not-for-profit organizations with a controlling financial interest in another not-for-profit organization through direct or indirect ownership of a majority voting interest in that other not-for-profit organization should consolidate with that other organization, unless control does not rest with the majority owner, in which case consolidation is prohibited. Auditors should consider whether the related party and the charter school have the same board members, overlapping members of management, etc. and whether those charged with governance are similar between the two organizations. Auditors need to also consider whether the entities are operating with a shared economic interest. If the answer is yes, then the related party may need to be consolidated with the charter school for financial statement purposes. When there are consolidated statements, a statement of activities broken down by related parties should be included as supplementary information.

Contributed Goods, Services and Other Assets

Charter schools often receive contributions of cash, other assets, and certain services. Other assets contributed to a charter school may include securities, use of facilities, materials and supplies and curriculum materials. In accordance with FASB ASC 958-605, contributions must be recognized as revenues or gains in the period received and as assets, decreases of liabilities, or expenses depending on the form and type of contribution.

Donated Space in School District Facilities

Many charter schools, especially those located in New York City, are provided space in a building owned by the school district at minimal or no charge to the charter school. The value of this space is often very difficult for the charter school to determine and therefore is often not recorded in the financial statements. In order to aid in comparison of financial statements of district-located and non-district located charter schools, the audited financial statements should include a note disclosure describing the current facility arrangement and if any amount has been recorded in the financial statements for donated district space. The note should include the current square footage in use by the charter school. For charter schools located in shared facilities, appropriate allocations of square footage should be made for shared space such as a gymnasium, cafeteria or auditorium. Allocations should be made based on a reasonable allocation methodology, such as a percentage of each school's enrollment to the total enrollment at the shared facility.

Other Services Provided by a School District

Similar to donated district space as described above, often the local school district will provide transportation or other services, such as food service or special education services, at no cost to the charter school. To the extent which the charter school can determine the value, these items should be recorded in the financial statements as in-kind revenues and expenses. To aid in comparison, charter schools recording values for donated transportation or other district-provided services should disclose the amount recorded or the fact that services were received but the charter school was unable to determine a value.

A sample note disclosure for contributions of space and other services is as follows:
The Charter School is located in a New York City Department of Education facility and utilizes approximately _____ square feet at no charge. In addition, the Charter School received donated transportation, food service and special education services from the local district. The Charter School was unable to determine a value for these services.

Section 6: Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards (the "Yellow Book" Report)

Audits performed under GAGAS require issuance of a separate report on internal control over financial reporting and on compliance with provisions of laws, regulations, contracts, and grant agreements that could have a material effect on the financial statements (the "Yellow Book" report). The Yellow Book report should be issued for any audit performed in accordance with GAGAS, regardless of the results of the audit and whether or not there are any findings to report.

<u>Internal Control over Financial Reporting</u>

The auditor must describe the scope of their consideration of internal control over financial reporting as part of the audit of the financial statements. The auditor need not provide an opinion on internal control over financial reporting. Any material weaknesses or significant deficiencies in internal control over financial reporting identified during the audit, or continuing from a previous year, must be included in the Yellow Book report. These may include lack of controls in place over financial reporting such that significant audit entries were required or concerns regarding segregation of duties.

When deficiencies in internal control that are not significant are not included in the audit report the written communication to those charged with governance **must be referred** to within the Independent Auditor's Report on Internal Controls Over Financial Reporting. Government Auditing Standards under section 7.19 Deficiencies in Internal Control states "…When auditors detect deficiencies in internal control that are not significant to the objectives of the audit but warrant the attention of those charged with governance, they should include those deficiencies either in the report or communicate those deficiencies in writing to audited entity officials. Auditors should refer to that written communication in the audit report if the written communication is separate from the audit report. When auditors detect deficiencies that do warrant the attention of those charged with governance, the determination of whether and how to communicate such deficiencies to audited entity officials is a matter of professional judgment."

Compliance with Provisions of Laws, Regulations, Contracts and Grant Agreements

As part of the financial statement audit, the auditor will determine whether the audited entity is in compliance with material provisions of laws, regulations, contracts and grant agreements that could impact the financial statements. Any evidence of fraud or noncompliance found throughout the audit should be evaluated to determine if a finding is necessary in the Yellow Book report. 'Standards for Internal Control in the Federal Government', known as the Green Book, contains the federal standards for an effective internal control system. Examples of audit findings to be evaluated include:

- Indications of fraud
- Noncompliance with provisions of laws or regulations (such as the charter contract or NYS laws) – **see further detail below**
- Noncompliance with provisions of contracts or grants that could have a material effect on the financial statements (such as federal or foundation grants or contracts)
- Abuse that is material, either quantitatively or qualitatively

Reporting Findings

If, based on the results of the audit and the above guidance, as well as relevant GAGAS standards, the auditor determines that findings should be reported to management and those charged with governance, the auditor should follow the guidance included in GAGAS in developing written communication of the findings. See the flowchart at Appendix F.

Findings should include the following elements:

1. Criteria
2. Condition
3. Cause
4. Effect or Potential Effect
5. Recommendation
6. Management Response

Corrective Action Plan

The auditee's response to the finding(s) should be included in the report, unless the auditee refuses to provide comments or is unable to provide them in a reasonable period of time. The auditee's response should include what actions will be taken to correct the finding, the date the actions were or will be implemented and who is responsible for implementation. If auditee comments are not provided, the auditor should indicate in the report that the auditee did

not provide a response. In addition, the charter school is responsible for providing a copy of the corrective action plan to NYSED along with the audited financial statements and required reports.

Sample Yellow Book reports are included in Appendix E for reference. These reports have been modified to conform to the presentation applicable to charter schools.

Requirements of Laws, Regulations, Contracts and Grant Agreements to be Tested as Part of the Audit

General Requirements as Detailed in the Charter School's Charter Agreement

Each charter school signs a charter agreement between the school and its charter authorizer to establish a charter school under the New York Charter Schools Act of 1998. The auditor should obtain this charter agreement and consider the charter school's compliance with the requirements as established in the agreement. Many of the specific requirements of all schools are discussed in more detail below. Some general requirements include the following:

1. Operate under the mission statement as set forth in the application.
2. Abide by a code of ethics.
3. Establish a board of trustees, which does not consist of teachers, school administrators, school employees, or persons with an interest in a for-profit contract with the charter school, except to the extent permitted by General Municipal Law.
4. Operate monthly board meetings pursuant to the by-laws of the charter school set forth in the application, which shall be in accordance with the Open Meetings Law.
5. Establish, implement and disseminate a school disciplinary code. The student handbook posted to the web should include the school disciplinary code.
6. Obtain authorizer approval for non-material programmatic changes to the operation of the school and/or the charter, and obtain Regents approval for material changes.

The auditor shall obtain the charter agreement and inquire of management if there are policies and procedures in place to ensure the charter school is abiding by the requirements established in the charter agreement. If the auditor determines that the charter school is not in compliance with these requirements, the auditor should consider including such a finding in the Yellow Book report and the communication to those charged with governance.

Age, Grade Range, Number of Students

In the charter school application, the charter school is required to establish grade levels and enrollment goals. As defined by the charter school's charter agreement and the sample charter available from New York State, the charter school must make all reasonable efforts to recruit students but is allowed to enroll a lesser or greater number of students in each grade or from one year to the next without being deemed in material breach of the charter as long as enrollment variation does not substantially alter the charter school's educational design as described in the application. However, the charter school must obtain written approval from its authorizer prior to the following:

1. Enrolling any student, who, if enrolled, would cause the charter school's enrollment to exceed the total maximum enrollment of the charter school as set forth in the application for the charter.
2. Commencing or continuing instruction where the total number of students enrolled is less than eighty-five percent (85%) of the projected enrollment for a given year as set forth in the application or if the total enrollment is less than fifty (50) students.

The charter school should demonstrate good-faith efforts to attract and retain a comparable or greater enrollment of students with disabilities, English language learners and students eligible for free or reduced-price lunch when compared

to the enrollment figure for such students in the school district in which the charter school is located [§2854(2)(a)]. See guidance on enrollment and retention targets at http://www.p12.nysed.gov/psc/enrollment-retention-targets.html.

Lottery system

In accordance with Section 2854(2) of the Education Law, charter schools must enroll each eligible student who submits a timely application by the first day of April each year, unless the number of applications exceeds the capacity of the grade level or building. In such cases, students shall be accepted from among applicants by a random selection process, i.e., a lottery.

When a lottery is conducted, the school is required to provide an enrollment preference to pupils returning to the charter school in the second or any subsequent year of operation, pupils residing in the school district in which the charter school is located, and siblings of pupils already enrolled in the charter school. In conducting its lottery, a charter school may not discriminate on the basis of ethnicity, national origin, gender, or disability or any other ground that would be unlawful if done by a traditional public school. Likewise, admission of students shall not be limited on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry. However, the Education Law permits the establishment of a single-sex charter school or a charter school designed to provide expanded learning opportunities for students at-risk of academic failure or students with disabilities and English language learners.

The commissioner has established regulations detailing the requirements of the charter school lottery process. *See, 8 NYCRR 119.5*. The independent auditor should obtain a copy of the charter school's approved lottery procedures, and should review documentation evidencing the school's actual lottery process to ensure that it complies with the approved procedures and all applicable laws and regulations. If the auditor finds that the charter school has not developed adequate procedures, or believes the procedures in place are not being followed or are unlawful, the auditor should consider observing the next live lottery or comparing the applications received with the applications selected in the lottery. See Appendix G for procedures to consider during a live lottery observation. If there is concern regarding a school's lottery procedures, the auditor should also consider including such a finding in the Yellow Book report and in a communication to those charged with governance.

Weighted Lottery

Charter schools receiving CSP funds are allowed to weight their lotteries to favor a specific at-risk student subgroup. Schools receiving CSP funds must request permission from the NYSED Charter School Office to conduct a weighted lottery, regardless of authorizer.

Schools receiving CSP funds must use the NYSED Weighted Lottery Generator (WLG), for the purpose of weighting for an at-risk subgroup, and must retain a copy of the lottery PDF. This PDF is generated after the WLG process is complete. See Appendix G for guidance on using the NYSED WLG. This information can also be found at http://www.p12.nysed.gov/psc/documents/WeightedLotteryGuidance.pdf .

Hiring Procedures of the School

According to §2854 (3)(a-2) of the Education Law, the board of trustees of a charter school shall require, for purposes of a criminal history record check, the fingerprinting of all prospective employees as well as consent to a criminal history records search. Results from fingerprint checks must be obtained to ensure clearance for employment. In addition, the employee responsible for obtaining background checks on prospective employees should not perform his/her own background check. The auditor should ensure that this policy is in place at the charter school and is being followed for all potential employees of the charter school. The auditor should consider testing that this evidence is obtained in conjunction with other payroll testing done as part of the audit. If these procedures are not in place or not being

followed, the auditor should include such a finding in the Yellow Book report and the communication to those charged with governance.

Insurance Coverage

According to §2851(2)(o) of the Education Law, the charter school shall obtain insurance which shall include adequate insurance for liability, property loss and personal injury of students. The auditor should obtain evidence that such insurance is in place.

Section 7: OMB Uniform Guidance (Single Audits)

A charter school that expends $750,000 or more in federal awards during the fiscal year must have a single audit conducted for that year in accordance with the provisions of Uniform Guidance and GAGAS. The single audit must be submitted to the federal government and NYSED. Federal awards are subject to a single audit whether expended as a direct recipient or a subrecipient. Payments received for goods or services provided as a contractor are not considered federal awards. Subrecipient and contractor determinations set forth the considerations used to determine whether payments are considered federal awards or a payment for contractor goods or services.

Characteristics which support the classification of the entity as a subrecipient or a contractor are as follows:

Subrecipient: (1) Determines who is eligible to receive what federal assistance; (2) Has its performance measured in relation to whether objectives of a federal program were met; (3) Has responsibility for programmatic decision making; (4) Is responsible for adherence to applicable federal program requirements specified in the federal award; and (5) In accordance with its agreement, uses the federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

Contractor: (1) Provides the goods and services within normal business operations; (2) Provides similar goods or services to many different purchasers; (3) Normally operates in a competitive environment; (4) Provides goods or services that are secondary to the operation of the Federal program; and (5) Is not subject to compliance requirements of the federal program as a result of the agreement, though similar requirements may apply for other reasons.

Federal awards typically expended by a charter school may include, but are not limited to, the following:

- CSP, including replication and expansion grants
- Title I, Part A
- Title II, Part A
- Title III, Part A
- National School Breakfast, Lunch and Snack Program
- Summer Food Service Program

Funding received from the USAC Schools & Libraries Program (E-Rate) is not listed in the CFDA catalogue and is exempt from single audit requirements; therefore, revenue recorded from discounts or reimbursements received under E-Rate should not count towards the $750,000 threshold in determining the need for a single audit. Funding received from IDEA (Special Education) grants awarded from a school district are considered a vendor/contractor relationship and therefore also do not count towards reaching the $750,000 threshold. A memo regarding vendor status of IDEA funding is available at http://www.p12.nysed.gov/specialed/finance/2011-12-ASEP-flowthrough.htm.

Criteria for a Low-Risk Auditee

A charter school that meets all of the following conditions for each of the preceding two audit periods must qualify as a low-risk auditee and is eligible for reduced audit coverage:

a) Single audits were performed on an annual basis. The data collection form and the reporting package was submitted to the FAC within 30 days after receipt of the audit report, or 9 months after the end of the audit period.
b) The auditor's opinion on whether the financial statements were prepared in accordance with GAAP, or a basis of accounting required by state law, and the auditor's in relation to opinion on the schedule of expenditures of federal awards were unmodified.
c) There were no deficiencies in internal control which were identified as material weaknesses under the requirements of GAGAS.
d) The auditor did not report a substantial doubt about the charter school's ability to continue as a going concern.
e) None of the federal programs had audit findings from any of the following in either of the preceding two audit periods in which they were classified as Type A programs:
    1. Internal control deficiencies that were identified as material weaknesses in the auditor's report on internal control for major programs,
    2. A modified opinion on a major program in the auditor's report on major programs; or
    3. Known or likely questioned costs that exceeded five percent of the total Federal awards expended for a Type A program during the audit period.

If the charter school meets the criteria to be considered a low-risk auditee, the auditor need only audit the major programs and such additional federal programs with federal awards expended that, in aggregate, all major programs encompass at least 20 percent of total federal awards expended. Otherwise, the auditor must audit the major programs and such additional federal programs with federal awards expended that, in aggregate, all major programs encompass at least 40 percent of total federal awards expended.

Major Program Determination

The auditor must use a risk-based approach to determine which federal programs are major programs. This risk-based approach must include consideration of current and prior audit experience, oversight by federal agencies and pass-through entities, and the inherent risk of the federal program. A major program can be identified by performing the following steps:

Step 1: The auditor must identify the larger federal programs, which must be labeled Type A programs. Type A programs are defined as federal programs with federal awards expended during the audit period exceeding the levels outlined in the table below:

Total Federal awards expended	Type A/B threshold
Equal to or exceed $750,000 but less than or equal to $25 million	$750,000.00
Exceed $25 million but less than or equal to $100 million	Total federal awards expended times .03.
Exceed $100 million but less than or equal to $1 billion	$3 million.
Exceed $1 billion but less than or equal to $10 billion	Total federal awards expended times .003.

Exceed $10 billion but less than or equal to $20 billion	$30 million.
Exceed $20 billion	Total federal awards expended times .0015.

Federal programs not considered Type A above must be classified as Type B programs. All Type A programs classified as high risk must be tested as a major program regardless of the percentage of coverage obtained over federal awards expended.

Step 2: The auditor must identify Type A programs which are low-risk. For a Type A program to be considered low-risk, it must have been audited as a major program in at least one of the two most recent audit periods, and, in the most recent audit period, the program must have not had: (1) internal control deficiencies which were identified as material weaknesses in the auditors' report on internal control for major programs, (2) a modified opinion on the program in the auditors' report on major programs, and (3) known or likely questioned costs that exceed 5% of the total federal awards expended by the program.

Step 3: The auditor must identify Type B programs which are high-risk using professional judgment and the criteria in for federal program risk. However, the auditor is not required to identify more high-risk Type B programs than at least one fourth the number of low-risk Type A programs identified as low-risk under Step 2. The auditor is not expected to perform risk assessments on relatively small federal programs. Therefore, the auditor is only required to perform risk assessments on Type B programs that exceed 25 of the Type A threshold determined in Step 1.

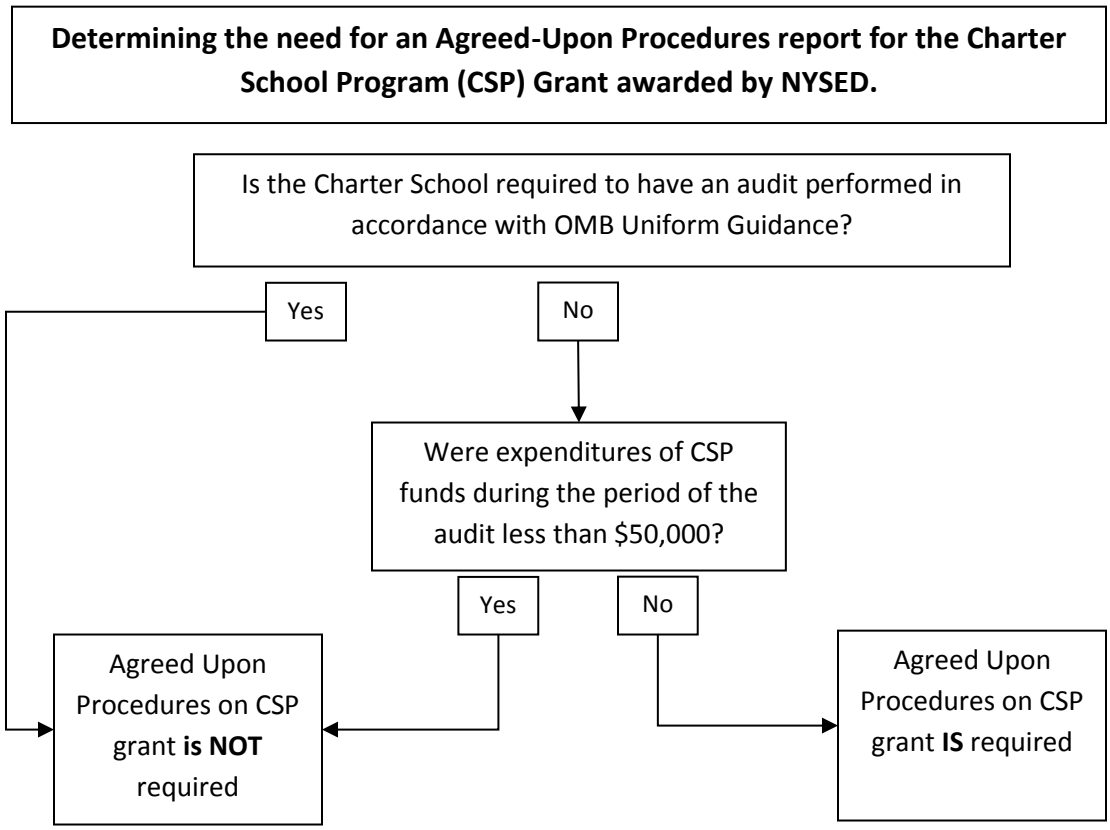
At the conclusion of the single audit, the auditor must issue a report on (1) internal control over financial reporting and on compliance and other matters based on an audit of financial statements performed in accordance with government auditing standards, (2) compliance for each major federal program and report on internal control over compliance in accordance with Uniform Guidance, and (3) an opinion on the Schedule of Federal Expenditures ("SEFA"). Issuance of the opinion on compliance requires the auditor to determine whether the charter school complied with the direct and material compliance requirements for the major program(s) tested in the single audit. Gaining an understanding of internal control over compliance as it relates to each direct and material compliance requirement is necessary as part of the risk assessment process to determine where controls may not be adequate or further procedures are needed in order to determine compliance. If the auditor finds the entity is lacking controls over maintaining compliance with the direct and material requirements of the program, or controls in place are not operating effectively, this must be reported as a finding in the schedule of finding and questioned costs. The auditor must also disclose any questioned costs greater than $25,000. Known questioned costs are those specifically identified by the auditor. In evaluating the effect of questioned costs on the opinion on compliance, the auditor considers the best estimate of total costs questioned (likely questioned costs), not just the questioned costs specifically identified (known questioned costs).

Auditors should refer to OMB Uniform Guidance and the most recent Compliance Supplement (available at www.whitehouse.gov/omb/circulars) for further guidance in performing and reporting on a single audit.

Section 8: Agreed-Upon Procedures Report on CSP Funding

NYSED was awarded a significant CSP grant to pass through to charter schools. To ensure adequate monitoring of CSP funding when expenditures of all federal awards are less than the $750,000 threshold for a single audit, NYSED has set forth guidance on specific procedures which are required for charter schools receiving CSP funding through NYSED. If CSP funding is received directly from the U.S Department of Education or through a different source than NYSED, the AUP report on the CSP grant is not required. Please refer to the following flowchart to determine if the

charter school is required to have their auditor perform the additional procedures and submit the specified report to NYSED.



If the Agreed-Upon Procedures report is required, the report is due by November 1 of each fiscal year, corresponding to the date the audited financial statements must be submitted to NYSED. The period of the Agreed-Upon Procedures report should correspond to the period of the audit. For example, in the initial year of audit, the audit period may cover more than 12 months. In this case, the Agreed-Upon Procedures report should cover the same period as the audit, even if it is more than 12 months. In subsequent years this will typically be the fiscal year.

If a single audit is required for the first year the school is in operation, an Agreed-Upon Procedures Report on the CSP grant would not be required; however, the single audit only covers the 12-month period ending with the charter school's fiscal year end. If the charter school expended $50,000 or more of CSP funds in its interim period (from inception until the year in which the charter school opened), an Agreed-Upon Procedures Report on the CSP grant may be required. If the single audit for the 12-month period of the charter school's first year of operations reported no findings, the Agreed-Upon Procedures Report on the CSP grant for the interim period is not required. If any findings are reported as a result of the single audit, an Agreed-Upon Procedures Report on the CSP grant is required for the period from inception through the end of its interim period.

Required Agreed-Upon Procedures Report for CSP Funding

If the charter school is subject to the above requirements for the Agreed-Upon Procedures Report on the CSP grant, the following procedures must be performed by the charter school's independent auditor.

a. Obtain the detail of expenditures incurred for the period under review relating to the CSP grant from the charter school's accounting software and reconcile to the grant revenue recorded by the charter school. If the CSP grant revenue does not equal the grant expenditures, investigate the differences.
b. Obtain the NYSED-approved CSP grant award information, including the budget and any amendments, to determine if the revenue and expenditures recorded for the period appear reasonable.
c. Select a sample of expenditures from the detail obtained in Procedure #1.

    1. Payroll - Select 10 items or 10% of the total number of payroll items charged to the grant, whichever is less
    2. Other expenses – Select 10 items or 10% of the total number of items charged to the grant, whichever is less
    3. Using the above selected items:

        i. Determine if the expenditure is in accordance with the purpose of the grant and that pre-opening expenditures are charged to pre-opening periods. (See non-regulatory guidance on the CSP grant at http://www.p12.nysed.gov/psc/grants.html)
        ii. Determine if the expenditure falls into an approved budget category
        iii. Determine if the expenditure was charged to the appropriate fiscal period

d. Obtain FS-25 form(s) submitted to NYSED during the period under review.

    1. Trace expenditures selected in Procedure #3 to requests for reimbursement. Determine that items requested for reimbursement had previously been expended or were expended within a month following the request for reimbursement. If items have not yet been requested for reimbursement, inquire of responsible charter school officials as to the plan for requesting reimbursement, and determine if a receivable is recorded, if appropriate.
    2. If FS-25 forms include amounts on Line 4 of the FS-25 (Cash Expenditures Anticipated During Next Month), determine if the total of funds expended within one month following the date of the request is at least the amount shown on Line 4.

e. Subgrantees who wish to weight their lotteries for specific at-risk subgroups must conduct their lottery using the NYSED Weighted Lottery Generator. For schools requiring an Agreed-Upon Procedure Report, the auditor must determine that:
    - The school received permission from the NYSED Charter School Office for the weighted lottery
    - Documentation to support that a weighted lottery was held and adhered to the NYSED Weighted Lottery Guidance (see Appendix G.)

See sample report in Appendix B.

Appendix A – Template for Independent Accountant's Report on the Initial Statement

CPA letterhead

INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED UPON PROCEDURES

To the Board of Trustees of ABC Charter School:

We have performed the procedures identified below, which were agreed to by the management of ABC Charter School and the New York State Education Department solely to assist the specified parties in evaluating the School's assertion to the New York State Education Department that it has financial controls in place for transactions relating to the following:

1. Preparing and maintaining financial statements and records in accordance with accounting principles generally accepted in the United States of America ("GAAP");
2. Payroll procedures;
3. Accounting for contributions and grants;
4. Procedures for the creation and review of interim and annual financial statements, which procedures shall specifically identify the individual(s) who will be responsible for preparing and reviewing such financial statements and ensuring that such statements contain valid and reliable data;
5. Existence of appropriate internal financial controls and procedures;
6. Safeguarding of assets including cash and equipment;
7. Compliance with applicable laws and regulations;
8. Ensuring that the purchasing process results in the acquisition of necessary goods and services at the best price;
9. Following appropriate guidance relating to budget development and administration; and
10. Following appropriate guidance relating to a code of ethics, and cash management and investments.

This agreed-upon procedures engagement was performed in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of the specific users of the report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures we performed and the related results are as follows:

Procedure #1: We will obtain a copy of the Financial Policies and Procedures Manual ("FPPM") of the School and read it to ascertain whether it includes accounting procedures for the preparation of the School's financial statements in conformity with accounting principles generally accepted in the United States of America.

Result: We observed that…

Procedure #2: We will read the FPPM to ascertain whether it includes payroll procedures for the School and determine whether the School has hired an outside vendor to process the payroll.

Result: We observed that…

Procedure #3: We will read the FPPM to ascertain whether it includes procedures for accounting for contributions and grants.

Result: We observed that…

Procedure #4: We will identify and interview the person(s) responsible for financial management of the School regarding the existence and understanding of procedures for the creation and review of interim and annual financial statements.

Result: We identified *(name, title)* as the person(s) responsible for financial management of the School and (s)he represented that…

Procedure #5: We will read the available trial balance and documentation supporting cash receipts, cash disbursements and payroll expenses on a sample basis to observe the status of implementation of the accounting procedures.

Result: We observed that…

Procedure #6: We will interview the person(s) responsible for financial management of the School regarding the existence and understanding of appropriate internal financial controls and procedures, including procedures related to ensuring that transactions are properly authorized, assets are safeguarded against unauthorized or improper use, and transactions are properly recorded and reported.

Result: We identified *(name, title)* as the person(s) responsible for financial management of the School and (s)he represented that …

Procedure #7: We will interview the person(s) responsible for financial management of the School regarding compliance with applicable laws and regulations and how they stay current with all laws and regulations. We will also obtain and review a copy of the School's code of ethics.

Result: We identified *(name, title)* as the person(s) responsible for financial management of the School and (s)he represented that …

Procedure #8: We will review the FPPM to ascertain whether it includes procedures for ensuring the purchasing process results in the acquisition of necessary goods and services at the best price.

Result: We observed that…

Procedure #9: We will interview the person(s) responsible for financial management of the School regarding the existence of procedures for budget development and administration to determine if the School is following appropriate guidance. We will obtain a copy of the most recent budget to determine if the budget was approved by the Board of Trustees of the School.

Result: We identified *(name, title)* as the person(s) responsible for financial management of the School and (s)he represented that … We observed that…

Procedure #10: We will read the FPPM to ascertain whether it includes procedures for ensuring the School has procedures for cash management and investments, if applicable.

Result: We observed that…

We were not engaged to, and did not conduct an examination, the objective of which would be the expression of an opinion on compliance. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the use of ABC Charter School and the New York State Education Department, and it is not intended to be and should not be used by anyone other than the specified parties.

CPA Signature
Date

Appendix B – Template for Independent Accountant's Report on CSP Funding

CPA letterhead

INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED UPON PROCEDURES

To the Board of Trustees of ABC Charter School:

We have performed the procedures identified below, which were agreed to by the management of ABC Charter School and the New York State Education Department solely to assist the specified parties in evaluating the School's assertion to New York State Education Department that it has maintained compliance with the requirements of the CSP grant and Federal and NYSED guidelines in managing the CSP grant.

This agreed-upon procedures engagement was performed in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of the specific users of the report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures we performed and our results are as follows:

Procedure #1: We will obtain the detail of expenditures incurred for the period under review relating to the CSP grant from the Charter School's accounting software and reconcile to the grant revenue recorded by the Charter School. If the CSP grant revenue does not equal the grant expenditures, we will investigate the differences.

Result:

Procedure #2: We will obtain the NYSED approved CSP grant award information, including the budget and any amendments, to determine if the revenue and expenditures recorded for the period appear reasonable.

Result:

Procedure #3: We will select a sample of expenditures from the detail obtained in Procedure #1.

a. Payroll – We will select 10 items or 10% of the total number of payroll items charged to the grant, whichever is less.

b. Other expenses – We will select 10 items or 10% of the total number of payroll items charged to the grant, whichever is less

c. Using the above selected items, we will:

   i. Determine if the expenditure is in accordance with the purpose of the grant and that pre-opening expenditures are charged to pre-opening periods. (See non-regulatory guidance on the CSP grant at http://www.p12.nysed.gov/psc/grants.html)

   ii. Determine if the expenditure falls into an approved budget category

iii. Determine if the expenditure was charged to the appropriate fiscal period

Result:

Procedure #4: We will obtain FS-25 form(s) submitted to NYSED during the period under review and perform the following.

a. Trace expenditures selected in Procedure #3 to requests for reimbursement. Determine that items requested for reimbursement had previously been expended or were expended within a month following the request for reimbursement. If items have not yet been requested for reimbursement, inquire of responsible charter school officials as to the plan for requesting reimbursement, and determine if a receivable is recorded, if appropriate.

b. If FS-25 forms included amounts on Line 4 (Cash Expenditures Anticipated During Next Month), we will select one FS-25 and determine if funds were expended within 1 month following the date of the request.

Result:

Procedure #5: For schools with a weighted lottery during the period under review we will

a. Obtain documentation that the school received permission from the NYSED Charter School Office for the weighted lottery

b. Obtain the results of the weighted lottery.
   - Note that weighted lotteries must be conducted using the NYSED Weighted Lottery Generator (WLG). When the WLG is used, a copy of the 'lottery PDF' should be observed. (This PDF is generated after the WLG has conducted the lottery.)

Result:

We were not engaged to, and did not, conduct an examination, the objective of which would be the expression of an opinion on ABC Charter School's compliance with the requirements of the CSP grant. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the use of ABC Charter School and the New York State Education Department, and it is not intended to be and should not be used by anyone other than the specified parties.

CPA Signature and Date

Appendix C – Auditor Checklist for Audits of NYSED Authorized Charter Schools

SED- Authorized Charter School Audit Compliance Practice Aid

Charter School: _____

Year Ended: _____

Compliance Practice Aid	Yes	No	N/A	Explanation
1. Applicable for schools in their first year of operations:				
a. Has the school provided the initial statement of controls to SED?				
b. Was the initial statement of controls ratified by the Board prior to submission to SED?				
c. Has the auditor prepared and submitted the Agreed-Upon Procedures (AUP) report on the initial statement of controls to the school?				
d. If there were any findings, has the school remedied the findings within 45 days of the auditors' report?				
2. Applicable for both new and continuing schools:				
a. Have the financial statements been prepared on the accrual basis in accordance with GAAP?				
b. Has the audit been conducted in accordance with GAAS, GAGAS, and, if applicable, OMB Uniform Guidance?				
b (1). Have the independence considerations been documented?				
b (2). Has the CPA firm had an independent peer review within the last 3 years?				
b (3). Are all engagement team members compliant with the CPE requirements?				
c. Do the financial statements include a statement of functional expenses that follows Appendix D of the Guide?				
d. Have expense allocations been included as part of the audit, and have the auditors concluded they are reasonable?				
e. Do the financial statements disclose any facilities (including square footage), transportation services, or other services provided by the local district?				
f. Is the required report on internal control over financial reporting and on compliance with provisions of laws, regulations, contracts and grant agreements been prepared?				
g. If the school has expended over $750,000 in Federal Funds, has a Single Audit been completed?				
g (1). Has the required report on compliance and internal control over compliance of major programs and the SEFA been prepared?				

Appendix C – Auditor Checklist for Audits of NYSED Authorized Charter Schools, Cont'd

SED- Authorized Charter School Audit Compliance Practice Aid

Charter School: _____

Year Ended: _____

Compliance Practice Aid	Yes	No	N/A	Explanation
3. Areas of compliance with the Charter Agreement, applicable for both new and continuing schools:				
a. Does the school operation the mission as set forth in the application?				
b. Does the school abide by the Code of Ethics?				
c. Has the school established a board of trustees?				
d. Does the school operate pursuant to the by-laws of the charter school as set forth in the application?				
e. Has the school established grade level and enrollment goals and is the school making all reasonable efforts to recruit students to meet these goals?				
e (1). If necessary has the charter school obtained written approval from NYSED if enrollment levels are outside of these parameters?				
f. Has the school established adequate procedures for its lottery system for enrollment?				
g. Has the school established adequate procedures for its personnel hiring system, including criminal history record check and fingerprinting in accordance with the New York Charter Schools Act of 1998?				
h. Has the school obtained adequate insurance for liability, property loss and personal injury of students?				
i. Has the school established and funded an escrow account in accordance with Section 8.5 of the Charter Agreement?				
4. Has an Agreed Upon Procedures Report been prepared for the Charter School Program ("CSP") Grant awarded by NYSED if expenditures of CSP funds during the period of audit were above $50,000 and the charter school is not required to have an audit performed with OMB Uniform Guidance?				

Compliance Practice Aid	Yes	No	N/A	Explanation
5. If the school weights its lottery and receives CSP funds, was the NYSED Weighted Lottery Generator used?				

Appendix D – Sample Schedule of Functional Expenses

		Statement of Functional Expenses as of June 30, ?								
		?								?
		Program Services				Supporting Services				
	No. of Positions	Regular Education	Special Education	Other Education	Total	Fund-raising	Management and General	Total	Total	
Personnel Services Costs (12)		$	$	$	$	$	$	$	$	$
Administrative Staff Personnel										
Instructional Personnel										
Non-Instructional Personnel										
Total Salaries and Staff										
Fringe Benefits & Payroll Taxes (1)										
Retirement										
Management Company Fees										
Legal Service										
Accounting / Audit Services										
Other Purchased/Professional/Consulting Services (2)										
Building and Land Rent / Lease										
Repairs & Maintenance (3)										
Insurance										
Utilities (4)										
Supplies / Materials (5)										
Equipment / Furnishings (6)										
Staff Development										
Marketing / Recruitment (7)										
Technology (8)										
Food Service										
Student Services (9)										
Office Expense (10)										
Depreciation										
OTHER (11)										

Total Expenses	$	$	$	$	$	$	$	$	$

Notes to Schedule of Functional Expense Template

The following detail ties to Statement of Functional Expense line items on prior page:

1. ***Fringe Benefits & Payroll Taxes:*** Health and Dental, Social Security, Medicare, Unemployment, Other
2. ***Other Purchased/Professional /Consulting Services:*** SPED Services, Nurse Consultants (Assessment, Technology, Other), Payroll, Security, Background, Public Relations
3. ***Repairs and Maintenance:*** Facility, Equipment
4. ***Utilities:*** Electric, Gas, Telephone
5. ***Supplies:*** Teaching Supplies, Textbooks/Workbooks, Curriculum, Classroom, Maintenance Instruction
6. ***Equipment /Furnishings:*** Instructional, Non-Instructional, Athletic, Music, Office Equipment
7. ***Marketing/Recruitment:*** Student , Staff
8. ***Technology:*** Hardware, Software, Internet, Wiring, Other
9. ***Student Services:*** Field Trips, Assessment Testing, Transportation, Special Events, Uniforms
10. ***Office Expense:*** Leases (i.e. copier), Printing, Postage, Copying
11. ***Other:*** Interest, Board Development, Bad Debt, Misc. Fees (i.e. Licensing), Uniforms, All Other (If you have questions contact school authorizer)
12. ***Personnel Services Costs Guidance (see below)***

Administrative Staff Personnel

CEO, Executive Director, Head of School, Founder
Principal, Vice-Principal, Assistant Principal, Deans
Director of curriculum, Instruction, Development, Special Projects
CFO, Controller, Director of finance, Accountant, Bookkeeper
Operations, Business, and HR Managers
Office Manager, Secretary, Receptionist, Clerk
Technology, data, Assessment and Accountability Managers
Parent coordinator, School Culture, Family Engagement

Instructional Personnel

Teachers-Regular, Sped, and specialists
Teacher assistant, Aide, and Substitutes
Teachers-Regular, Sped, and specialists
Teacher assistant, Aide, and Substitutes
Social Worker, Therapist, and Counselor
Tutors
Intervention
Apprentice

Non-Instructional Personnel

Nurse
Librarian
Security
Custodian
Food Service worker
Bus Matron, Monitor

Definitions

Administrative Staff personnel
Staff involved in establishing and administering policy for operations and business support services. Activities include planning, evaluating and supervising staff, and coordinating instructional activities.

Instructional Personnel
Staff involved in the direct instruction of students and other duties related to the instructional program such as teaching, lesson planning, evaluating student work, monitoring and supervising students.

Non-Instructional Personnel
Positions that do not require a teaching license and are not directly involved with instructional programs and supervision of students

Appendix E –From the AICPA Audit Guide, *Government Auditing Standards and OMB Uniform Guidance (Singe Audits*)

Please refer to the AICPA Audit Guide for further guidance

Sample Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards.

Example 1

Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With *Government Auditing Standards (No Material Weaknesses Identified, No Significant Deficiencies Identified, No Reportable Instances of Noncompliance or Other Matters Identified)*

INDEPENDENT AUDITOR'S REPORT

[*Appropriate Addressee*]

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of Example Entity, which comprise the consolidated statement of financial position as of June 30, 20X1, and the related consolidated statements of activities, and cash flows for the year then ended, and the related notes to the financial statements, and have issued our report thereon dated August 15, 20X1. [1]

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered Example Entity's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Example Entity's internal control. Accordingly, we do not express an opinion on the effectiveness of Example Entity's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct

[1] If the auditor expressed a modified opinion on the financial statements (i.e., a qualified opinion, an adverse opinion, or a disclaimer of opinion), the auditor should include a statement describing the nature of the modification. The auditor may include certain additional communications when the auditor included such additional communications in the auditor's report on the financial statements that are not modifications to the auditor's opinion. For example, if the auditor included an emphasis-of-matter paragraph in the auditor's report on the financial statements because of an uncertainty about the entity's ability to continue, as a going concern for a reasonable period of time, the auditor may also include mention of the additional communication here.

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misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters[2] [3]

As part of obtaining reasonable assurance about whether Example Entity's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

[*Auditor's signature*]

[*Auditor's city and state*]

[*Date of the auditor's report*][4]

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[2] *Other matters* are certain findings of fraud or abuse. As per industry practice, the reference to "other matters" in both the heading and the following paragraph typically appears in all reports, even if the report does not present or refer to findings of fraud or abuse or even if the only findings of fraud or abuse are presented in or referred to from the section on internal control over financial reporting.

[3] Paragraph 4.26 of *Government Auditing Standards* notes that when auditors detect instances of noncompliance with violations of provisions of contracts or grant agreements or abuse that have an effect on the financial statements or other financial data significant to the audit objectives that are less than material but warrant the attention of those charged with governance, they should communicate those findings in writing to audited entity officials.

[4] Because this report relates to the audit of the financial statements, and is based on the generally accepted auditing standards audit procedures performed, it is subject to the provisions of AU-C section 700. Therefore, it should be dated the same date as the auditor's report on the financial statements, which according to paragraph .41 of AU-C section 700 is "no earlier than the date on which the auditor has obtained sufficient appropriate audit evidence on which to base the auditor's opinion on the financial statements."

Example 2

Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With Government Auditing Standards (No Material Weaknesses Identified; Significant Deficiencies Identified; and Reportable Instances of Noncompliance and Other Matters Identified)

INDEPENDENT AUDITOR'S REPORT

[*Appropriate Addressee*]

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of Example Entity, which comprise the consolidated statement of financial position as of June 30, 20X1, and the related consolidated statements of activities, and cash flows for the year then ended, and the related notes to the financial statements, and have issued our report thereon dated August 15, 20X1. [5]

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered Example Entity's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Example Entity's internal control. Accordingly, we do not express an opinion on the effectiveness of Example Entity's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

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[5] If the auditor expressed a modified opinion on the financial statements (i.e., a qualified opinion, an adverse opinion, or a disclaimer of opinion), the auditor should include a statement describing the nature of the modification. The auditor may include certain additional communications when the auditor included such additional communications in the auditor's report on the financial statements that are not modifications to the auditor's opinion. For example, if the auditor included an emphasis-of-matter paragraph in the auditor's report on the financial statements because of an uncertainty about the entity's ability to continue, as a going concern for a reasonable period of time, the auditor may also include mention of the additional communication here.

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Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified. We did identify certain deficiencies in internal control, described in the accompanying [*include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs)*] that we consider to be significant deficiencies. [*List the reference numbers of the related findings, for example, 20X1-1, 20X1-3, and 20X1-4*].

> [***NOTE:*** This guide recommends identifying each finding with a reference number. This report can, as an alternative, describe findings rather than refer to a separate schedule. Further, in an audit in accordance with Office of Management Uniform Guidance findings related to the financial statements which are required to be reported in accordance with *Government Auditing Standards* should be reported in the schedule of findings and questioned costs.]

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Example Entity's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* [6] and which are described in the accompanying [*include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs)*] as items [*list the reference numbers of the related findings, for example, 20X1-2 and 20X1-5*].

[***NOTE:*** *The referenced findings in this section include those that are instances of noncompliance and those that are fraud or abuse that are not significant deficiencies.*]

Example Entity's Response to Findings

Example Entity's response to the findings identified in our audit are described in the accompanying [*include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs) "or previously" if findings and responses are included in the body of the report*].

[6] An audit conducted in accordance with OMB Uniform Guidance, the auditor should apply a financial statement materiality consideration in reporting in the *Government Auditing Standards* report fraud and illegal acts involving federal awards that are subject to Uniform Guidance reporting. That is because those findings already are reported in the Uniform Guidance (Single Audit) report and reporting findings that are not material to the financial statements again in the *Government Auditing Standards* report would be unnecessarily duplicative.

Example Entity's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.[7]

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

[*Auditor's signature*]

[*Auditor's city and state*]

[*Date of the auditor's report*][4]

[7] Although the auditor does not audit management's responses to identified findings, the auditor does have certain responsibilities related to reporting the views of responsible officials under *Government Auditing Standards*. As noted in paragraph 4.33 of *Government Auditing Standards*, auditors should obtain and report the views of responsible officials concerning the findings, conclusions, and recommendations, as well as planned corrective actions.

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Example 3

Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With Government Auditing Standards (Material Weaknesses and Significant Deficiencies Identified; and Reportable Instances of Noncompliance and Other Matters Identified)

INDEPENDENT AUDITOR'S REPORT

[*Appropriate Addressee*]

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of Example Entity, which comprise the consolidated statement of financial position as of June 30, 20X1, and the related consolidated statements of activities, and cash flows for the year then ended, and the related notes to the financial statements, and have issued our report thereon dated August 15, 20X1. [8]

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered Example Entity's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Example Entity's internal control. Accordingly, we do not express an opinion on the effectiveness of Example Entity's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as described in the accompanying [*include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs)*], we identified certain deficiencies in internal control that we consider to be material weaknesses and significant deficiencies.

[8] If the auditor expressed a modified opinion on the financial statements (i.e., a qualified opinion, an adverse opinion, or a disclaimer of opinion), the auditor should include a statement describing the nature of the modification. The auditor may include certain additional communications when the auditor included such additional communications in the auditor's report on the financial statements that are not modifications to the auditor's opinion. For example, if the auditor included an emphasis-of-matter paragraph in the auditor's report on the financial statements because of an uncertainty about the entity's ability to continue, as a going concern for a reasonable period of time, the auditor may also include mention of the additional communication here.

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A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. We consider the deficiencies described in the accompanying [*include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs)*] to be material weaknesses. [*List the reference numbers of the related findings, for example, 20X1-1, 20X1-3, and 20X1-4*].

A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the deficiencies described in the accompanying [*include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs)*] to be significant deficiencies. [*List the reference numbers of the related findings, for example, 20X1-2, and 20X1-5*].

> [***NOTE:*** This guide recommends identifying each finding with a reference number. This report can, as an alternative, describe findings rather than refer to a separate schedule. Further, in an audit in accordance with Office of Management Uniform Guidance, findings related to the financial statements which are required to be reported in accordance with *Government Auditing Standards* should be reported in the schedule of findings and questioned costs.]

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Example Entity's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* [9] and which are described in the accompanying [*include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs)*] as items [*list the reference numbers of the related findings, for example, 20X1-2 and 20X1-5*].

[***NOTE:*** *The referenced findings in this section include those that are instances of noncompliance and those that are fraud or abuse that are not significant deficiencies.*]

[9] An audit conducted in accordance with OMB Uniform Guidance, the auditor should apply a financial statement materiality consideration in reporting in the *Government Auditing Standards* report fraud and illegal acts involving federal awards that are subject to OMB Uniform Guidance (Single Audit) reporting. That is because those findings already are reported in the OMB Uniform Guidance (Single Audit) report and reporting findings that are not material to the financial statements again in the *Government Auditing Standards* report would be unnecessarily duplicative.

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Example Entity's Response to Findings

Example Entity's response to the findings identified in our audit are described in the accompanying [*include the title of the schedule in which the findings are reported (e.g., schedule of findings and responses or schedule of findings and questioned costs) "or previously" if findings and responses are included in the body of the report*]. Example Entity's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.[10]

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

[*Auditor's signature*]

[*Auditor's city and state*]

[*Date of the auditor's report*][4]

[10] Although the auditor does not audit management's responses to identified findings, the auditor does have certain responsibilities related to reporting the views of responsible officials under Government Auditing Standards. As noted in paragraph 4.33 of Government Auditing Standards, auditors should obtain and report the views of responsible officials concerning the findings, conclusions, and recommendations, as well as planned corrective actions.

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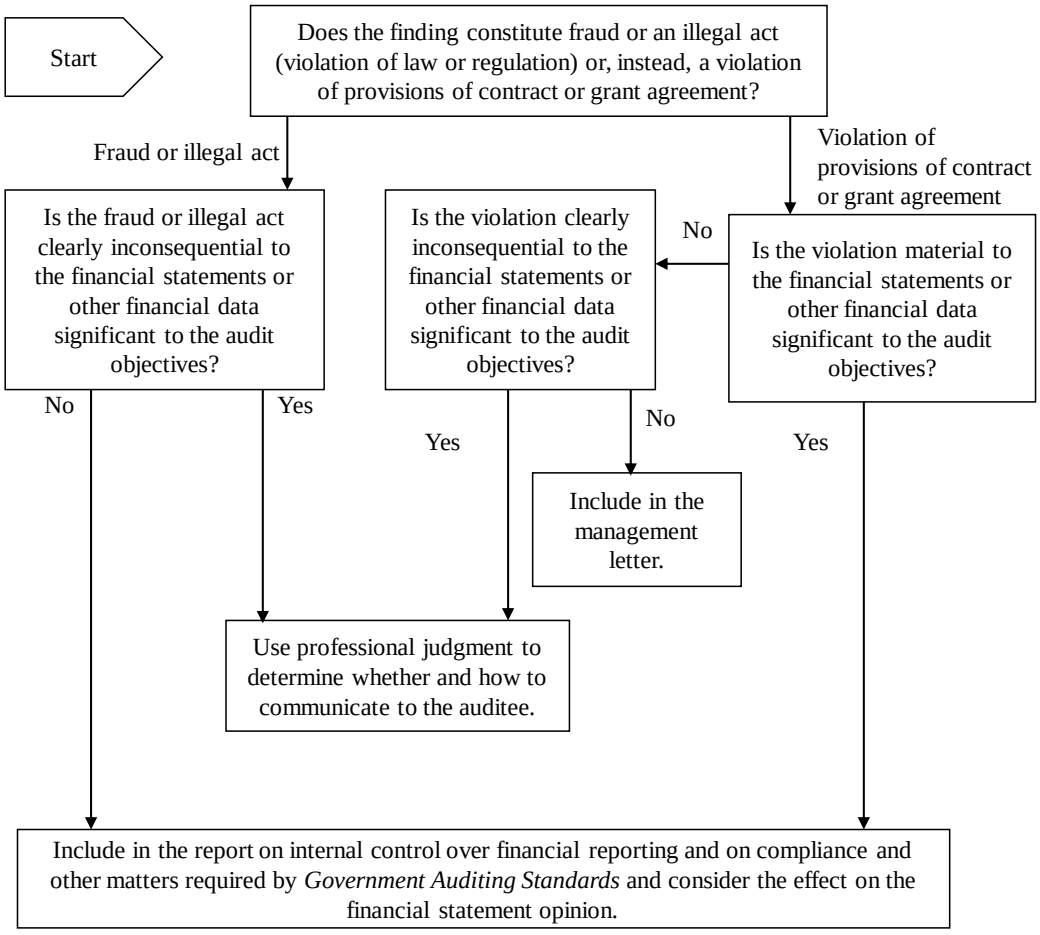
Appendix F – Finding Flowchart - From the AICPA Audit Guide, *Government Auditing Standards and Uniform Guidance (Single Audits)*

Exhibit 4-1
Evaluation and Reporting of Findings of Fraud and Noncompliance Under *Government Auditing Standards*



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Appendix G –

A. Procedures to Consider During Lottery Observations

Auditors should consider performing some of the following procedures when observing a Charter School's lottery. These are not required procedures. Not all procedures may be applicable to all lotteries.

Possible Procedures:

Obtain a copy of the Charter School's documented lottery procedures.

Discuss with responsible school personnel if the procedures as documented are in place and will be utilized in the lottery drawing.

Determine if lottery preferences are in alignment with NYS laws and regulations and the Charter School's Charter Agreement.

Determine if management has appropriately grouped applicants according to preferences, including order of preferences. Select a sample of applications to test.

Determine method of lottery (i.e. drawing balls or cards, random number generator, etc).

Attend and observe actual lottery drawing to determine procedures are followed and no personal preferences affect the random nature of the lottery.

Make sure all applicants are given a number (and a waiting list is generated if more students apply than seats are available).

Determine method of communication of lottery results to families.

Make sure confidential information remains confidential during the lottery process (for example, preferences for free/reduced price lunch).

B. NYSED Weighted Lottery Guidance

(also located at: http://www.p12.nysed.gov/psc/documents/WeightedLotteryGuidance.pdf)

Introduction

Prior to amendments made to the 2014 Federal Non-Regulatory Charter Schools Program (CSP) Guidance, charter schools receiving CSP funds were not permitted to weight admissions lotteries to favor certain student subgroups.[11]

With the approval of the US Department of Education, New York State charter schools may now weight admissions through the use of the Weighted Lottery Generator created by the New York State Education Department's Charter School Office.

Please review the guidelines set forth below for use of the NYSED Weighted Lottery Generator. To avoid jeopardizing a CSP award, schools receiving CSP funds must not use weighted lotteries until they obtain permission from the NYSED Charter School Office.

Purpose of the NYSED Weighted Lottery Generator

Consistent with Section 5204(a)(1) of ESEA, the NYSED Weighted Lottery Generator is designed to give slightly better chances for admission to a subset of educationally disadvantaged students.[12] The NYSED Weighted Lottery Generator does not reserve or set aside seats for individual students or sets of students, and may not be used for the purpose of creating schools to exclusively serve a particular subset of students. [13]

All charter schools, including those which use the NYSED Weighted Lottery Generator, must continue to fulfill their existing legal responsibilities related to outreach, recruitment, and retention of students with disabilities, English language learners, and students who are eligible for free or reduced-price lunch.

Guidelines for use of the NYSED Weighted Lottery Generator

PRIOR TO USING THE NYSED WEIGHTED LOTTERY GENERATOR ALL SCHOOLS MUST:

1. Modify the existing enrollment policy, or develop an enrollment policy that specifically refers to the use of the NYSED Weighted Lottery Generator. In addition to items currently required by the school's authorizer, the enrollment policy must:

    a. Identify the order in which the school will enroll returning students, students who live in the district of location, students who are siblings of currently enrolled students, and children of employees;[14]

    b. Explain the rationale for using the NYSED Weighted Lottery Generator;

[11] A charter school with fewer applicants than spaces available does not need to conduct a lottery pursuant to Section 5210(1)(H) of the ESEA. NYS Education Law §2854(2)(b) requires that charter schools conduct a lottery if applications exceed capacity at the grade level or building.

[12] Section 1115(b)(2) of the ESEA describes educationally disadvantaged students as those who are economically disadvantaged, students with disabilities, migrant students, limited English proficient students, neglected or delinquent students, and homeless students.

[13] See Section 5204(a)(1) of the ESEA.

[14] Education Law §2854 was amended to allow charter schools to admit children of employees provided the total enrollment of this subgroup may not comprise more than 15% of their overall school population. Schools must not exceed the statutory threshold for children of employees, regardless of their position in the lottery.

c. Articulate a plan that evidences the school's outreach, recruitment and retention of economically disadvantaged students, English language learners, or students with disabilities;

d. Identify only ONE at-risk subgroup of educationally disadvantaged students to be weighted (i.e., choose economically disadvantaged students, English language learners, or students with disabilities);

e. State that the school will only run the NYSED Weighted Lottery Generator once each academic year, and will obtain NYSED approval to use the Generator should the school's enrollment policy change in any way;

f. State that the school will not rollover the lottery waitlist from year to year.

2. Obtain authorizer approval of the school's enrollment policy.

3. Submit the policy approved by the authorizer to the NYSED Charter School Office by email to CHARTERSCHOOLS@nysed.gov with the subject heading "NYSED Weighted Lottery Generator Approval"

4. Approval requests for the 2015-16 school year must be received by the NYSED Charter School Office no later than March 18, 2016. All approval requests for subsequent school years must be received no later than December 15th of the year prior to the intended lottery.

Use of the NYSED Weighted Lottery Generator

USING THE NYSED WEIGHTED LOTTERY GENERATOR

1. Develop a list of all student applicants including the following information: student first and last name, at-risk identification and grade level in the upcoming school year.

2. Upon opening the NYSED Weighted Lottery Generator, read the tabs entitled Introduction, Purpose, Guidelines and Use. Click "Confirm."

3. Select ONE at-risk weighting category to weight educationally disadvantaged students: economically disadvantaged, English language learners, or students with disabilities.[15]

5. Enter or copy and paste student information into the Applicant Information Worksheet and identify those students who are eligible for weighting criteria (enter "1" for at-risk identification).

[15] Schools that wish to weight for different subgroup in subsequent years categories must revise their enrollment policy to reflect the subgroup being weighted. The policy must then be submitted to the authorizer for approval. Upon receiving authorizer approval the policy must be submitted to the NYSED Charter School Office for final approval.

6. Submit the applicant information worksheet to run the lottery. NOTE: Schools cannot run the lottery more than once to preference for more than one category of at-risk student.

7. Weighting proportions for educationally disadvantaged enrollment will appear.

8. Each weighting strata is given an applied weight based on selected criteria and the composition of the applicant pool.

9. Students are randomly assigned a number which is multiplied by the associated strata weight; the product is linked to the students' information and ranked in a new admissions list in lottery results generated in a PDF. Information linking students to each weighting strata is removed from the PDF for the purposes of public lottery display.

10. Schools must save detailed lottery records, including but not limited to printed and electronic documentation of the process, inputs and results for a period of no less than 3 years after the date of the lottery. Again, lotteries may only be run once for each academic year.

11. Schools should have readily available copies of the saved PDF generated from the lottery as required by the Commissioner's regulations.

12. If the enrollment policy changes in any way schools must obtain approval from its authorizer and the NYSED Charter School Office before using the NYSED Weighted Lottery Generator in future CSP years.

PLEASE NOTE: Failure to strictly follow the procedures set forth above may jeopardize CSP funding.

Appendix H – Accounts Receivable and Per-Pupil Aid Confirmation Template

[Date]

[NAME OF CONTACT]
[RESIDENT SCHOOL]
[ADDRESS]

Our auditors, [CPA FIRM NAME AND ADDRESS] are conducting an audit of our financial statements for the year ended June 30, 20X2. Please confirm or correct the following understanding of information:

(1) Cash payments received by the [NAME OF Charter School] from the [RESIDENT SCHOOLS] for the period of July 1, 20X1 to June 30, 20X2 and FTE for such period:

$_____ 20X2 Total per pupil aid
$_____ 20X2 Sp. Ed Revenue
$_____ 20X2 IDEA, part B

FTE's for per pupil aid: _____
FTE's for Sp. Education per pupil aid: _____

(2) Also, please confirm the amount paid per student for: per pupil aid and per special education aid:

Per Pupil: $_____
Sp. Education per Pupil: $_____

(3) Balance due to the [NAME OF Charter School] from
the [RESIDENT SCHOOLS] as of June 30, 20X2: $_____

(4) Balance due from the [NAME OF Charter School] to
the [RESIDENT SCHOOLS] as of June 30, 20X2: $_____

Please confirm any amounts charged to [NAME OF Charter School] for the year ended June 30, 20X2: $_____. What were the charges for:_____
_____

Upon completion, please return this letter directly to our auditors at the address listed above. Thank you for your time and cooperation.

Sincerely,

[BUSINESS OFFICIAL]
[NAME OF CHARTER SCHOOL]

The amount shown is in agreement with our records, with the following exceptions: _____
_____
_____

Name and Title _____

Signature _____

Date _____

Appendix J - Additional Resources

New York State Education Department Charter School Office http://www.p12.nysed.gov/psc/

Generally Accepted Governmental Auditing Standards (GAGAS) http://www.gao.gov/yellowbook

AICPA Governmental Audit Quality Center (GAQC)
http://www.aicpa.org/InterestAreas/GovernmentalAuditQuality/Pages/GAQC.aspx

AICPA Governmental Audit Quality Center (GAQC) Independence Comparison
http://www.aicpa.org/interestareas/professionalethics/resources/tools/downloadabledocuments/2012mayaicpagaocomparision.pdf

OMB Uniform Guidelines:
https://www.whitehouse.gov/sites/default/files/omb/financial/grant_reform/proposed-omb-uniform-guidance-for-federal-financial-assistance.pdf

CSP Budget categories and approved expenditures http://www.p12.nysed.gov/psc/grants.html

Initial Charter Agreement Template for Charter Schools Authorized by the Board of Regents
http://www.p12.nysed.gov/psc/OversightPlan.html

NYS Education Law Article 56 (The New York Charter Schools Act of 1998, as amended in 2007 and 2010)
http://codes.lp.findlaw.com/nycode/EDN/II/56

Charter school basic tuition rates by district https://stateaid.NYSED.gov/charter

Charter school special education tuition rate – spreadsheet to calculate by district
https://stateaid.NYSED.gov/speced

Student Full-time Equivalent (FTE) Calculator https://stateaid.NYSED.gov under State Aid / Attendance and Enrollment / FTE Calculator

New York City Department of Education enrollment and tuition payment website (accessible to charter school personnel) https://vendorportal.nycenet.edu/vendorportal/Login.aspx.

New York State Education Funding (Title grants, CSP, IDEA) reports by school:
http://www.oms.nysed.gov/cafe/reports/

New York State Education Department enrollment and retention targets
http://www.p12.nysed.gov/psc/enrollment-retention-targets.html

Appendix K – Definition of Terms

AICPA - American Institute of Certified Public Accountants

ASC - Accounting Standards Codification

AUP - Agreed-Upon Procedures – Specific set of procedures performed by an independent accountant – typically referred to as the *AUP on the Initial Statement* or *AUP on CSP Grant*

BOT – Board of Trustees

CMO - Charter Management Organization - organized as a non-profit (similar to an EMO)

Compliance Supplement – Issued annually by the GAO, provides guidance in performing a Single Audit

CPA – Certified Public Accountant

CPE - Continuing Professional Education

CSO – Charter School Office

CSP – Charter Schools Program

DOE - Department of Education

EMO - Education Management Organization – organized as a for-profit (similar to a CMO)

FASB – Financial Accounting Standards Board

FTE – Full Time Equivalent

GAAP - Generally Accepted Accounting Principles

GAAS - Generally Accepted Auditing Standards

GAGAS - Generally Accepted Government Auditing Standards

GAO - United States Government Accountability Office

GAQC - Governmental Audit Quality Center – section of the AICPA which provides guidance to auditors in performing Governmental and Single Audits

IEP - Individualized Education Program – prepared for each special education student

Initial Statement – Initial Statement of Controls provided by the Charter School to NYSED concerning the status of management and financial controls

NYCDOE – New York City Department of Education

NYSED – New York State Education Department

SEFA - Schedule of Federal Expenditures – included in financial statements audited in accordance with OMB Uniform Guidance

Single Audit – Audit conducted in accordance with OMB Uniform Guidance

SPED – Special Education

WLG – NYSED Weighted Lottery Generator

New York State Education Department

Opening Procedures Checklist for New York State Charter Schools Authorized by the Board of Regents

Opening Procedures Checklist and Guidance for Charter Schools Opening Fall 2012

Updated November 2011

The Regents of The University of the State of New York
Charter School Office
89 Washington Avenue
Albany, New York 12234
http://www.emsc.nysed.gov/psc/

Acknowledgements

Much of the information provided in this Opening Procedures Checklist was derived from exemplar materials created by charter school authorizers and other supporting organizations that are nationally recognized for their policies and procedures aimed at increasing the number of high quality charter schools. The Board of Regents and the New York State Education Department wish to acknowledge and thank the following organizations for their contributions and assistance in creating this Opening Procedures Checklist.

Charter Schools Institute
The State University of New York
41 State Street, Suite 700
Albany, NY 12207
www.newyorkcharters.org

Charter School Office
Massachusetts Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148
www.doe.mass.edu/charter

New York City Charter School Center
111 Broadway, Suite 604
New York, NY 10006
http://nyccharterschools.org/

Office of Education Innovation
City of Indianapolis Mayor's Office
Indianapolis Charter Schools
2501 City County Building, 200 E. Washington Street
Indianapolis, IN 46201
http://www.indy.gov/egov/mayor/programs/education/Charter/Pages/home.aspx

Charter Schools Division
California Department of Education
1430 N Street
Sacramento, CA 95814
http://www.cde.ca.gov/sp/cs/

National Association of Charter School Authorizers
105 West Adams Street, Suite 3500
Chicago, IL 60603-6253
www.qualitycharters.org

Overview

The Opening Procedures Checklist (Checklist) has been developed by SED's Charter School Office to support successful start-up activities for new charter schools authorized by the Board of Regents. Most of the tasks listed in this checklist – such as preparing a facility for educational programming and partnering with initial vendors – are specific to start-up and will occur before or during a school's opening. Other tasks that may take place after the opening of the school to students that are one-time tasks unique to the first year of the charter are also included.

A number of the tasks listed throughout the Checklist represent exemplary actions that have proven successful in past charter school openings and are *recommended* by SED. These actions are not required by statute but are meant to provide support and technical guidance to charter schools as they embark upon critical start-up functions that will increase opportunities for academic and operational success. **Other tasks are *required* by federal and state statute or SED policy and are included in the school's charter contract with SED. Such tasks are considered 'Prior Actions' and must be completed before schools can provide instruction and receive public funds.**[1] These actions are monitored by SED staff upon submission and during a Prior Actions Site Visit to all new charter schools.[2]

Tasks fall in the three general areas of Academic Program, Organizational Viability; and Material Terms, though please note that checklist, tasks are itemized in discrete subcategories to allow for easier sorting by subcategory or due date. Please note that there are a number of tasks on the checklist that will not generally be directly monitored by SED, but are suggested and provided as guidance (these are shaded in gray).

I. **Academic Program:** Tasks in this area help to ensure that schools are prepared to carry out functions pertaining to educational programming and general administration, including student learning time, curriculum and instruction, and accountability. These actions are instrumental in creating the academic foundation upon which charter schools should be based. SED will work closely with new schools to ensure that these activities are thoughtfully executed; however, it is the school's responsibility to maintain this information internally, communicating with the Charter School Office regularly, and following appropriate procedures if there are significant changes to the school's original application and/or charter agreement.

II. **Organizational Viability:** Tasks in this area provide guidance to ensure that the school's leadership and governance model can lead to appropriate oversight of the school's organizational affairs. Specific requirements in this regard pertain to federal and state statute, as well as strategic recommendations around staffing, leadership and governance, fiscal solvency, education service partnerships, facilities, performance evaluation, and insurance. This section also discusses opening procedures that can help schools effectively implement operational plans around food services, school wellness and health, and technology. It is important to note that Organizational Viability for SED charter schools includes appropriate background checks for all paid and volunteer staff, contractors, and stakeholders that come into contact with students.

III. **Material Terms:** Tasks in this area provide context for and outline specific terms upon which the school's charter was granted, including critical student-related matters such as enrollment and admissions procedures, recordkeeping, attendance, and special needs students. Other material terms include policy development and implementation, Title I participation, and general compliance issues. All such terms are included in a school's charter contract and SED will evaluate the school's ability to carry out these responsibilities during consistent monitoring and oversight. Any changes to the material terms of the charter require the school board to submit a request for a charter amendment to the Board of Regents.

[1] SED contract §§ 1.4 Prior Actions and 6.2 Oversight Plan (a) Section I: Opening Procedures.

[2] SED Charter School Office staff will conduct a Prior Action Site Visit at each new school at least two weeks prior to school opening. See Prior Actions memo for additional information.

Please note the following distinctions for headers used on the Checklist spreadsheet:

Column Header	Definition	Recommended	Required	Guidance
Task #	Tasks are assigned specific labels for sorting and filtering purposes.			X
Category	Tasks are organized into categories or overarching components within a school model.			X
Task Description	Action-oriented tasks to be completed by schools.	X	X	
Notes	Technical assistance and guidance to provide context for tasks and support schools in implementing recommended or required opening procedures. ❑ = action-oriented tasks, ✓ = technical assistance-oriented tasks	X	X	X
Formal Charter School Board Approval Required	Tasks that necessitate charter school board approval.	X	X	
Due Date	Date by which all recommended and required tasks should/must be completed. Only those that are clearly marked "Yes" in '*Submit to SED'* column are required for SED review and consideration. All others are recommended as best practice.	X	X	
Submit to SED	All **SED-required tasks considered Prior Actions** include a firm date listed (August 1 or earlier) within this column. SED staff will review documentation and contact schools within two weeks of submission deadlines with requests for necessary modifications or clarification. **All tasks must be completed (or nearly completed) and approved by SED before a school can officially open.**		X	
Considered Revision of the Charter / Future Changes Require SED Approval[3]	Tasks that require formal or material modifications to documents submitted with a school's original charter application to SED.		X	
Completion Verified	Once tasks have been completed, column for schools to use as an internal marker.			X
Statute/Citation	Statutory citations for required tasks.		X	
Prior Actions Site Visit	SED staff will collect and review documentation during a Prior Action Site Visit. Evidence of all tasks marked in this column must be available to SED at the time of a school's pre-opening visit. **All tasks must be completed (or nearly completed) and approved by SED before a school can officially open.**		X	
Resources	References and URLs to support required and recommended tasks.			X

[3] SED contract §§ 9.5 Terms and Conditions of Application and 9.6 Revision. For additional information, see **Changes to Charter** on the page 6 below.

Notices/Submissions to SED

Please note that school requests, notices, demands, or submissions to SED can be delivered by hand, overnight courier, email, or facsimile by the respective due dates listed in the Checklist. If mailing via prepaid registered or certified mail, documents must be mailed to SED within five days prior to the due date referenced in the Checklist. This is particularly critical for submission dates mandated by the charter contract, and federal and state statute (listed within the *'Submit to SED'* column). The following recipient will confirm receipt and proceed according to SED protocol and policy:

Susan Megna
Charter School Office
New York State Education Department
89 Washington Avenue
Albany, New York 12234
charterschools@mail.nysed.gov

Relevant Documents

Many of the actions required or suggested throughout this Checklist were extracted from several regulatory documents with which all charter schools should eventually become familiar. These include, but are not limited to:

- The school's charter contract with SED
- The school's Provisional Charter or Certification of Incorporation issued by the Board of Regents
- The school's By-laws
- The recently revised New York State Charter Schools Act, Education Law Article 56: http://www.p12.nysed.gov/psc/article56.html

Other statutory regulations include but are not limited to:

- New York Codes, Rules and Regulations: http://www.p12.nysed.gov/sss/lawsregs/; http://www.dos.state.ny.us/info/nycrr.html
- New York State Education Law: http://law.onecle.com/new-york/education/index.html
- Public Officers Law: http://www.nysl.nysed.gov/libdev/excerpts/pbo106.htm
- New York State Public Health Law: http://www.nysteachs.org/media/INF_LP_PubHealthLaw_Sect2164.pdf
- Code of Federal Regulations (34 CFR): http://www.gpoaccess.gov/cfr/
- Not-for-Profit Corporate Law: http://law.onecle.com/new-york/not-for-profit-corporation/NPC0602_602.html

Changes to Charter

Schools will be required to re-submit any major or 'material' structural changes to its school model that have occurred since the Regent's approval of the school's original application and issuance of its charter. Material changes can include, but are not limited to, modifications to protocols around a school's educational program, governance, enrollment, student learning time (school calendar), school-level policies, and facilities issues. Such changes may constitute a material change to the charter and require a formal charter revision. All tasks marked within the column entitled 'Considered Revision of the Charter / Future Changes Require SED Approval' will apply.[4]

[4] SED contract §§ 9.5 Terms and Conditions of Application and 9.6 Revision.

#	Task #	Category	Task Description	Notes	Formal Charter School Board Approval Required	Due Date	Submit to SED	Considered Revision of the Charter / Future Changes Require SED Approval	Completion Verified	Statute/ Citation	Prior Actions Site Visit	Resource Links Note: Additional resources can be accessed by clicking the symbol:
5	EAA1	**Enrollment and Application for Admission**	• Finalize Enrollment Policy • Define application period with statutory due date of April 1; set lottery date and define lottery and enrollment process • Translate application into languages predominantly spoken in the school community	• Submit Enrollment Policy and a copy of the school application to NYSED liaison • Schools must use NYSED uniform application form. • Ensure alignment with NYSED guidance and NYS Education Law. • Enrollment Policy must be approved by NYSED before school can begin enrollment	Yes	15-Jan-18	Yes	Yes	Yes	Charter §2.3; Exhibit B; Ed. Law §§2851 (2)(i); 2854 (2)(a);	Yes	http://www.p12.nysed.gov/psc/forms/form.html
47	GM1	**Governance & Management**	• Obtain insurance for board of trustees	• Submit a copy of the Board insurance binder to NYSED. • Must be established before first Board meeting.	Yes	15-Jan-18	Yes		Yes			
48	GM2	**Governance & Management**	• Finalize Board calendar; conduct first Board meeting • Ensure that the Board of Trustees keeps records of all meetings	• Submit finalized Board calendar to NYSED liaison • Submit minutes of monthly board meetings to CSO liaison • Create binder for Board minutes to be open to the public • Ensure full compliance with Public Officers Law, Article 7 Open Meetings §104	Yes	15-Jan-18	Yes		Yes	Public Officers Law § 104		http://www.nysl.nysed.gov/libdev/excerpts/pbo106.htm http://www.dos.ny.gov/coog/openmeetlaw.html
49	GM3	**Governance & Management**	• Elect Board officers (Chair, President, Treasurer, Secretary, etc.)	• Submit finalized list of board officers to NYSED liaison • Verify that Board Chair/President name and contact information is entered in SEDREF	Yes	15-Jan-18	Yes		Yes			https://portal.nysed.gov/abp
50	GM4	**Governance & Management**	• Establish and ratify by-laws (assure compliance with Open Meetings Law)	• Submit final by-laws to NYSED liaison for final review and approval • Ensure alignment w/NYS law • By-laws must be ratified within 30 days of charter issuance • By-laws must include provision for terminating charter management contract (unless other termination procedures have been established)	Yes	15-Jan-18	Yes	Yes	Yes	Not-For-Profit Corporation Law § 602(f) Public Officers Law § 104		http://law.onecle.com/new-york/not-for-profit-corporation/NPC0602_602.html
29	FM1	**Financial Management**	• Update and revise budget and month-to-month cash flow projections for Pre-Opening Year.	• Submit to NYSED liaison the school's Board-approved budget and month-to-month cash flow projections for the current (pre-opening) fiscal year. Note: If budget and cash-flow has not changed from the application, submission of board-approved budget is still required. The pre-opening fiscal year for 2017-authorized schools ends on June 30, 2018. • Ensure that final budget is entered into Chart of Accounts (see FM 6) • Ensure that start-up funds are sufficient to support school until first per-pupil payment arrives.	Yes	1-Feb-18	Yes			Charter §§5.5, 8.5; Ed. Law (§2851(2)(e)		http://www.p12.nysed.gov/psc/regentsoversightplan/otherdocuments/webinar-video-series.html
30	FM2	**Financial Management**	• Finalize fiscal policies and procedures and obtain Board approval	• Submit finalized fiscal policies and procedures to NYSED liaison • Ensure alignment w/NY State law	Yes	1-Feb-18	Yes					http://www.p12.nysed.gov/psc/regentsoversightplan/otherdocuments/webinar-video-series.html
51	GM5	**Governance & Management**	• Make appropriate modifications to Code of Ethics from original charter application (if necessary) and submit to Board and NYSED for approval	• Submit finalized Code of Ethics to NYSED liaison • Code of Ethics must align with the General Municipal Law made applicable by the Charter Schools Act, and include standards regarding conflicts of interest issues	Yes	1-Feb-18	Yes	Yes		Charter §2.11		

54	GM8	**Governance & Management**	• File IRS Form 1023 to obtain tax exempt, 501(c)(3) status	• Submit proof of application for Federal tax exempt status to NYSED liaison • Federal tax-exempt status must be obtained no later than one year following the school's effective date		1-Feb-18	Yes		Yes	Charter §5.11		https://www.irs.gov/charities-non-profits/charitable-organizations/exemption-requirements-section-501c3-organizations
55	GM9	**Governance & Management**	• Engage an independent certified public accountant (CPA) licensed in NYS to perform an agreed-upon procedures engagement (the Independent Accountants' Report) • Share Audit Guide link with Independent Auditor	• Submit a copy of the engagement letter to NYSED liaison. • This guidance is focused on helping auditors understand the differences between charter schools and other non-profit entities, as well as providing specific guidance to the auditor and charter school management about the form and content of reports and testing required by NYSED and NYS law for Regents-authorized charter schools.	Yes	1-Feb-18	Yes		Yes	Charter §5.1 and §5.3		
72	PDI 1	**Policy Development & Implementation**	• Create FOIL Policy	• Submit SED finalized FOIL Policy to NYSED liaison	Yes	1-Feb-18	Yes		Yes	Ed. Law §2854 (1) (e); 21 N.Y.C.R.R. Part 1401		http://www.dos.ny.gov/coog/foil2.html
73	PDI 2	**Policy Development & Implementation**	• Create Student Disciplinary Code that includes suspension and expulsion policies, including students with disabilities •Include the Code of Conduct	• Submit finalized Student Disciplinary Code to NYSED liaison and the Code of Conduct • Forward copy of student policies to parents • Include provisions for SPED students and complies with the Dignity for All Students Act	Yes	1-Mar-18	Yes	Yes	Yes	Charter §2.9; 34 CFR Part 300		http://www.p12.nysed.gov/specialed/lawsregs/part201.htm
74	PDI 3	**Policy Development & Implementation**	• Create Complaint Policies for families	• Submit finalized Complaint Policies to NYSED	Yes	1-Mar-18	Yes	Yes	Yes	Charter §2.20		http://www.p12.nysed.gov/psc/complaint.html
75	PDI 4	**Policy Development & Implementation**	• Create FERPA policy	• Submit finalized FERPA Policy to NYSED • Provide notice of FERPA policy and directory information to families • Establish student files w/proper FERPA protections and procedures	Yes	1-Mar-18	Yes		Yes	20 U.S.C. §1232(g); 34 C.F.R. Part 99		http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html
11	FP1	**Facility Preparation**	• Acquire location and facility for the school (via purchase or lease)	• Submit signed lease agreement to NYSED liaison within 10 days • Ensure compliance with all statutory obligations • Update SEDREF as necessary	Yes	1-Apr-18	Yes	Varies	Yes	Charter §1.5; Ed. Law §2853(1) (b-1)		
12	FP2	**Facility Preparation**	• Create Facility Completion Schedule, including renovations schedule and budget	• Include in the plan, a timeframe for obtaining a Certificate of Occupancy, which is to be submitted to the NYSED Charter School Office, no later than April 1. •Please note requirements under FP4	Yes	1-Apr-18	Yes		Yes	Charter §1.5		
56	GM10	**Governance & Management**	• Create final organizational chart, if applicable	• Submit finalized school organizational chart to NYSED liaison	Yes	1-Apr-18	Yes	Yes	Yes			
57	GM11	**Governance & Management**	• Name permanent school leader/principal and other key leadership roles	• Provide NYSED with Board minutes or resolution that school leader / principal has been named (within five days of hire date) •Submit the school leader's resume to NYSED liaison • Provide all relevant contact information to NYSED and update SEDREF (link provided)	Yes	1-Apr-18	Yes		Yes			http://www.p12.nysed.gov/sedrefupdate.html
76	PDI 5	**Policy Development & Implementation**	• Develop Student and Family Handbook that includes all policies and protocols applicable as referenced individually in the checklist.	• Submit finalized Student and Family Handbook to NYSED • Distribute to all teachers, students and families • Board-approval must be obtained prior to stakeholder distribution	Yes	1-Apr-18	Yes	Yes		Q and A Revisions to Charters Authorized by the Board of Regents	Yes	

116	**T1**	**Transportation**	• Develop Transportation Services Plan and arrange for transportation services to be provided to eligible students • Obtain copies of fingerprint-supported background checks for employees of supplemental services provider	• Submit to NYSED liaison copy of Transportation Services plan and any agreement with provider of supplemental transportation services • Transportation must comply with all safety laws and regulations applicable to other public schools	Yes	1-Apr-18	Yes			Charter §2.16		
43	**FS1**	**Food Services**	• Create Food Services Program plan • Complete application materials if your school will participate in the National School Lunch Program	• Submit a copy of Food Services Program plan to NYSED Charter School Liaison • Ensure that the Plan is aligned with state and appropriate county and city law	Yes	1-May-18	Yes			Charter §2.18; 8 NYCRR § 114.2		http://portal.nysed.gov/portal/page/pref/CNKC/
108	**SLT1**	**Student Learning Time**	• Finalize school calendar	• Submit completed school-year calendar to NYSED liaison • After Board and NYSED approval, distribute to teachers, students and families	Yes	1-May-18	Yes	Yes	Yes	Charter §2.8; Ed. Law §2851(2)(n); 8 N.Y.C.R.R. §§ 185.5(a)(2), (3)		http://www.p12.nysed.gov/sss/lawsregs/1704-2.html
32	**FM4**	**Financial Management**	• Update and revise budget and month-to-month cash flow projections for Year 1.	• Submit to NYSED liaison the school's Board-approved budget and month-to-month cash flow projections for Year 1 (July 1, 2014-June 30, 2015). Note: If budget has not changed from the application, submission of approved budget **is still required**. • The Board-approved budget for Year 1 must include escrow account for dissolution of at least $25K, with $75K to be provided by Year 3 of the charter term	Yes	1-Jun-18	Yes			Charter §5.5		
69	**PESA1**	**Performance Evaluation for Staff & Administrators**	• Determine performance goals for school leader and define evaluation system	• Submit performance goals for school leader to NYSED liaison	Yes	1-Jun-18	Yes				Yes	
70	**PESA2**	**Performance Evaluation for Staff & Administrators**	• Determine performance goals for school administrators and non-instructional staff and define an evaluation system	• Submit performance goals for school administrators and non-instructional staff to NYSED liaison	Yes	1-Jun-18	Yes				Yes	
71	**PESA3**	**Performance Evaluation for Staff & Administrators**	• Determine performance evaluation criteria and design plan for teachers	• Submit performance evaluation criteria and design plan for teachers to NYSED liaison	Yes	1-Jun-18	Yes				Yes	
77	**PDI 6**	**Policy Development & Implementation**	• Create Complaint/Grievance Policies for staff, which should be included in the staff handbook.	• Submit finalized Complaint/Grievance Policies to NYSED liaison	Yes	1-Jun-18	Yes	Yes		Q and A Revisions to Charters Authorized by the Board of Regents		
96	**S6**	**Staffing**	• Pursue fingerprint-supported criminal background checks for all staff and volunteers. Guidance information is available on the NYSED TEACH website.	•Ensure that all employees have NYSED-OSPRA clearance. Send to NYSED liaison a staff rooster including copies of clearance forms from NYSED TEACH •Ensure that new employees without clearance have met conditions of Emergency Conditional Clearance and required documentation from the BoT President and School Leader, and prospective employee has been submitted and reviewed by NYSED liaison prior to the prospective employee around students • Ensure that national criminal, health and safety background checks have been conducted for all volunteers, including parent volunteers, who have contact with students	Yes	1-Jun-18	Yes			Ed. Law § 2854 (3)(a-2), (a-3)	Yes	http://www.highered.nysed.gov/tsei/ospra/
109	**SLT2**	**Student Learning Time**	• Finalize daily schedule	• Submit finalized daily schedule • After Board and NYSED approval, distribute to teachers, students and families	Yes	1-Jun-18	Yes	Yes		Charter §2.8; Ed. Law §2851(2)(n); 8 N.Y.C.R.R. §§ 175.5(a)(2), (3)		http://www.p12.nysed.gov/sss/lawsregs/175-5.html

13	**FP3**	**Facility Preparation**	• Ensure that building/facility is in compliance with Americans with Disabilities requirements and can accommodate students, staff and visitors with physical disabilities	• Submit to NYSED liaison written assurance that facility is programmatically accessible to physically handicapped individuals	Yes	1-Jul-18	Yes				Yes	http://www.p12.nysed.gov/psc/regentsoversightplan/sectioni/openprowebinars.htm
14	**FP4**	**Facility Preparation**	• For outside of NYC schools in leased space: acquire Certificate of Occupancy issued by the Commissioner of Education through the NYSED Office of Facilities Planning •For construction of a new building that the charter school will own (outside of NYC), contact the NYSED Office of Facilities at 518-474-3906. www.p12.nysed.gov/facplan/ • For NYC schools in privately leased space, a valid Certificate of Occupancy must be acquired through the NYC Department of Buildings	• Submit appropriate documentation to NYSED Charter School liaison that the facility is ready for occupants. • Appropriate documentation includes a local certificate of occupancy, fire safety inspection (without non-conformances) and floor plan.	Yes	1-Jul-18	Yes			Charter §1.5; Ed. Law §§ 2851(2)(j), 2853(3)(a-1) (i)	Yes	http://www.p12.nysed.gov/facplan/
16	**FP6**	**Facility Preparation**	• Develop District and School Safety Plan	TBD based on current law	Yes	1-Jul-18	?				Yes	http://www.p12.nysed.gov/sss/ssae/schoolsafety/save/
15	**FP5**	**Facility Preparation**	• Obtain insurance coverage for Commercial General liability and Umbrella liability	• Obtain Certificates of Insurance, effective no less than 30 days prior to school opening.	Yes	1-Jul-18	Yes		Yes	Charter §5.12 Ed. Law §2851(2)(0)		
78	**SHP1**	**School Health Plan / Medical Staff**	• Arrange for/hire school nurse via local school district or independently.	• A school nurse is required for any student with health care needs whose care can only be performed in school settings by licensed health care personnel. • If there is no school nurse, develop policies for the transportation home of ill/injured students. • NYC schools have a specific process to follow. The NYC DOE Charter School website has an Operations Tool Kit with additional details and contact information.		1-Jul-18	Yes			Charter §2.17; Ed. Law Article 19 §912; Ed.Law §2854 (1)(b) Ed. Law Article 139 Americans with Disabilities Act	Yes	http://www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/ http://schools.nyc.gov/community/planning/charters/Operations+Tool+Kit.htm
79	**SHP2**	**School Health Plan / Medical Staff**	• Recruit local medical director (physician or nurse practitioner) to meet school health requirements.	• Submit to NYSED liaison documentation of physician or nurse practitioner relationship to school • Medical director role should include but is not limited to: creating policies for dealing with ill or injured students, performing health appraisals and clearing student to participate or return to play in athletics, and writing non-patient specific orders for emergency epinephrine if school nurse (RN) available.		1-Jul-18	Yes			Ed. Law, Article 19, §901,902,903, 904,905,906. http://www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/Section136-3.html		http://www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/Section136-3.html
83	**SW1**	**School Wellness**	• Create School Wellness Policy	• Submit a copy of School Wellness Policy to NYSED • Policy must comply with the Child Nutrition and WIC Reauthorization Act of 2004	Yes	1-Jul-18	Yes			Public Law § 204(a)		http://www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/
98	**S8**	**Staffing**	• Create staffing plan that ensures that the number of teachers is adequate and that assignments align with plan • Recruit and hire appropriately qualified staff	• Submit teacher/teaching assistant roster including staff assignment, area of certification, type of certification, expiration date • Ensure teacher certification, with no more than the maximum number of non-certified teachers hired (Previously, no school could have more than 5 teachers or 30% of the teaching staff uncertified, whichever number is less. This number has been revised, and schools can now have an additional 10 uncertified teachers provided that 5 of these additional 10 teachers are teaching math, science, computer science, technology or career and technical education.	Yes	1-Jul-18	Yes			Charter §4.3; Ed. Law §2854(3)(a-1)(i)-(iv)	Yes	http://www.highered.nysed.gov/tcert/home.html
99	**S9**	**Staffing**	• Ensure that special education and related services will be provided in accordance with the IEP applicable State and federal statute, and in accordance with the staffing plan submitted in the charter application, and by individuals with appropriate certification or license, if applicable		As applicable	1-Jul-18	Yes			Ed. Law §2851(2)(s)		http://www.p12.nysed.gov/specialed/

80	**SHP3**	**School Health Plan / Medical Staff**	• Create a Health and Safety Plan with the assistance of the local medical director. • Create Medications Administration Plan for administration of prescription and non-prescription medications to students, and for provision of required health services. • Create plans / procedures for meeting student immunization requirements and body mass index / weight status; and related survey submission to NYS Department of Health. • Create plans / procedures for conducting required vision, hearing and scoliosis screenings in the required grade levels.	• Plan must include assurance that students without immunization records or documented exemption will be excluded from school after 14-30 days as per Public Health Law 2164. • Policies should be in place for referrals to Child Protective Services as needed. • Ensure that immunization records or exemption forms are properly filed.	Yes	1-Aug-18	Yes			EL, Article 19 §901,902, 916 EL Article 139		http://www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/
107	**S17**	**Staffing**	• Create process for appointment of Emergency Conditional Employees, both Conditional Prospective Employees and Emergency Conditional Appointments	• Process must include submission of fingerprints for all conditional appointments • Conditional Prospective Employees cannot begin w/out NYSED approval, and shall end within 45 days of the appointment start date or when	Yes	1-Aug-18	As applicable			Ed. Law § 2854 (3)(a-2) (ii,iii)	As applicable	
33	**FM5**	**Financial Management**	• Develop unaudited statement of activities and financial statements prepared in accordance with GAAP and FASB No. 117.	• Submit to NYSED liaison an unaudited statement of activities within 45 days of each fiscal quarter until the first year of instruction is completed (due dates indicated to the right). **Submission shall commence with the first fiscal quarter in which the school is in receipt of $50,000 or more in revenue, including grants.** • Statement must include Statement of Financial Position, Statement of	Yes	15-Feb-18 15-May-18 15-Aug-18 15-Nov-18 15-Feb-18 15-May-18	Yes			Charter §5.2		http://www.p12.nysed.gov/psc/documents/NYSEDFiscalOversightGuidebook_FINAL.pdf
65	**G2**	**Grants**	• Develop Title I consolidated application and determine whether to operate school wide or targeted assistance program during first year of operation	• Submit Title I consolidated application to NYSED Office of Title I School and Community Services; contact conappta@mail.nysed.gov or call (518) 473-0295 for assistance.		Anticipated date August,2018	As applicable					http://www.p12.nysed.gov/accountability/consolidatedappupdate/
66	**G3**	**Grants**	• Research any other applicable grants and apply	• Possible grants include: Charter Schools Planning and Implementation, NYS Charter Schools Stimulus Fund, private foundations (Walton, Broad, Gates)		Check individual grant deadlines	As applicable					
60	**GM14**	**Governance & Management**	• Maintain/develop board of trustees	• Provide affirmation of eligibility for new proposed board members to NYSED liaison for approval (NYSED will respond within 45 days of receiving all required documents) • Submit documentation as required to SED which includes the School Trustee Background Information form, Disclosure of Financial Interest form, preliminary board resolution to document background check clearance and board vote to add proposed board member	Yes	Ongoing	Yes			Charter §2.13		http://www.p12.nysed.gov/psc/OversightPlan.html
84	**SPP1**	**Service Provider Partnership**	• If partnering with a Charter Management Organization, develop and approve draft management contract	• Draft contract must be submitted to NYSED liaison at least 45 days prior to entering into legally binding agreement • Ensure that legal counsel has reviewed/approved draft contract	Yes	Prior to Final Board Approval	Yes	Yes		Charter §2.14		

85	**SPP2**	**Service Provider Partnership**	• If partnering with a Charter Management Organization, enter into legally binding agreement	• Ensure that legal counsel has reviewed/approved final contract • School must obtain NYSED approval before executing contract	Yes	Prior to Final Board Approval	Yes	Yes		Charter §2.14; Exhibit C; Ed. Law §2852(7)		
64	**G1**	**Grants**	• Complete and submit federal Charter Schools Program Grant Application	• Follow protocols outlined on Webinar and on Website		TBA	Yes					
59	**GM13**	**Governance & Management**	• Create an Initial Statement that describes the status of the management and financial controls as required in charter agreement section 5.1 a-i.	• Submit a copy of the board-approved Initial Statement to NYSED liaison.	Yes	Within 120 days of charter effective date	Yes		Yes	Charter §5.1 (a-i)		http://www.p12.nysed.gov/psc/regentsoversightplan/otherdocuments/webinar-video-series.html
58	**GM 12**	**Governance & Management**	• Within 60 days after the school has received and disbursed more than $50,000 in funds, the engagement with the CPA must be started. The CPA must provide the Independent Accountants' Report to the board of trustees, with a copy to the NYSED liaison, no later than 45 days after the engagement begins.	• Submit a copy of the Independent Accountants' Report to NYSED liaison. • Copy must include remedial plans resulting from deficiencies identified in Initial Statement • If applicable, Board must report and correct financial control deficiencies within 45 days of receiving the Independent Accountants' Report. • A second copy must be forwarded to NYSED after deficiencies have been corrected.	Yes	Within 45 days after the commencement of the engagement	Yes			Charter §5.1		http://www.p12.nysed.gov/psc/regentsoversightplan/otherdocuments/webinar-video-series.html
		Webinar Series	Contains Opening procesfures webinars for the following topics, fiscal, programmatic accessibility, school health and safety, special eduction services									http://www.p12.nysed.gov/psc/regentsoversightplan/sectioni/openprowebinars.htm

#	Task #	Category	Task Description	Notes	Formal Charter School Board Approval Required	Suggested Dates	Submit to SED	Considered Revision of the Charter / Future Changes Require SED Approval	Completion Verified	Statute/ Citation	Prior Actions Site Visit	Resource Links Note: Additional resources can be accessed by clicking the symbol:
6	EAA2	Enrollment and Application for Admission	Plan and document recruitment and school marketing efforts	• Include ELL/SPED enrollment campaign strategy		Ongoing				Charter §2.2; Ed. Law §2854 (2)(a)	Yes	
17	FP6	Facility Preparation	• Develop School Safety Plan	• A single building charter school may develop a single building-level school safety plan (rather than a district-level plan and a school-level plan).	Yes	1-Jul-18					Yes	http://www.p12.nysed.gov/sss/ssae/schoolsafety/save/
22	FP12	Facility Preparation	• Create plan and procedures to control access to the building			1-Aug-18					Yes	
25	FP15	Facility Preparation	• Ensure adequate signage; ensure that building is numbered for emergency response			1-Aug-18					Yes	
26	FP17	Facility Preparation	• Ensure that all space is adequate and appropriate for intended use (e.g., office space, classroom space, special education services)			1-Aug-18					Yes	
44	FS2	Food Services	• Identify and contract with food service provider, or determine how services will be delivered through internal processes	• Post RFP; recruit, screen and hire food service management company; use NYSED prototype contract (required to be eligible for federal and state reimbursement) • Maintain appropriate vendor certifications and checks (health, safety, criminal, medical, etc.)		1-Jul-18					Yes	http://portal.nysed.gov/portal/page/pref/CNKC
46	FS4	Food Services	• Ensure that appropriate food/beverage storage is available			1-Aug-18					Yes	
68	I 1	Insurance	• Obtain additional insurance coverage, for example: • Directors' and Officers' Liability • Commercial General Comprehensive Liability	• Insurance policies shall be effective no later than thirty (30) days prior to school opening date • See GM 1 for additional insurance for BoT members	Yes	1-Jul-18				Charter §5.12 Ed. Law §2851(2)(0)	Yes	
81	SHP4	School Health Plan / Medical Staff	• Ensure that Automated External Defibrillators (AEDs) are available and trained staff member is available at all times, including after-school events	• Staff must be trained and certified to use AEDs and perform CPR. • In NYC, contact the NYCDoE Charter School Office for additional information.		1-Aug-18				EL, Article 19 §917	Yes	http://www.p12.nysed.gov/sss/schoolhealth/schoolhealthservices/
86	SN1	Special Needs Students	• Hire or contract with certified SPED teachers and a qualified SPED administrator	• Submit a signed letter of agreement between the school and qualified SPED administrator to NYSED liaison		1-Aug-18				Charter §3.1	Yes	

95	**S5**	**Staffing**	• Create personnel policies and procedures, including position descriptions for each role	• Ensure that such policies are available to all stakeholders, including candidates for hire and included in staff handbook	Yes	1-Apr-18				Charter §4.2	Yes	
100	**S10**	**Staffing**	• Ensure that all staff positions have been filled and employment applications and contracts are on file for each staff member			1-Aug-18					Yes	
103	**S13**	**Staffing**	• Finalize and distribute Employee Handbook to all new staff		Yes	1-Aug-18					Yes	
111	**SR2**	**Student Records**	• Develop locked storage system for student academic and health records	• Student health records must be separated from academic records, preferably filed near the school nurse • See FERPA requirements below		1-Aug-18					Yes	
7	**EAA3**	**Enrollment and Application for Admission**	• Conduct random selection admissions process (lottery) in compliance with lottery regulations	• School lottery must be conducted via random selection and must be publicized and open to the public.		15-Apr-18				Ed. Law § 2854 (2)(b)	Yes	http://www.p12.nysed.gov/psc/aboutcharterschools/Financing/Regulations/csreg119.5.html
2	**ACC2**	**Accountability**	• Ensure that Assessment Plan is aligned with the plan outlined in the school's charter application	• Include plan for collecting baseline data on student performance and other school indicators • Ensure that Assessment Plan aligns with annual NYSED Student Information Repository System (SIRS) reporting requirements • Ensure that data collected is aligned with		1-Jul-18				Charter §2.6		http://www.p12.nysed.gov/psc/regentsoversightplan/SectionIIIPerformanceFramework.html
1	**ACC1**	**Accountability**	• Ensure that procedures for ordering, receiving and storing all NYS testing materials are in place	• For schools with grades 3 and up the Office of State Assessment Test Distribution Unit has specific guidance regarding the ordering, securing and returning of secure testing materials.		1-Aug-18						http://www.p12.nysed.gov/assessment/tdu.html
3	**ATT1**	**Attendance**	• Develop Attendance Policy . This should be included in the family handbook.	• Ensure that attendance is taken pursuant to 8 NYCRR § 104.1, which requires attendance data to be reviewed annually	Yes	1-Mar-18				Charter §2.3; 8 NYCRR § 104.1		http://www.p12.nysed.gov/sss/pps/attendance/
4	**ATT2**	**Attendance**	• Create Attendance Accounting Procedures	• Determine how attendance will be captured, reviewed and reported (including absent/tardy triggers)		1-Mar-18				Charter §2.3		
8	**EAA4**	**Enrollment and Application for Admission**	• Confirm with parents that students will enroll in school			1-Jul-18						
9	**EAA5**	**Enrollment and Application for Admission**	• Contract with Regional Information Center (RIC) for access to Student Information Repository System (SIRS) to meet state reporting requirements for			1-Jul-18				Charter §2.4		http://www.p12.nysed.gov/irs/sirs/

10	**EAA6**	**Enrollment and Application for Admission**	• Conduct student registration meetings			Spring						
17	**FP7**	**Facility Preparation**	• Purchase classroom and office furniture; Purchase office supplies			1-Apr-18						
18	**FP8**	**Facility Preparation**	• Negotiate copy machine lease; purchase fax machine			1-Apr-18						
19	**FP9**	**Facility Preparation**	• Complete office and classroom set-up checklists			1-Jun-18						
20	**FP10**	**Facility Preparation**	• Request parking permits as necessary and set up bus drop off and pick up areas.			1-Jul-18						
21	**FP11**	**Facility Preparation**	• Complete first day plans, including routines, welcome, operations			1-Jul-18						
23	**FP13**	**Facility Preparation**	• Complete hallway/ exterior set-up checklist			1-Aug-18						
24	**FP14**	**Facility Preparation**	• Ensure that the building is well-lit, clean and in good repair • Ensure that all rooms have necessary furnishings and equipment			1-Aug-18						
27	**FP17**	**Facility Preparation**	• Hang required labor posters			1-Aug-18						
28	**FP18**	**Facility Preparation**	• Notify parents/guardians, faculty, and staff of pesticide applications (if applicable)			As applicable				Charter §7.1; Ed. Law §409-h		http://www.p12.nysed.gov/facplan/documents/IPM-initialNotification.PDF

34	**FM6**	**Financial Management**	• Establish final chart of accounts			1-Jan-18						
35	**FM7**	**Financial Management**	• Understand revenue streams (per pupil funds, special education funds, IDEA, Titles I-V)			1-Jan-18						
36	**FM8**	**Financial Management**	• Establish bank account			1-Jan-18						
37	**FM9**	**Financial Management**	• Establish billing system; confirm accounting system with internal controls			1-Jan-18						
40	**FM12**	**Financial Management**	• Establish escrow account	• Escrow account for dissolution includes $75K to be provided by Year 3 of the charter term; with at least $25K included in the Year 1 budget		1-Jan-18				Charter §8.5		
31	**FM3**	**Financial Management**	• Establish vendor accounts for office supplies and complete Electronic Funds Transfer (EFT) Enrollment Form	• Submit W-9 Vendor Registration form and EFT to SED		1-Mar-18						http://www.fms.treas.gov/eft/index.html
38	**FM10**	**Financial Management**	• Establish purchasing cycle			1-Mar-18						
39	**FM11**	**Financial Management**	• Develop specific budgets: classroom and office furniture; technology; classroom supplies; textbooks; curriculum materials			1-Apr-18						
41	**FM13**	**Financial Management**	• Establish payroll system			Prior to Hiring						
42	**FM14**	**Financial Management**	• Contract with payroll vendor and independent benefits/ employee broker			Prior to Hiring						
45	**FS3**	**Food Services**	• Establish process for distribution and collection of free and reduced-price lunch forms and information, collection of lunch funds, and process for			1-Aug-18						
52	**GM6**	**Governance & Management**	• Retain legal counsel		Yes	1-Jan-18						
53	**GM7**	**Governance & Management**	• Apply for State Unemployment Number			1-Jan-18						

62	**GM17**	**Governance & Management**	• File IRS Form SS-4 to apply for a Federal Employer Identification Number (EIN)			ASAP--Needed for CSP grant submission						http://www.irs.gov/businesses/small/article/0,,id=102767,00.html
61	**GM15**	**Governance & Management**	• Begin to engage school community/parents to promote involvement in governance	• Continue to implement parent / community engagement plans set out in Application		Ongoing				Charter §2.15		
63	**GM17**	**Governance & Management**	• Ensure that Board members receive training on role, responsibilities and authority, including fiscal matters, oversight and accountability			Ongoing						
65	**G2**	**Grants**	• Develop NCLB Title I consolidated application and determine whether to operate school wide or targeted assistance program during first year of operation	• Submit Title I consolidated application to NYSED Office of Title I School and Community Services; contact conappta@mail.nysed.gov or call (518) 473-0295 for assistance.		Anticipated date August 2018	As applicable					http://www.p12.nysed.gov/accountability/consolidatedappupdate/
66	**G3**	**Grants**	• Research any other applicable grants and apply	• Possible grants include: Charter Schools Planning and Implementation, NYS Charter Schools Stimulus Fund, private foundations (Walton, Broad, Gates)		Check individual grant deadlines	As applicable					
67	**G4**	**Grants**	• Apply for E-Rate benefits	http://e-ratecentral.com/default.asp								
82	**SHP5**	**School Health Plan / Medical Staff**	• Maintain copies of professional credentials on file.			1-Aug-18						
87	**SN2**	**Special Needs Students**	• Identify students with IEPs	• Obtain all special education student records, including IEPs		1-Aug-18				Charter §3.1		
88	**SN3**	**Special Needs Students**	• Ensure that all appropriate programs are available for ELL students			1-Aug-18				Charter §3.1		
89	**SN4**	**Special Needs Students**	• Ensure that all arrangements are in place to accommodate Section 504-eligible students			1-Aug-18				Charter §3.1		
90	**SN5**	**Special Needs Students**	• Hire or contract with certified speech and language therapists, occupational and physical therapists, or other necessary services equipment			1-Aug-18				Charter §3.1		
91	**S1**	**Staffing**	• Sign up for administrative access to NYSED TEACH system to verify qualifications and criminal background clearance	• Follow directions at TEACH link		1-Jan-18						http://www.highered.nysed.gov/tcert/teach/
92	**S2**	**Staffing**	• Post job descriptions	• Create teacher recruitment strategy; finalize compensation structure (including benefits)		1-Feb-18						
93	**S3**	**Staffing**	• Create standard hiring letter and consultant contract (review by legal counsel)			1-Feb-18						

94	**S4**	**Staffing**	• Create model employee file, new hire checklist, and resignation/ termination checklist			1-Feb-18						
97	**S7**	**Staffing**	• Obtain staff benefits, including insurance (health, dental, vision, long-term disability, short-term disability, life) and retirement plan (401K, 403b)			1-Jun-18				Charter §4.5		
101	**S11**	**Staffing**	• Ensure that paraprofessionals meet requirements under NCLB			1-Aug-18				Charter §4.3b; 20 U.S.C. § 6319 NCLB § 1119		http://www.highered.nysed.gov/tcert/certificate/ta.html
102	**S12**	**Staffing**	• Conduct new employee benefits orientation and enroll staff			1-Aug-18						
104	**S14**	**Staffing**	• Develop system for recording employee attendance			1-Aug-18						
105	**S15**	**Staffing**	• Develop time-off forms and system for reporting to payroll			1-Aug-18						
106	**S17**	**Staffing**	• Establish process for securing substitute teachers	• Ensure completion of relevant background checks for all substitute staff		1-Aug-18						
110	**SR1**	**Student Records**	• Request student records from prior districts / transfer schools			1-Jul-18						

113	**TIS2**	**Technology / Information Systems**	• Select phone service; choose to buy or lease phone system			1-Apr-18						
114	**TIS3**	**Technology / Information Systems**	• Select internet connectivity service			1-Apr-18						
115	**TIS4**	**Technology / Information Systems**	• Select database software or consultant to manage attendance, enrollment, withdrawal, waiting list, transportation, meals, report card creation	• Student records data system should easily be able to disaggregate by race, gender, school corporation of residence, SPED, free / reduced-price lunch status, date of enrollment, date of withdrawal, previous schooling, etc.		1-Jun-18						
112	**TIS1**	**Technology / Information Systems**	• Select IT staff or hire consultant; complete 5-year technology plan; select server and computers to be purchased	• Apply for E-rate funding - See Task G4								
117	**T2**	**Transportation**	• Ensure that parent/guardian(s) complete request for transportation from the district of residency by April 1 (if appropriate) • Inform parents of the	• Information should be included in the parent handbook		1-Apr-18				Ed. Law§ 2853 (4)(b)		
118	**T3**	**Transportation**	• Receive routes and verify that all stops are correct			1-Aug-18						

SUNY Charter Schools Institute
The State University of New York

PRIOR ACTION CHECKLIST FOR STAND ALONE SCHOOLS

School: _____

Completed by: _____

ITEM	DELIVERABLE	COMMENTS	COMPLETED *(date and initialed)*
Governance and Management			
The education corporation Board of Trustees ("Board") has been established.	Copy of the Board meeting minutes identifying members of the operational Board **AND** List of current members of the education corporation's Board and officers including contact information		
By-laws have been ratified.	Copy of ratified by-laws **OR** Board resolution approving by-laws on file (no amendments)		
Management contract, if applicable, has been fully executed.	Copy of management contract signed by representatives of management entity and Board		
A permanent head of the school has been named.	Written notice that the head of the school has been named within five (5) days of the hire date		

Charter Schools Institute
The State University of New York

PRIOR ACTION CHECKLIST FOR STAND ALONE SCHOOLS

ITEM	DELIVERABLE	COMMENTS	COMPLETED *(date and initialed)*
Staffing			
The number of teachers is adequate and their assignments match the staffing plan.	Copy of complete staff roster including teaching assignments by grade level or specialty for all teachers		
No more than the maximum number of non-certified teachers have been hired ((lesser of 5 or 30% of teachers) + 5 teachers + 5 teachers of math, science, computer science, technology or career and technical education); and non-certified teachers meet the qualifications of Education Law § 2854(3)(a-1).	Copies of teacher certifications, TEACH printouts or appropriate proof of compliance with statutory exemptions		
Fingerprint/scan supported criminal background checks have been completed and all employees have NYSED-OSPRA clearance for employment; **OR** Fingerprints/scans for each employee have been submitted to NYSED and all conditions of Emergency Conditional or Conditional Clearance have been met; **AND** All employees have been identified to NYSED as working for the new charter school	Copies of Fingerprint Clearance Forms from OSPRA or TEACH printouts showing clearance for each employee identifying the new charter school as the employer's current employer **OR** Copies of fingerprint cards/scanning receipts and OSPRA forms/TEACH printouts showing submission to NYSED, and proof of Emergency Conditional or Conditional Appointment for each employee including a signed statement regarding criminal record **AND**		

PRIOR ACTION CHECKLIST FOR STAND ALONE SCHOOLS

ITEM	DELIVERABLE	COMMENTS	COMPLETED *(date and initialed)*
	an approved resolution from the Board (moved by the Board Chair) to extend such clearance to the employee(s) **AND** a Board approved supervision policy for such employee(s)		
Curriculum and Instruction			
Needed instruction materials and supplies have been distributed to classrooms at every grade level.	Classrooms are adequately prepared for teaching and learning, including the appropriate distribution of curricular materials and supplies at time of Prior Action Visit.		
Provisions have been made for a Child Find system and serving students with special needs and disabilities including those who may receive accommodation under Section 504 of the Rehabilitation Act of 1973.	Copy of RTI or other policy/process to refer students to district Committee on Special Education ("CSE") for evaluation as student with a disability or to refer to school 504 team **AND** Copy of Section 504 policy to include: • Identification, evaluation and reevaluation procedures; • Placement procedures • Formation of a 504 team; and, • A system of procedural safeguards for parents including notice, records review, and hearing in compliance with federal regulations		

SUNY Charter Schools Institute
The State University of New York

PRIOR ACTION CHECKLIST FOR STAND ALONE SCHOOLS

ITEM	DELIVERABLE	COMMENTS	COMPLETED *(date and initialed)*
A preliminary count of students with disabilities is available, **AND** The school is ready to serve such students.	A roster of students with disabilities and any information related to their settings and any related services that are known at the time of the Prior Action Visit **AND** Written documentation that the school has contacted the district CSE seeking records of each incoming student known to have a disability **AND** Written assurance that the school is able to serve the students or has or will contact the CSE within 10 days to have services provided to such students		
Students and Parents			
The school has developed required policies relating to: • Discipline (including students with disabilities); • Complaints/grievances; • FERPA; • FOIL; and • Open Meetings Law; and has made appropriate policies available to students and their families in the Student and Family Handbook or similar publication.	Copy of Student and Family Handbook (or similar publication) containing the specified policies **AND/OR** stand-alone policies including: <u>FERPA</u>: • Copy of FERPA procedures for locked storage/handling of student files in school or password protected student files if electronic); • Log on each file (or electronic access tracking);		

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A school calendar and class schedules exist and provisions have been made for them to be available to every student (if applicable) and family.	• List of persons with access; • List of records maintained (file schematic); • Confidentiality policy for school employees; and • Annual notification of rights, (and notice of intent to distribute directory information (if applicable)) <u>FOIL</u>: • Posted notice; • "Regulations;" • List of records; • Updated list of employees, positions, work locations and salaries; and • Website postings/links; **AND** School calendar and class schedules; **AND** Written assurance that Student and Family Handbooks (containing such policies), school calendar, and class schedules have been distributed		
Student enrollment procedures have been documented.	Summary of school enrollment statistics including number of currently enrolled students and number of students on the waiting list		

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Student records have been received or requested, and are in locked or protected storage.	Inspection at time of Prior Action Visit. If the records are electronic, the system must be password protected; **OR** Written assurance from the school that the records have been requested.		
Student health and immunization records have been separated from academic records and are in locked storage in the office of the school nurse. (If the nurse works for an entity separate from the school, the school must maintain its own copies of records).	Copies of incoming student health records or written assurance from the school that it has requested them **AND** Records made available to the school nurse and in locked storage (and, if applicable, copies retained by school). Electronic records are password protected with limited access.		
Student health policies are in place **AND** Policies have been distributed to parents.	Copies of school health policies including those for medication administration **AND** Written assurance that they have been distributed to parents		
Operations			
The school has made arrangements to be staffed with a school nurse. **AND** School has procedures for the administration of prescription and non-prescription medications to students, and for provision of required health services.	Written documentation of the school's relationship with a registered nurse and/or physician **AND** Copies of procedures for medication administration and for the provision of required health services		

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PRIOR ACTION CHECKLIST FOR STAND ALONE SCHOOLS

ITEM	DELIVERABLE	COMMENTS	COMPLETED *(date and initialed)*
Each student has been properly immunized or exempted.	Written assurance that each student has proper immunization records on file **AND** Students who have not been immunized or exempted will be barred from school after 14 days.		
Appropriate provisions have been made for supplemental transportation of students, if any are to be provided	Copy of agreement with provider of supplemental transportation services **AND** Copies of fingerprint/scan supported background checks for employees of the supplemental transportation services provider		
There are written plans for such life safety procedures as fire drills and emergency evacuation including school safety plans in accordance with Project SAVE.	Copy of draft SAVE Plan and proof that the plan has been submitted to NYSED for approval **AND** Assurance that school will meet with required groups (parents and teachers) and submit final SAVE Plan, and revise as directed by NYSED.		
Arrangements have been made for food service	Copy of agreement with food service provider, if applicable, or written assurance that arrangements have been made with the school district **AND** Copies of fingerprint/scan supported background checks for employees of the food service provider, if applicable		

Charter Schools Institute
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PRIOR ACTION CHECKLIST FOR STAND ALONE SCHOOLS

ITEM	DELIVERABLE	COMMENTS	COMPLETED *(date and initialed)*
Facilities and Fixtures			
Available space (including classrooms, restrooms, and special purpose space) meets the requirements of the program and the number of students enrolled.	Inspection at time of Prior Action Visit		
Space is accessible to all students (including students with disabilities), clean and well lit. If building is not required to be handicap accessible, procedures for reasonable accommodation of such persons are in place.	Inspection at time of Prior Action Visit **AND** Procedures for reasonable accommodation of persons with disabilities, if applicable		
A certificate of occupancy (or equivalent) is on file, as well as any other appropriate certificates of inspection or permits.	Copy of certificate of occupancy and other appropriate certificates of inspection or permits, but only if the school is located in a private space		
Certificates of insurance are on file, meeting at least the minimum levels required by the NY Charter Schools Act and including a provision to provide notice to the Institute of any material change, non-renewal, or termination of the policy.	Copy of certificate of insurance **OR** Insurance policy or binder.		

SUNY Charter Schools Institute
The State University of New York

PRIOR ACTION CHECKLIST FOR STAND ALONE SCHOOLS

ITEM	DELIVERABLE	COMMENTS	COMPLETED *(date and initialed)*
Space is safe and secure; entrance and egress from the school's space is adequately controlled.	Inspection at time of Prior Action Visit		
Sign for the school is evident.	Inspection at time of Prior Action Visit		
If the space is being leased from a religious entity, the space must be free from all religious symbols, signs, or representations.	Inspection at time of Prior Action Visit		
Copies of school fire safety/evacuation plans/maps are posted in each classroom and rooms where students may be present.	Inspection at time of Prior Action Visit		
Fire extinguishers have been recently inspected, and fire exits are free of obstructions.	Inspection at time of Prior Action Visit		
School has adequate food/beverage storage, heaters, and coolers in the kitchen/cafeteria area.	Inspection at time of Prior Action Visit		
Finance			
There is evidence of an accounting system with internal controls and fiscal policies.	Copy of the school's fiscal policies and procedures and is available on site **AND** Evidence of employment of or contract with an accountant, bookkeeper or other person or entity to handle such duties		

SUNY Charter Schools Institute
The State University of New York

PRIOR ACTION CHECKLIST FOR STAND ALONE SCHOOLS

ITEM	DELIVERABLE	COMMENTS	COMPLETED *(date and initialed)*
A payroll system has been established and, if offered, properly allows employees to consent to 12 month payroll.	Contract with payroll company or evidence of employment of or contract with persons to handle payroll **AND** Copy of deduction policy		
Compliance			
The school has assigned a staff person to oversee, and serve as the primary contact regarding, compliance.	Name of individual and contact information		
The school has developed required policies related to Mandated Reporter Child Abuse policies.	Evidence the school has provided written materials explaining the requirements **AND** Evidence the school has conducted or will conduct annual training		
The Initial Statement Process is complete	Report by independent auditor that systems are established and working for the school to take in revenue and expand on programs		

Budget Narrative File(s)

*** Mandatory Budget Narrative Filename:** 1242-CSP 18-23 Budget Narrative.pdf

Add Mandatory Budget Narrative | Delete Mandatory Budget Narrative | View Mandatory Budget Narrative

To add more Budget Narrative attachments, please use the attachment buttons below.

Add Optional Budget Narrative | Delete Optional Budget Narrative | View Optional Budget Narrative

Tracking Number:GRANT12615754 Funding Opportunity Number:ED-GRANTS-030918-001 Received Date:Apr 19, 2018 03:47:20 PM EDT

New York State CSP Grant Application, 2018-2023

Budget Narrative

ED 524 Budget Categories	Year 1 2018-19	Year 2 2019-20	Year 3 2020-21	Year 4 2021-22	Year 5 2022-23	Total
1. Personnel	[redacted]					
In year 1, 1.0 FTE for the project director (who is already a NYSED employee) and .2 FTE for the CSO executive director. Both will work in year 1 to develop the grant project team and develop contractual RFPs subgrant applications, all of which will take a year to complete and, for the latter, to execute. The project director will also perform duties usually assigned to a grants manager, such as managing planning and implementation subgrants and providing technical assistance to subgrantees. In subsequent years, one-half of the project director's FTE will be charged to the CSP grant (the other will be charged to the general fund) for project oversight (staff training and supervision, reporting, additional RFP development, etc.). A grants manager/fiscal specialist, a fiscal oversight specialist and a collaboration and professional development coordinator (3.0 FTE) will begin work in year 2. Salaries increase by four percent annually due to step increases and negotiated raises. This is an **administrative** cost.						
2. Fringe Benefits	[redacted]					
Fringe benefit rate of 59.97% applied to each year of Line 1. Personnel. This is an **administrative** cost.						
3. Travel	[redacted]					
As required, up to two staff will travel annually to Washington, D.C. for project director's meeting upon required permissions from NYSED. Also, staff travel to technical assistance centers and for oversight activities. This is an **administrative** cost.						
4. Equipment	$0	$0	$0	$0	$0	$0
No costs budgeted in this category.						

5. Supplies	$20,000	$10,000	$10,000	$10,000	$10,000	$60,000
Basic administrative supplies and technology to support grant administration. This is an **administrative** cost.						
6. Contractual	[redacted]					
NYSED will purchase annual licenses for the Epicenter web-based workflow solution for the CSO to integrate all phases of charter school authorizing, from new charter school applications to CSP subgrants to charter renewals. Cost is based on the number of charter schools authorized and budgeted for $95,000 in year 1, going up to $137,000 in year 5, for a total of $582,000. This is an **administrative** cost. Charter school technical assistance partnerships will be formed through contracts with NYSED and will begin operations in year 2. (The RFP and contracting process will take place in year 1.) Costs are budgeted at $1,750,000 for 4 years for a total of $7,000,000. This cost is for **technical assistance**. A consultant will be brought on board in year 1 to assist in development of the technical assistance partnerships RFP and highly-qualified consultants will be retained to review proposals. The total cost of $20,000 in year 1 is **administrative**.						
7. Construction	$0	$0	$0	$0	$0	$0
No costs budgeted in this category.						
8. Other	$18,750,000	$18,750,000	$20,650,000	$20,650,000	$11,200,000	$90,000,000
Three-year planning and implementation subgrants of $1,250,000 to 54 newly-authorized charter schools totaling $67,500,000. Three-year expansion subgrants to 15 eligible highly-qualified charter schools totaling $18,500,000. Eight three-year collaboration (dissemination) subgrants of $500,000 totaling $4,000,000 awarded through a competitive grant process to high-quality charter schools. RFP development, issuance and application scoring occurs in year 2, subgrant activities occur in years 3 and 4, and external evaluation occurs in year 5 of the grant. All of these are **subgrant** costs.						
9. Total Direct Costs	[redacted]					
10. Indirect Costs						

FY2018 indirect cost rate of 18.0% applied to Line 1. Personnel. This is an **administrative** cost.						
11. Training Stipends	$0	$0	$0	$0	$0	$0
No costs budgeted in this category.						
12. Total Costs						

New York State CSP Grant Application, 2018-2023

Budget Summary

Budget Categories	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Personnel	[redacted]					
Fringe Benefits						
Travel						
Equipment						
Supplies						
Contractual						
Construction						
Other						
Total Direct Costs						
Indirect Costs						
Training Stipends						
Total Costs						

New York State CSP Grant Application, 2018-2023

Proposed Personnel

Year 1 Grade Level	FTE	Job Title	Full Salary	Salary	Fringe Benefits	Indirect Costs	Total Cost, Year 1
M3	0.20	Executive Director	[redacted]				
22	1.00	Project Director					
23	0.00	Grants Manager/Fiscal Specialist					
23	0.00	Fiscal Oversight Specialist					
18	0.00	Professional Development Coordinator					
	1.20	Total					

Year 2 Grade Level	FTE	Job Title	Full Salary	Salary	Fringe Benefits	Indirect Costs	Total Cost, Year 2
25	0.50	Project Director	[redacted]				
23	1.00	Grants Manager/Fiscal Specialist					
23	1.00	Fiscal Oversight Specialist					
18	1.00	Professional Development Coordinator					
	3.50	Total					

Year 3 Grade Level	FTE	Job Title	Full Salary	Grant Salary	Fringe Benefits	Indirect Costs	Total Cost, Year 3
25	0.50	Project Director	[redacted]				
23	1.00	Grants Manager/Fiscal Specialist					
23	1.00	Fiscal Oversight Specialist					
18	1.00	Professional Development Coordinator					
	3.50	Total					

Year 4 Grade Level	FTE	Job Title	Full Salary	Grant Salary	Fringe Benefits	Indirect Costs	Total Cost, Year 4

25	0.50	Project Director	[redacted]
23	1.00	Grants Manager/Fiscal Specialist	
23	1.00	Fiscal Oversight Specialist	
18	1.00	Professional Development Coordinator	
	3.50	Total	

Year 5 Grade Level	FTE	Job Title	Full Salary	Grant Salary	Fringe Benefits	Indirect Costs	Total Cost, Year 5
25	0.50	Project Director	[redacted]				
23	1.00	Grants Manager/Fiscal Specialist					
23	1.00	Fiscal Oversight Specialist					
18	1.00	Professional Development Coordinator					
	3.50	Total					
		Grand Total					

New York State CSP Grant Application, 2018-2023

Subgrant Detail

Count of Subgrants

Budget Period	Planning & Implementation	Replication & Expansion	Dissemination	Grand Total
2018-2019	12	3	0	15
2019-2020	12	3	0	15
2020-2021	12	3	8	23
2021-2022	12	3	8	23
2022-2023	6	3	8	17
Total	**54**	**15**	**24**	**93**

Amount of CSP Subgrants

Budget Period	Planning & Implementation	Replication & Expansion	Dissemination	Grand Total
2018-2019	$15,000,000	$3,750,000	$0	$18,750,000
2019-2020	$15,000,000	$3,750,000	$0	$18,750,000
2020-2021	$15,000,000	$3,750,000	$1,900,000	$20,650,000
2021-2022	$15,000,000	$3,750,000	$1,900,000	$20,650,000
2022-2023	$7,500,000	$3,500,000	$200,000	$11,200,000
Total	**$67,500,000**	**$18,500,000**	**$4,000,000**	**$90,000,000**

Note: Budget assumes that one replication/expansion subgrant will total $1,000,000.

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INDIRECT COST RATE AGREEMENT
STATE EDUCATION AGENCY

Organization

New York State Education Department
89 Washington Avenue, Room 402, EB
Albany, NY 12234

Date: SEP 2 9 2017
Agreement No: 2017-109

[redacted]

The approved indirect cost rates herein are for use on grants, contracts, and other agreements with the Federal Government. The rates are subject to the conditions included in Section II of this Agreement and regulations issued by the Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards under 2 CFR 200.

Section I - Rates and Bases

Type	From	To	Rate	Base	Applicable To
Fixed	04/01/2017	03/31/2018	[redacted]	SW	Unrestricted
Fixed	04/01/2017	03/31/2018		SW	Restricted

Distribution Base:

MTDC — Modified Total Direct Cost - Total direct costs excluding equipment, capital expenditures, participant support costs, pass-through funds and the portion of each subaward (subcontract or subgrant) above $25,000 (each award; each year).

SW — Total Direct Salaries & Wages only (fringe benefits are not included).

The restricted rate was computed using a MTDC base in accordance with 34 CFR 75.563 and 34 CFR 76.563 and converted to SW restricted indirect cost rate.

Applicable To:

Unrestricted — Unrestricted rates apply to programs that do not require a restricted rate per 34 CFR 75.563 and 34 CFR 76.563.

Restricted — Restricted rates apply to programs that require a restricted rate per 34 CFR 75.563 and 34 CFR 76.563.

Treatment of Fringe Benefits:
Fringe benefits applicable to direct salaries and wages are treated as direct costs. Pursuant to 2 CFR 200.431, (b), (3), Paragraph (i), unused leave costs for all employees are allowable in the year of payment. The treatment of unused leave costs should be allocated as an indirect cost except for those employee salaries designated as a direct cost for the restricted rate calculation.

Capitalization Policy: Items of equipment are capitalized and depreciated if the initial acquisition cost is equal to or greater than $5,000.

Section II – Particulars

Limitations: Application of the rates contained in this Agreement is subject to all statutory or administrative limitations on the use of funds, and payments of costs hereunder are subject to the availability of appropriations applicable to a given grant or contract. Acceptance of the rates agreed to herein is predicated on the following conditions: (A) that no costs other than those incurred by the Organization were included in the indirect cost pools as finally accepted, and that such costs are legal obligations of the Organization and allowable under the governing cost principles; (B) the same costs that have been treated as indirect costs are not claimed as direct costs; (C) that similar types of information which are provided by the Organization, and which were used as a basis for acceptance of rates agreed to herein, are not subsequently found to be materially incomplete or inaccurate; and (D) that similar types of costs have been accorded consistent accounting treatment.

Accounting Changes: The rates contained in this agreement are based on the organizational structure and the accounting systems in effect at the time the proposal was submitted. Changes in organizational structure or changes in the method of accounting for costs which affect the amount of reimbursement resulting from use of the rates in this agreement, require the prior approval of the responsible negotiation agency. Failure to obtain such approval may result in subsequent audit disallowance.

Provisional/Final/Predetermined Rates: A proposal to establish a final rate must be submitted. The awarding office should be notified if the final rate is different from the provisional rate so that appropriate adjustments to billings and charges may be made. Predetermined rates are not subject to adjustment.

Fixed Rate: The negotiated fixed rate is based on an estimate of the costs that will be incurred during the period to which the rate applies. When the actual costs for such period have been determined, an adjustment will be made to a subsequent rate calculation to compensate for the difference between the costs used to establish the fixed rate and the actual costs.

Notification to Other Federal Agencies: Copies of this document may be provided to other Federal agencies as a means of notifying them of the agreement contained herein.

Audit: All costs (direct and indirect, federal and non-federal) are subject to audit. Adjustments to amounts resulting from audit of the cost allocation plan or indirect cost rate proposal upon which the negotiation of this agreement was based may be compensated for in a subsequent negotiation.

Reimbursement Ceilings/Limitations on Rates: Awards that include ceiling provisions and statutory/ regulatory requirements on indirect cost rates or reimbursement amounts are subject to the stipulations in the grant or contract agreements. If a ceiling is higher than the negotiated rate in Section I of this agreement, the negotiated rate will be used to determine the maximum allowable indirect cost.

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Section III - Special Remarks

Alternative Reimbursement Methods: If any federal programs are reimbursing indirect costs by a methodology other than the approved rates in this agreement, such costs should be credited to the programs and the approved rates should be used to identify the maximum amount of indirect costs allocable.

Submission of Proposals: New indirect cost proposals are necessary to obtain approved indirect cost rates for future fiscal years. **The next indirect cost rate proposal is due six months prior to the expiration dates of the rates in this agreement.**

Section IV - Approvals

For the State Education Agency:

New York State Education Department
89 Washington Avenue, Room 402, EB
Albany, NY 12234

[redacted]

Name

Title

Date

For the Federal Government:

U.S. Department of Education
OCFO / FIO / ICG
550 12th Street, SW
Washington, DC 20202-4450

[redacted]

Frances Outland
Name

Director, Indirect Cost Group
Title

SEP 2 9 2017

Date

Negotiator: Nelda Barnes
Telephone Number: (202) 245-8005