

To: Charter Schools Office, New York State Department of Education

Fr: Michael Regnier, New York City Charter School Center

Re: Comments on Draft January 2013 Request for Proposals to Establish Charter Schools Authorized by the Board of Regents

January 11, 2013

On behalf of the New York City Charter School Center, I respectfully submit the following comments on the Draft Request for Proposals (RFP) referenced above.

Teacher Evaluation

This RFP adds a new standard for prospective charter schools' plans for teacher evaluation, requiring such plans to be "aligned with the State's approach to incorporating student status and growth data in the evaluation and support of teachers (p. 39)." This is problematic in two ways.

The first is one the Charter Center has noted before in objecting to a related requirement for schools not participating in Race to the Top activities. Although there is no legal disagreement in this context as to SED's authority—in that, as an authorizer, the Board of Regents may require additional information from the applicant(s)—the requirement is nonetheless unwise. Such a demand contradicts the charter school concept of autonomy, setting a prescriptive standard for educational practice.

Charter schools are granted autonomy in exchange for accountability, and this is particularly true in the realm of teacher evaluation: how a school evaluates teachers (and therefore how it develops and trains them) are core educational activities of a school, and autonomy around these matters should be at its greatest. Moreover, this area of practice is highly unsettled, making a prescriptive approach particularly unwise unless other circumstances demand it.

As an alternative to this prescriptive requirement (which seems borne of a misguided notion that charter and traditional schools should be treated equally in the realm), SED should give applicants the option to propose methods of teacher evaluation that may not comply with the State's approach, provided that the methods, rationale, and any supporting research or precedents are described in thoughtful detail.

While this would provide charter schools more autonomy than New York State school districts enjoy, this is both natural and appropriate. Charter schools are not party to, or cause for, the problems that necessitated the state's evaluation reforms, namely a general lack of accountability that allows schools to fail chronically without consequences, and a tenure system that did not encourage searching review. (Charter schools are criticized for many things, but unwillingness to evaluate teachers is not one of them.)

Should SED not change this requirement, there is a second problem: the proposed requirement is unclear. The "State's approach" is not defined, either in the RFP itself or via link. For example, must all applicants comply with the requirements that apply to Race to the Top participant charter schools? May charter schools categorize teachers twice per year instead of once; or, alternatively, may they incorporate data

into teacher coaching on a continuous basis? Must charter schools plan to categorize teachers using the HEDI categories; categories that may be “mapped” to HEDI; or neither?

In addition to this issue, we note the following issues for review:

Leadership

On p. 35, the RFP asks that applicants “discuss the desired qualifications and discuss any plans for the recruitment and selection of the school leader.” Because effective school leaders are hard to find, and yet essential to charter school success, a more muscular prompt is necessary to draw applicants’ attention to this vital area of planning and to permit the application reviewers to determine whether applicants’ plans are thoughtful and viable. Applicants should be asked to explain their school leader recruitment/selection plan, including potential recruitment sources, expected selection criteria, and anticipated timeline.

CSP Grant Priorities

Two clarifications would be useful in the discussion of new CSP Design Priorities (p. 53). Design Priority 8 should specify “racial, ethnic, and linguistic” diversity, if that is the intention (per the first Indicator). It is also not clear whether Design Priority 9 is meant to apply to *any* charter school replication, or only the “first” replication of an existing, heretofore standalone charter school. The latter is preferable as a policy, since replication within existing networks has been steady, statewide, even without a CSP incentive.

Special Populations

The criteria related to students with disabilities and English Language Learners should be presented in two distinct sets, including separate mentions of student evaluation practices, to be clear about the fact that these are distinct student populations with differing needs (pp. 30-31).

Small Notes

The Table of Contents includes a formatting error (fourth item).

The Introduction could be improved if the discussion of the CSP Grant directed readers to Appendix C, and if the dates in the two approval rounds were shown in a table (p. 3).

On p. 7, the entire phrase “an additional 75 pages” should be in bold, to prevent confusion.