



Charter School Performance Framework

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Charter School Performance Framework

Overview

In June of 2010, the New York State Board of Regents (the “Regents”), and the New York State Education Department (the “Department”) embarked on a new approach to charter school authorizing, aligning the Regent’s and Department’s work with the best practices of the highest quality authorizers nationally.¹ A key component of this new approach is the Performance Framework (the “Framework”) for charter schools authorized by the Regents, which outlines the quality benchmarks for charter schools that represent the high-level of performance necessary to earn charter renewal.

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

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

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

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

Guiding Principles of the Framework

- **Focuses on performance over compliance.** Each performance benchmark serves to highlight how a successful school should perform and operate in a key area. The Regents and Department recognize that compliance is a minimum expectation and, through the Framework, moves the focus to student performance. Charter schools enter into an autonomy-for-accountability, performance-based contract with the Regents, and the Framework establishes expectations for high performance.
- **Preserves operational autonomy.** Each performance benchmark focuses on outcomes rather than process. The Regents and the Department must protect the building-level autonomies that allow charter schools to exercise the freedom to determine the means by which they achieve student outcomes.
- **Facilitates transparent feedback to schools.** The Framework is structured to ensure that clear and transparent feedback about performance in key areas can be conveyed to charter schools throughout the charter term. Based on this feedback and other data, charter schools should be able to make adjustments to their operations and academic programs to improve performance.
- **Aligns to the ongoing accountability and effectiveness work for all public schools.** The Department developed the Framework during a period of broader educational reform in New York, largely influenced by New York’s successful Race to the Top application and ESEA Flexibility Request. To the greatest extent possible, the Department aligned the Framework with its overall educator and institutional accountability

¹ See <http://www.regents.nysed.gov/meetings/2010Meetings/June2010/0610emscd1.htm>.

² This is a required program assurance of the Department’s \$113 million 2011-2016 federal Charter Schools Program grant (PR/Award #U282A110005), awarded to the Department in July 2011 to support the expansion of high-quality public charter schools and disseminate the best practices of existing charter schools.

and school effectiveness work, but also incorporated additional performance metrics that capture the unique aspects of charter school autonomy and accountability.

- **Balances clear performance benchmarks with Regents’ discretion.** The Framework clearly outlines performance benchmarks for charter schools, but does not formulaically dictate high stakes accountability decisions, including new charter award, probation, revocation, and/or renewal decisions. These high-stakes decisions are ultimately made by the Regents based on the totality of evidence presented by the charter school, and the Regents have the discretion to consider all qualitative and quantitative factors when making these decisions, though improvement in student achievement for all student groups remains paramount.

Using the Performance Framework during the Charter Term

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

Using the Performance Framework for Charter Renewal Decision-Making

Every charter school authorized by the Regents undergoes a rigorous renewal process during the final year of its charter term to determine whether or not the school should continue to operate. The renewal process is triggered when a school submits a renewal application, and includes a renewal site visit, and an analysis of all evidence related to the charter school over the course of the school’s charter term (the “charter record”); including quantitative and qualitative evidence collected through the Department’s charter school performance oversight process. The Framework provides the performance benchmarks and lens of inquiry for the renewal site visit and for subsequent Department analysis, which leads to a recommendation regarding charter renewal to the Regents. The Department’s recommendation to the Regents will be based on the guidelines outlined in the *Regents’ Charter School Renewal Policy*⁴, summarize key findings, and include an assessment of whether the charter school exceeds, meets, approaches, or falls far below each performance benchmark (see scale below).

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

³ See the Monitoring Plan located at <http://www.p12.nysed.gov/psc/documents/NYSEDMonitoringPlanSeptember2011.pdf> for more details about the ongoing performance oversight process.

⁴ Presented to the New York State Board of Regents at their November 5, 2012 meeting.

**New York State Education Department
Charter School Performance Framework**

| Performance Benchmark | | Level |
|--|---|--------------|
| Educational Success | Benchmark 1: Student Performance: The school has met or come close to meeting student achievement goals for academic growth, proficiency, and college and career readiness on state standards and achievement goals outlined in the school’s charter. | |
| | Benchmark 2: Teaching and Learning: School leaders have systems in place designed to cultivate shared accountability and high expectations and that lead to students’ well-being, improved academic outcomes, and educational success. The school has rigorous and coherent curriculum and assessments that are aligned to the Common Core Learning Standards (CCLS) for all students. Teachers engage in strategic practices and decision-making in order to address the gap between what students know and need to learn so that all students experience consistent high levels of engagement, thinking and achievement. | |
| | Benchmark 3: Culture, Climate, and Family Engagement: The school has systems in place to support students’ social and emotional health and to provide for a safe and respectful learning environment. Families, community members and school staff work together to share in the responsibility for student academic progress and social-emotional growth and well-being. Families and students are satisfied with the school’s academics and the overall leadership and management of the school. | |
| Organizational Soundness | Benchmark 4: Financial Condition: The school is in sound and stable financial condition as evidenced by performance on key financial indicators. | |
| | Benchmark 5: Financial Management: The school operates in a fiscally sound manner with realistic budgets pursuant to a long-range financial plan, appropriate internal controls and procedures, and in accordance with state law and generally accepted accounting practices. | |
| | Benchmark 6: Board Oversight and Governance: The board of trustees provides competent stewardship and oversight of the school while maintaining policies, establishing performance goals, and implementing systems to ensure academic success, organizational viability, board effectiveness and faithfulness to the terms of its charter. | |
| | Benchmark 7: Organizational Capacity: The school has established a well-functioning organizational structure, clearly delineated roles for staff, management, and board members. The school has systems and protocols that allow for the successful implementation, evaluation, and improvement of its academic program and operations. | |
| Faithfulness to Charter & Law | Benchmark 8: Mission and Key Design Elements: The school is faithful to its mission and has implemented the key design elements included in its charter. | |
| | Benchmark 9: Enrollment, Recruitment, and Retention: The school is meeting or making annual progress toward meeting the enrollment plan outlined in its charter and its enrollment and retention targets for students with disabilities, English language learners, and students who are eligible applicants for the free and reduced priced lunch program; or has demonstrated that it has made extensive good faith efforts to attract, recruit, and retain such students. | |
| | Benchmark 10: Legal Compliance: The school complies with applicable laws, regulations, and the provisions of its charter. | |

Benchmark 1: Student Performance

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

Important Notes:

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

| # | Indicator | Measure | Meets Level |
|---|---|--|--|
| 1. Student Progress Over Time (Growth) | | | |
| 1a. | Aggregate growth | Unadjusted Mean Growth Percentile (MGP) for all students on NYS assessments. | State Average |
| 1b. | Subgroup growth | Unadjusted Mean Growth Percentile (MGP) for all accountability subgroups. | State Average |
| 1c. | Performance Index: Aggregate growth to proficiency | Performance Index (which accounts for the number of students who are proficient or those making growth sufficient to achieve proficiency within 3 years or by Grade 8). | Effective Annual Measurable Objective Target |
| 1d. | Performance Index: Subgroup growth to proficiency | Performance Index (which accounts for the number of students who are proficient or those making growth sufficient to achieve proficiency within 3 years or by Grade 8). | Effective Annual Measurable Objective Target |
| 1e. | <i>NYC only</i> | <i>Progress Report Grade for Student Growth.</i> | <i>B</i> |
| 2. Student Achievement (Attainment) | | | |
| 2a. | Aggregate Proficiency | % of students proficient on 3-8 state assessments for all students | State Average |
| 2b. | Subgroup Proficiency | % of students proficient on 3-8 state assessments for all accountable subgroups | State Average |
| 2c. | Similar Schools Comparison | Effect Size in Comparative Regression Analysis controlling for prior academic performance (when possible) and student characteristics | Statistically significant positive effect size |
| 2d. | District Comparison | % of students proficient on 3-8 state assessments | Exceeds the district average |
| 2e. | Subgroup Comparison | % of students proficient on 3-8 state assessments | Exceeds the state average |
| 2f. | <i>NYC only</i> | <i>Progress Report Grade for Student Attainment</i> | <i>B</i> |
| 3. State and Federal Accountability System | | | |
| 3. | State Accountability Designation | Reward, Good Standing, Local Assistance Plan, Focus or Priority School Status | Good Standing |
| 4. College and Career Readiness – Growth and Attainment (for High Schools) | | | |
| 4a. | Aggregate 4- and 5-year graduation rate | 4-year and 5-year graduation rate for all students | State Average |
| 4b. | Subgroup 4- and 5-year graduation rate | 4-year and 5-year graduation rate for all accountable subgroups | State Average |
| 4c. | Performance Index | Performance Index (which will account for the number of students who have reached the college/career ready standard on Regents exams within 4 years of their first entry into ninth grade) | Effective Annual Measurable Objective Target |
| 4d. | Other indicators/measures of growth and attainment related to college and career readiness based on Regents exams and graduation rates ⁵ | | Statistically significant positive effect size |
| 4e. | <i>NYC only</i> | <i>Progress Report Grade: Student Growth and Attainment</i> | <i>B</i> |
| 5. Charter-Specific Student Performance Goals | | | |
| a. | TBD by Charter School | As determined by school | TBD |
| b. | TBD by Charter School | | TBD |

⁵ These following measures are still currently under development but may include: Growth in Regents Exams Passed On-track to Pass Regents, Regents Score Value-Added, and Weighted Graduation Rate.

Benchmark 2: Teaching and Learning

School leaders have systems in place designed to cultivate shared accountability and high expectations and that lead to students' well-being, improved academic outcomes, and educational success. The school has a rigorous and coherent curriculum and assessments that are aligned to the Common Core Learning Standards (CCLS) for all students. Teachers engage in strategic practices and decision-making in order to address the gap between what students know and need to learn so that all students experience consistent high levels of engagement, thinking and achievement.

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

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

Benchmark 3: Culture, Climate, and Family Engagement

The school has systems in place to support students' social and emotional health and to provide for a safe and respectful learning environment. Families, community members and school staff work together to share in the responsibility for student academic progress and social-emotional growth and well-being. Families and students are satisfied with the school's academics and the overall leadership and management of the school.

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

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

Benchmark 4: Financial Condition

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

Important Notes:

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

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

Benchmark 5: Financial Management

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

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

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

Benchmark 6: Board Oversight and Governance

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

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

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

Benchmark 7: Organizational Capacity

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

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

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

Benchmark 8: Mission and Key Design Elements

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

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

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

Benchmark 9: Enrollment, Recruitment, and Retention

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

Important Notes:

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

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

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

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

If the enrollment and retention targets are not met:

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

Benchmark 10: Legal Compliance

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

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

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

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