

January 2, 2014

William Clarke  
New York State Education Department  
Director, Charter School Office  
Room 471 EBA, 89 Washington Avenue  
Albany, NY 12234

Re: Comments on Draft 2014 Request for Proposals to Establish Charter Schools Authorized by the Board of Regents

Dear Mr. Clarke:

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

#### **Application Cycles**

The publication of an RFP on January 6, with final Round 1 proposals due just over one month later on February 3, creates a timeline that new applicant groups (as opposed to repeat or replicating applicants) may find prohibitively fast. At the same time, applicant groups applying for a charter in Round 2 may not have sufficient time to establish their school should the Regents take action for authorization in December.

Moderating both deadlines by one month, with Round 1 Letters of Intent due in March and Round 2 Letters due in July, would allow a more diverse set of Round 1 applicants and a more realistic startup timeframe for Round 2 applicants (who could look forward to Regents approval in November).

#### **Application Consultant Disclosure**

In the interests of transparency, application teams should be required to disclose the names of any paid vendors that were engaged in the development of their applications, including application writing and/or budget development.

#### **Replication Applications**

As per best practices recommended by the National Association of Charter School Authorizers, applications for a charter that replicates an existing school should emphasize a business plan and authorizers should create a differentiated application process for these experienced operators. We ask that the Charter School Office make the inclusion of a forward looking business plan a mandatory component of the application for replication applications. The RFP should emphasize that the business plan should address the organization's fiscal health and how they will support its projected growth.

#### **Requests for Modifications**

Past applicant groups have received requests for modifications with urgent, even 24-hour deadlines, which encourage compliance over thoughtful planning. We ask that the Charter School Office state an informal goal of allowing at least one week for applicant groups to address any request for modification.

**“Media Contact”**

Asking applicants to identify a “media contact” for their proposed school implies that only the media should reach out to this person, which can discourage inquiries from community groups or parents. “External contact” would be a preferable term.

**Submission Instructions (p. 9)**

To avoid confusion, the Charter School Office should indicate how applicant teams will receive confirmation of the receipt of documents they are submitting to NYSED in support of their charter application.

**Enrollment, Recruitment, and Retention (p. 21)**

In the interest of a complete evaluation, applicants should be asked to briefly describe their policies related to so-called “backfill” enrollment after student attrition occurs, including the grade levels and times of the school year when any such enrollment will be practiced.

**Management and Staffing (p. 35)**

It would be useful to prompt applicants to describe the hiring of teachers “in alignment with applicable certification and fingerprinting requirements” as this is a legal area sometimes overlooked by new applicants.

**Teacher Evaluation (p. 35)**

We have previously objected to SED RFP terms related to prospective charter schools’ plans for teacher evaluation, on the grounds that 1) prescriptive demands in this unsettled area of educational practice are a blatant contradiction of the principle of charter school autonomy, and ultimately undermine innovation for the broader public education system; and 2) the description of the “State’s approach” to teacher evaluation is unclear to applicants.

These problems have not been resolved in this year’s draft RFP. Page 35 is especially confusing when applicants are asked to describe a system “aligned with the State’s approach to incorporating status and growth data,” a vague phrase that is footnoted with a reference to what “the Board of Regents strongly encourages.” For the sake of clarity and accountability, requirements should be described as requirements, and options as options. Asking applicants to describe how they will align to a strong encouragement is not a model of clear communication.

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 and provided further that the applicant would not be held to such system except in its most general terms. In other words, this section of the application should be more a proxy for demonstrating knowledge of good practice rather than a blueprint that becomes part of the charter (and therefore requires revision as schools necessarily and appropriately experiment with what works and what does not).

While these changes 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, and to dismiss them when such course of action becomes necessary, is not one of them.)

**Organizational and Fiscal Plan: Budget and Cash Flow (p. 44)**

To avoid confusion for application teams, the Charter School Office should explicitly state how it will consider grant funding (soft money) in the budget for the proposed charter school.

**Appendix A**

It is not clear if the evaluation rubric provided here is in fact a “Sample” sample, or the actual rubric that will be used. Please clarify, and if it is only a sample, indicate when the actual rubric will be available for review.

Sincerely,

Michael Regnier  
Director of Policy & Research

David Frank  
Director, School Support