

NYSED CHARTER SCHOOL OFFICE RESPONSE SUMMARY

Charter School Performance Framework

Responses to Comments/Questions From the Field

November 2015

GENERAL QUESTIONS

1. ***“The Charter Center urges SED to clarify to Regents-authorized schools that the Framework will be applicable to charter schools during their next charter term and subsequent renewal. This would be the most appropriate implementation of the Framework, as previously executed charter agreements and the expectations derived therefrom should not be unilaterally amended by either party.”***

The Framework is the foundation of the Board of Regents charter school oversight plan and applicable to all Board of Regents-authorized charter schools. The Board of Regents Charter School Renewal Policy and 8 NYCRR 119.7 state that *“the analysis of qualitative and quantitative data and evidence concerning a charter school's performance, for purposes of the Department's renewal recommendation pursuant to paragraph (c)(3) of this section, shall be based on the charter school's achievement in each of the performance benchmarks set forth in the Charter School Performance Framework.”* The Framework was endorsed by the Board of Regents in October 2012 as an outline of qualitative and quantitative standards for effective charter schools, and the Department's Charter School Office was directed to revise and update the Performance Framework, in consultation with the field, as necessary and consistent with the Renewal Policy and the guiding principles outlined in the Framework.

The field should note that benchmark standards 1-10 for charter school performance described in the updated 2015 Performance Framework have not been altered significantly. Changes to the indicator language and measures in the Framework were made to increase transparency and clarity and make it easier for charter schools to use the Framework for self-assessment purposes throughout the charter term.

2. ***“The emphasis on academic performance over compliance, and explicit statements on preserving autonomy for charter schools are the most appropriate measures by which to measure school quality. Nonetheless, many of the benchmark indicators appear to place too much emphasis on inputs, e.g. having a documented curriculum aligned to the Common Core Learning Standards. These qualitative measures can provide useful information about a charter school, particularly when meaningful quantitative data are incomplete or otherwise non-existent. Where meaningful quantitative, outcomes-based data are available, qualitative measures should take a subordinate role in the renewal decision, and the Framework should be explicit about such use.”***

Providing there are no significant fiscal, legal, or enrollment issues, the Department considers all benchmarks to be subordinate to the outcomes-based data that constitutes Benchmark 1: Student Performance. Indicators in the above-referenced benchmarks, are intended to provide evidence to substantiate analysis of charter school performance as a supplement to quantitative

student outcome data. Please refer to Board of Regents Renewal Policy <http://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/November2012/1112p12a1.pdf> for a full discussion of how the Performance Framework (pages 3-4) is used to formulate charter school renewal recommendations.

- 3. "One of the guiding principles is out of place, and we do not support its inclusion in the framework or accountability process: alignment to the Department's ongoing accountability and effectiveness work for all public schools. Charter Schools are public schools, but they are unequivocally and unapologetically a different kind of public school. The measures and goals that guide educator and school accountability work for the traditional system often do not align well to the high-stakes accountability reality of charter schools. Basing Benchmarks 2 and 3 on the Diagnostic Tool for School and District Effectiveness (DTSDE), designed by the Department during a reform era for traditional schools falls short for charters in some key ways, mainly in that they are subjective and are difficult to measure."***

The Performance Framework guiding principle states "to the greatest extent possible, the Department aligned the Framework with its overall educator and institutional accountability and school effectiveness work..." This work is derived from research-based effective practices and the identification of qualitative indicators that are demonstrated to lead to effective teaching and learning. Such practices are not unique to a particular model of school design, structure or governance, but are applicable to all effective schools. Additionally, Benchmarks 2 and 3 are described in the Framework as a source of qualitative information that should be used as formative feedback and a tool for self-assessment by charter schools.

- 4. Performance Scale/ Designations: "It is not clear how the Exceeds/Meets/Approaches/Falls Far Below (EMAF) scale will be applied to individual indicators. Based on the information currently provided in the framework, there is no way for a school to know where they fall on this continuum without being told directly by the authorizer.....schools have no way of knowing if similar schools are being evaluated in a similar way. Again, when many of the indicators are subjective, how will the Charter School Office ensure that schools across the board are rated consistently?"***

The EMAF scale is not used to rate individual indicators under each benchmark. Rather, the rating is used to give feedback to the school on the overall implementation of the ten benchmarks, following formative and summative evaluations of the school's academic programming, organizational capacity and faithfulness to the charter and law throughout the charter term. Ratings are based on the totality of evidence provided through submitted reports and documents, on-site observation, state test results, etc. While Benchmarks 1, 4 and 9 are rated on data submitted to the Department by all public schools, the other benchmarks are rated on a combination of school-submitted information and evaluative data acquired through CSO monitoring activities. The CSO conducts comprehensive evaluative visits to charter schools at the mid-term and in the final year of each school's charter term in order to inform renewal recommendations. Through a set of uniform site visit protocols, CSO ratings of school performance are normed for reliability and consistency. Please see the Monitoring Plan for New York State Charter Schools Authorized by the Board of Regents for more information: <http://www.p12.nysed.gov/psc/documents/monitoringplan.pdf>

5. **Renewal Decisions:** *“...Schools need to know how each section of the framework will be weighted or combined in order for the Charter School Office to come to a renewal/non-renewal recommendation...”*

See page 3 of the [Charter School Renewal Policy](#), which sets forth the use of the Framework in the renewal process. The policy states that *“...though the Framework clearly outlines the performance benchmarks that charter schools are expected to meet, Department renewal recommendations and Regents’ renewal decisions are not dictated by a formula or point system. The Regents will make a charter renewal decision based on the totality of evidence presented by the charter school, and the Regents have the discretion to consider many relevant qualitative and quantitative factors when making these decisions.”*

BENCHMARK 1 QUESTIONS

1. **Non-NYS Test Data:** *“The Framework notes: ‘The Department may consider other assessment data but it will not supplant state assessment results.’ How will other assessment data be used? Is it reserved only for specific goals in the charter agreement or can schools report any data they choose? Will additional data help the school or will the results have no measurable impact?”*

Non-NYS test data is considered in certain limited and unique circumstances only, such as when a school does not have sufficient state test data to assess student achievement. Local assessment data may be shared by charter schools for informational purposes, but cannot be considered a definitive measure of school performance because the integrity of local test administration and scoring protocols cannot be confirmed by the Department.

2. **Consider incorporating the New York State student growth model. Will the Charter School Office use HEDI index scores to determine growth?**

The updated Performance Framework considers growth in the context of trending toward proficiency, i.e. student articulation from Level 1-3 into a higher level and maintenance from year to year of students who are already at a level 3 or 4. The former Performance Framework growth measure was the state calculated Mean Growth Percentile for all students and subgroups. This measure is still used by the state and published in schools’ NYS report cards. However, the Charter School Office recognized a need to not only capture growth in a manner schools could self-assess, but also give credence to schools who can maintain levels of 3 or 4 in student level proficiency over time, an important consideration in the assessment of school performance.

3. **NYSED should provide a list of comparable schools with similar demographics.**

Schools will be able to generate their own comparable schools list with enrollment and demographic data available on the NYSED Information and Reporting Services website at any time. CSO will post a video tutorial assisting schools in completing this self-assessment.

4. ***“In several areas, the Framework references a ‘minimum threshold’ under the target column. What does meeting the minimum threshold signify? Why are minimum thresholds not included for all benchmark indicators?”***

CSO set minimum expectations for Benchmark 1 indicators pertaining to comparative proficiency and elementary/middle school outcomes, but not high school and graduation outcomes. The rationale is that Board of Regents expectations for high school academic and graduation outcomes are absolute measures (i.e., to earn a Regents diploma, students must complete five Regents exams; to remain in good standing, schools must maintain 4 and 5 year graduation rates of 80%.) With limited exception, all schools are expected to meet the minimum expectations. Meeting minimum expectations does not guarantee renewal. Further, the failure to progress toward target outcomes may adversely affect the renewal recommendation.

5. ***“Under the “Trending Toward Proficiency” measure, Is there a minimum number of days a student must be enrolled at a charter school in order for that student to be credited to that school?”***

To be credited toward the school for this measure, students must have been enrolled in the school at least by testing day for the first exam administration (baseline year) and enrolled and tested in the following year (year which determines if the student maintained or improved).

6. ***“When comparisons are made to the District Average, does this refer to New York City or the Community School District (CSD)? When evaluating citywide 3-8 and subgroup performance, comparisons should be based on the CSD averages. For high school performance, comparisons citywide would be appropriate.”***

District Average refers to the CSD. High school annual outcomes are benchmarked to the state average because in many districts of location, the sample size (# high schools) would be too small for a valid comparison. Additionally, high school academic and graduation outcomes are absolute measures and are, therefore, expected to ensure students’ success in meeting graduation requirements and demonstrate preparation for post-high school.

7. ***“With regards to the annual Regents metrics, how will SED factor into an increasingly frequent practice of schools encouraging students to take the Regents without screening for likelihood to pass?”***

This is accounted for in the measures of high school cohort outcomes (Benchmark 1, Indicators 3a(iii) 3a(iv)). High school cohort outcomes reflect students’ highest score regardless of when, where or how frequently the exam was administered.

BENCHMARK 2 QUESTIONS

1. ***“A number of these measures seem to examine process and will include a lot of subjective judgment calls by individual and team site visit evaluators.....Another significant concern is the need for clarity on how the Department will collect data and evaluate these indicators. For example: Will the schools document evidence during site visits or will it be observational? Will there be some form of ‘assurance of compliance’? Will it be based on interviews with teachers and students?”***

Please refer to the following documents, which describe the Department’s monitoring plan, activities and data collection:

- *Monitoring Plan for New York State Charter Schools Authorized by the Board of Regents*
- *Charter School Mid-Term Site Visit Protocol 2015-2016*
- *Charter School Renewal Site Visit Protocol 2015-2016*

The documents are posted at: <http://www.p12.nysed.gov/psc/SectionIIIMonitoringPlan.html>

2. ***“The use of family surveys has not always reflected family engagement, and parents were not always able to participate in focus groups.”***

CSO obtains information about family engagement through several sources. Mid-year and renewal site visit teams may conduct face to face focus groups, but in some cases, these are not well attended and offer only a limited picture of family satisfaction and/or concerns. NYSED also requests and reviews family survey data collected by the school. In some schools, the response rate to family survey is high and yields meaningful information. When family survey data from the school is not available, we work with schools to administer an anonymous, online family satisfaction survey. Schools may request that the survey be translated into other languages.

BENCHMARK 9 QUESTIONS

1. ***“SED should add into the framework whether or not the school is making “extensive efforts” to reach its targets and whether such efforts constitute “good faith.”***

“Extensive” or “good faith” efforts to meet targets will be reviewed upon mid-term site visits and are fully assessed upon renewal. Schools should be able to draw a relationship between efforts to recruit target populations and a clear and evident increase in enrollment within those populations. Therefore, a full assessment of the validity of such efforts will not be conducted until the end of the renewal period to allow the school time to adjust and test recruitment strategies to attract target populations.