

Frequently Asked Questions About Renewal

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1. General/Legal

1.1 Why does a charter school have to renew its charter?

The Charter Schools Act limits a charter to a maximum period of five-years.

As such, a school must seek renewal of its charter if it is to continue operating beyond that period. Because the charter is for a limited period and expires unless it is renewed, it is known as a “provisional charter.” The purpose of making charters provisional is to hold charter schools more accountable than district-run public schools, which are registered instead of chartered and which therefore, do not face a high stakes renewal review and are therefore less accountable.

1.2 Why does a charter school have to submit an application for renewal?

The Charter Schools Act requires that charter schools submit an application. Not everything, however, that the Charter Schools Institute requires in the renewal application is required by the law. In fact, the law requires only the following:

- a. a report on the progress of the charter school in achieving the educational objectives set forth in its 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;
- c. copies of each of the annual reports of the charter school, including the charter school report cards and certified financial statements; and
- d. indications of parent and student satisfaction.

However, the Act permits the State University Board of Trustees to require additional information. In order to get the best sense of whether a charter school has lived up to its promises, the State University Trustees have determined that schools should submit a number of other documents as part of their application. In addition, the Charter Schools Institute conducts a renewal visit to schools that apply for renewal. The precise information the Institute requires is set forth in the renewal application.

1.3 Is renewal different than revocation?

Yes. As explained in more detail in answers to questions below, renewal and revocation differ in that the standards for revocation and renewal are different.

A charter can only be revoked for specific violations or deficiencies. For example, in terms of academic performance, a charter can only be revoked if the school's performance is so low that it would qualify as a school under registration review (SURR status) and there is no improvement thereafter for three straight years. This is obviously a pretty low bar.

In contrast, in order for the State University Trustees to renew a charter, the school must show, among other things, that it will improve student learning and achievement in the next charter period. Moreover, it is up to the sound discretion of the State University Trustees to determine how high to set the standard for renewal. As explained below, the standard for renewal is quite high, though consummate with the promises that charter applicants make when applying for their charter.

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2. Types of Renewal

2.1 Why are there different types of renewal such as Short-Term Renewal, Early Renewal and so forth?

The State University of New York has determined that there should be different kinds of renewal to best address the fact that there are different points in a school's organizational life. The varying renewal types also allow for a more nuanced review than would be possible under a system in which the only available options were either renewal for five years or no renewal at all.

2.2 What are the different types of renewal?

The different types of renewal that are available, including an overview of which type a school should be seeking when, are detailed in the *Practices, Policies and Procedures for the Renewal of Charter Schools Authorized by the State University Board of Trustees* (the

Renewal Practices). More specific detail on each type of renewal is contained in the appropriate application, but generally, the types of renewal are:

Short-Term Planning Year Renewal

- This renewal takes into account that schools that take one or two planning years before they open come to renewal with limited operational, financial, and academic performance data. Short-Term Planning Year Renewal allows a school that took one or more planning years to get renewed for the same number of years (thus it is short-term). The Institute advises eligible applicants to apply for this kind of renewal during the spring prior to their opening date. In this way, even before they begin operation, they get this renewal process out of the way and have a full four years to operate before having to think about renewal in the fifth year of operation.

Short-Term Renewal

- This is a renewal for less than five years, usually two. The State University grants this renewal when a school has not shown during its initial renewal that it has been a complete success (based on students' test scores) but when there are indicators that it will be successful in the future.

Full-Term Renewal

- This is a renewal for the full-term of five years. It is available to schools that have a demonstrated track record of success during the previous charter period, including a strong record of student achievement on standardized tests.

Early Renewal

- This type of renewal is for schools that have a highly successful track record of student achievement after only three years of operation. If a school does receive an early renewal, it can then apply for a Full-Term Renewal in the fall of its fourth year. In this way, it would have a full five years before coming to renewal again. Schools can continue to apply for Early Renewal after every three full years of operation, thus building up eventually far more than five years of operation before facing renewal again. Early Renewal is a reward for excellence, and only excellent schools should consider applying for it.

Renewal with Conditions

- Where a school has a material deficiency organizationally, legally, financially—but otherwise deserves to be renewed—the State University Trustees have the option of renewing a school but imposing specific conditions that would bring the school quickly into compliance or erase the deficiency at issue.

2.3. Are there different standards and types of renewal available for schools that are being renewed for the first time and schools undergoing subsequent renewal reviews?

Yes. Schools which come to renewal for the first time often come to renewal with limited or ambiguous data especially regarding student achievement. At most a school will have four years worth of test data; often, however, if they come to renewal having started with just a kindergarten or a first grade, they may have state test data for only one or two years. Moreover, schools in their first charter are undergoing the considerable difficulties of opening up the school, establishing a school culture and all the systems that are necessary to run a great school. As such, while gaining subsequent renewal is not easy by any means, the State University takes into account these facts.

Therefore, for instance, the State University during the initial renewal review looks not only at test score data to judge the excellence of the academic program—and ultimately whether the school will improve student learning and achievement during the next charter period—but also at how the program is doing on the ground at the time of the renewal visit. If it is doing well, and the State University can say with confidence that the school, with additional time, will meet or come close to meeting its academic goals, it may be awarded a Short-Term Renewal.

In contrast, charter schools that have already been renewed come to renewal with a much more extensive track record. As a result, the State University does not spend nearly the same amount of time and effort looking at how the educational program is doing at the time of the visit, but rather the outcomes of that program, meaning its track record of bringing students to standards and keeping them there. For the same reasons, the State University does not at this time anticipate that any school which has been previously renewed will be eligible for a Short-Term Renewal including those schools that were earlier awarded a Short-Term Renewal.¹

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¹ It is important to note that schools that have been awarded a Short-Term Planning Year Renewal are still considered to be in their first renewal cycle; they are therefore held to the standards of schools coming to renewal for the first time, including being eligible to receive a Short-Term Renewal.

3. Standards for Renewal

3.1 What standard does the State University apply to applications for charter renewal?

The minimum standards that the State University is legally required to apply are those provided by the Charter Schools Act. The Act requires that in renewal—just as with the original application for a charter—the State University Trustees must find:

- a. the charter school described in the application meets the requirements set out in [Article 56] and all other applicable laws, rules and regulations;
- b. the applicant can demonstrate the ability to operate the school 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 subdivision two of section twenty-eight hundred fifty of this article.

As is common in a piece of legislation, the standards that the Act sets forth are quite general; they leave to a charter authorizer, such as the State University Trustees, the difficult task of determining how to figure out whether a school will improve student learning and achievement during the next charter period or what evidence a school should present to show that it will be educationally and fiscally sound.

Moreover, the standards in the Act are the *minimum* that the State University Trustees must find. The Act leaves to the State University Trustees the sound discretion to determine how high a standard at renewal there should be.

3.2. So if the legal standards are general, and are the minimum, what standards do the State University Trustees actually use?

The standards that the State University Trustees use are those that are set forth in detail in the Renewal Practices and summarized briefly here. First, the State University emphasizes that all renewed charter schools show at least some record of improving student academic achievement based on students' test scores, primarily on state-mandated tests.²

How much improvement is required very much depends on the kind of renewal that the school is seeking and/or is awarded. Thus, and as the Renewal Practices lay out, a school that is seeking a Short-Term Renewal need not have nearly as strong a record of student

² Interestingly, as the legal standards for renewal seem to encompass only whether a school will improve student learning and achievement during the next charter period, a charter authorizer could create a renewal system that completely ignores past

achievement as a school that is seeking a Full-Term Renewal; indeed its evidence in this regard can be limited and ambiguous. However, a school that does not have a strong record of student achievement based on students' performance on standardized tests must be able to demonstrate that the educational program that is in place at the time of renewal is effective and likely to lead to students becoming proficient, even to be eligible for Short-Term Renewal.

Second, some tests matter more than others. In particular, students' collective performance on the state mandated tests in English Language Arts and mathematics are probably the single most important indicators of a school's academic success.

In addition to standards regarding the educational program, the State University also requires schools to show in detail that they have been and continue to be financially and organizationally sound and viable as well as generally in compliance with applicable law.

More specifically, in terms of academic performance, the standards that a school must meet are laid out in the Renewal Practices and as such will not be recapitulated here. However, and again to give one example, a school is responsible for meeting the performance goals it set forth in its Accountability Plan. The Accountability Plan itself provides specific measures of student achievement, e.g., the school will outperform the district in which it is located; 75% of the students who have been at the school for two or more years will be proficient as measured by the state's mandated mathematics test in 4th and 8th grade. The State University Trustees require that schools meet or come close to meeting the goals in the Accountability Plan and look at the specific measures in the Plan to see if they have done so.

3.3 Where do the Renewal Benchmarks come in?

The Renewal Benchmarks are a set of standards that the State University Trustees use to evaluate a school, not only on its academic performance but on its organizational, legal and fiscal performance as well. In addition, they contain standards for how well-thought-out and realistic the school's plans are for the next charter period.

The benchmarks are detailed and comprehensive. However, it is important to remember that the State University Trustees do not use the Renewal Benchmarks as a tally system under which a school must meet a set number of benchmarks in order to be renewed. While the benchmarks certainly are standards that the State University Trustees expect a school to meet, the State University Trustees know that almost no school will meet all of them and does not expect schools to do so.

performance. Of course, to do so, while completely legal, would ignore the Charter Schools Act's larger purpose of moving from a rules-based to an outcomes-based system of accountability.

Rather the benchmarks are meant to set a goal for the school to meet and to provide more specific detail as to what the Institute is looking for in regard to, for example, sound board oversight. In turn they help the State University Trustees to focus its evidence gathering so that it can provide a more comprehensive and in-depth look at a school's strengths and deficiencies. Having done so, the State University Trustees can then make the more general findings that the Charter Schools Act requires—and have a sound basis for those findings.

3.4 How do the Renewal Benchmarks fit with the goals and measures in the Accountability Plan?

The Renewal Benchmarks incorporate the goals that are in the Accountability Plan. Thus, Benchmark 1.A asks whether the school has met or come close to meeting its Accountability Plan goals.

3.5 Are the Renewal Benchmarks used in the same way for all types of renewal reviews?

No. As explained in the Renewal Practices and the introduction to the Renewal Benchmarks, not all the benchmarks are used in every kind of renewal review. Specifically, those benchmarks which look at a school's educational program qualitatively (meaning, how effective does the program appear to be at the time of the renewal visit) are generally not used during subsequent renewal reviews. Instead, the State University Trustees give greater weight to the school's record of student achievement as measured through students' accumulated record of performance on standardized assessments.

3.6 How do the four questions in the renewal application fit in?

The application for renewal is organized around four questions that the school must answer:

1. Is the school an academic success?
2. Is the school an effective, viable organization?
3. Is the school fiscally sound?
4. What are the school's plans for the next charter period and are they reasonable, feasible and achievable?

In answering these questions, with reference to the *Renewal Benchmarks*, a school will have provided much of the evidence that the Institute looks for in determining whether a school has met the standard for the type of renewal for which it is applying.

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4. The Renewal Process/Timing

4.1 When does a school apply for renewal?

When a school applies for renewal depends on what kind of renewal it is seeking.

If a school is seeking either Full-Term or Short-Term Renewal, it should plan to submit its application for renewal on August 1st of the school's fifth year of operation if it is in its initial charter cycle. If the school is in a subsequent cycle, it should plan on submitting its application for renewal by August 1st of the last year of the current charter (note for the 2006-2007 school year, the deadline has been extended to August 15th). Thus, for instance, if a school received a Short-Term Renewal for two years (and had not taken a planning year), it would submit its application for a subsequent renewal in its seventh year of operation, i.e., the last year of the current charter.

Schools that have taken or will take a planning year are subject to special rules. In this case, a school should plan on submitting its application for Short-Term Planning Year Renewal during the fall/winter of its first year. Please note that there are some schools that took planning years that have been in operation for one or more years. For information on when they should apply, as well as details generally about this kind of renewal and the timing associated therewith, please see the enclosed Application for Applying for Short-Term Planning Year Renewal.

Finally, schools applying for Early-Renewal in the initial renewal period should plan on submitting their application, at the earliest, on August 1st of the start of their fourth school year of operation and no later than April of that year. In subsequent renewal periods, they can submit for Early Renewal after having completed an additional three years of operation since the time they previously submitted an application for renewal.

4.2 If my school took or is planning to take a planning year, and is in operation, but has three full years of data, can we submit an application for Early Renewal in our fifth year rather than an application for Short-Term Planning Year Renewal?

Yes, however, school leaders should remember that applicants for Early Renewal must be able to show an extremely strong record of student achievement in the three years they have been in operation.

In the future, as schools that take planning years submit their applications for Short-Term Planning Year Renewal during their last planning year, there should be no need for schools to

have to choose which kind of application to submit as all schools will have had a full four years in which to gather evidence.

Please consult with the Charter Schools Institute to gauge its sense about the appropriateness of applying for Early Renewal.

4.3 What does the renewal process look like?

The renewal process is explained in numerous documents in the Renewal Handbook, including the Renewal Practices, and we urge schools to review the various resources that are available. Without in any way trying to be comprehensive, the main elements of the process are as follows:

- a school submits its renewal application;
- the Institute reviews the application and other data in its files;
- the Institute conducts a renewal review visit and provides preliminary feedback to the school at the end of that visit;
- the Institute prepares a written report in draft form that contains a preliminary recommendation;
- the draft report is sent to the school for its factual comment;
- where the Institute's preliminary recommendation is for Non-Renewal, the Institute will provide the school with an opportunity to present evidence opposing the recommendation and will, at the school's invitation, visit the school to hear any presentation the school wishes to make;
- the Institute, after reviewing the school's comments/suggested corrections as to the draft report, and incorporating any changes it deems advisable, will issue a final report and recommendation;
- this final report and recommendation will be forwarded to the Committee on Charter Schools of the State University of New York Board of Trustees (Committee on Charter Schools) and the school;

- where the final recommendation is for non-renewal, the school can petition the Charter Schools Committee to present evidence in opposition to the recommendation as well as to appear before the Committee on Charter Schools;
- the Committee on Charter Schools has sole discretion to grant that petition and determine whether or not the school may submit evidence in writing or orally (or both);
- the Committee on Charter Schools will make a determination on the school's renewal application and the Institute's recommendation and report;
- the State University Trustees will make a final determination on the school's renewal application and the Institute's recommendation; and
- the school will enter into a proposed renewal charter and the Board of Regents will be given the opportunity to comment on the proposed charter and the State University Trustees' determination.

4.4 Is the renewal visit an important part of the renewal process?

Absolutely, especially in the initial renewal review when a charter school is seeking either Early, Full-Term or Short-Term Renewal. The Institute gathers most of its data regarding the strength of the educational program at the time of the renewal visit (using the qualitative academic program benchmarks, Benchmarks 1.B-1.F). The visit also provides an opportunity to review the strength of the school's board of trustees.

And while the emphasis on the visit diminishes to some degree in subsequent renewal application cycles (because the evidence of academic performance is largely limited to the school's record of student achievement on standardized assessments), it still remains very important. In particular, the Institute places great weight on its interviews with the school leadership and board in determining the school's organizational effectiveness and viability.

To assist all stakeholders in better understanding the renewal visit, its function, how to make the most of it, etc., the Renewal Handbook contains a variety of documents and tools for schools to use as well as to provide to teachers, parents and community members.

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5. Who conducts the renewal visits?

- 5.1** The renewal visits are conducted by teams of inspectors. The lead inspector or visitor is always a member of the Charter Schools Institute's staff. Other members of the team may either be Institute staff or consultants that the Institute has retained. These consultants have experience in conducting program evaluation reviews and the Institute provides them with training prior to the renewal visit regarding its standards, procedures and the conduct expected of all inspection team members.

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6. Non-Renewal Process/School Closure

6.1 What happens if the Charter Schools Institute recommends non-renewal of a School's charter?

In cases where a school has not met the goals in its accountability plan and the Charter Schools Institute finds that with more time the school will likely still not meet or come close to meeting its academic goals, the Institute will recommend non-renewal of the School's charter.

In that event, the Institute will likely recommend that the State University Trustees approve only so much of the renewal application as is consistent with the school's original (or prior) charter agreement, which will allow the school to operate through the end of the current school year. The school will then have to cease operations, including the termination of any summer school program, and proceed to wind up its affairs.

Even though the Institute will recommend "non-renewal" and school closure will result, from a legal perspective the charter will likely be renewed for a period of one year so that the school's education corporation can proceed to dissolution (if it has assets) and charter revocation in an orderly manner. As an alternative, the Institute may use that time to find a group qualified to provide a charter program that meets the requirements of the Charter Schools Act in all respects, and work with that group to supersede the existing board and be further renewed for the purpose of "restarting" the school program. However, no instruction beyond the end of the current school year will be authorized by the one-year renewal charter.

6.2 What happens when the State University Trustees close a school?

After the State University Trustees take final action with respect to school closure and non-renewal, the school must follow the closure and dissolution provisions in its Charter and the Education Law.

The Charter Schools Institute will likely ask that the school establish a reserve fund in the amount of \$75,000 to cover the legal and audit fees associated with school closure and dissolution.

The Charter Schools Institute will develop a Closure Plan for the school that will detail the broad actions the school must take with respect to student records, finances, dissolution procedures and final charter revocation.

The school's board of trustees will still control the school's education corporation and must perform many functions, more so than when the school was instructing students.

Some key topics covered by the Closure Plan include: payment of employees through the end of the school year including any wages deducted that were to be paid over the summer months; inventory and liquidation of school assets; transfer of all student academic and health records to the school district of location; payment of creditors; conveying of mortgaged assets, assets in which there is a security interest or assets subject to restrictive gifts; and final audits. Please also see the response above to question 6.1.

6.3 If there are assets or money left after a charter school closure who receives it?

Each provisional charter (certificate of incorporation), which are issued by the Board of Regents, indicates the entities that will receive leftover assets, including unused funds.

The Charter Schools Act specifies that such assets will go to either a charter school in the same school district as the charter school's district of location or to the district itself. For this purpose, all schools in New York City are considered to be part of the same district.