



Renewal Recommendation Report **Brighter Choice Charter Middle School for Boys**

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INTRODUCTION

This report is the primary means by which the SUNY Charter Schools Institute (the “Institute”) transmits to the State University of New York Board of Trustees (the “SUNY Trustees”) its findings and recommendations regarding a school’s Application for Charter Renewal, and more broadly, details the merits of a school’s case for renewal. The Institute has created and issued this report pursuant to the *Policies for the Renewal of Not-For-Profit Charter School Education Corporations and Charter Schools Authorized by the Board of Trustees of the State University of New York* (the “SUNY Renewal Policies”) (revised September 4, 2013 and available at: <http://www.newyorkcharters.org/wp-content/uploads/SUNY-Renewal-Policies.pdf>).

Additional information about the SUNY renewal process and an overview of the requirements for renewal under the New York Charter Schools Act of 1998 (as amended, the “Act”) are available on the Institute’s website at: <http://www.newyorkcharters.org/operate/existing-schools/renewal/>.

SCHOOL BACKGROUND AND EXECUTIVE SUMMARY

BRIGHTER CHOICE CHARTER MIDDLE SCHOOL FOR BOYS

BACKGROUND INFORMATION

Opened in September 2010, the Brighter Choice Charter Middle School for Boys (“BC Boys”) is now in its fifth year of operation. BC Boys aims to cater to the developmental needs of middle school aged boys by offering such initiatives as differentiated instruction, scholar choice and individualized counseling and guidance. BC Boys’ mission states:

The mission of Brighter Choice Charter Middle School for Boys is to prepare boys for high school and college success while attending to the unique developmental needs of middle school scholars.

The founders envisioned that the single sex structure of the school would allow it to educate boys, especially boys of color, better than the Albany City School District (the “district”) and would post scores better than the dual gender scores of the district. The school shares a private facility with the Brighter Choice Charter Middle School for Girls (“BC Girls”), a separate charter school education corporation also authorized by the SUNY Trustees, and also up for renewal this year.

BC Boys and its sister school share common trustees across the boards of both schools as well as with two New York State Board of Regents (“Board of Regents”) authorized charter elementary schools in Albany, Brighter Choice Elementary Schools for Boys and Girls. The SUNY authorized schools also pay approximately two percent of their per pupil income for services from the Albany Charter School Network (“ACSN”), a part of the Brighter Choice Foundation, Inc. (“Brighter Choice Foundation”). A director of school quality, acting as the chief academic officer, and a special education coordinator serve all four schools. The two SUNY authorized middle schools have a common director of operations and operations staff. The instructional leaders from both middle schools provide coaching and supervision of teachers in the respective content areas in both schools. Teachers meet together weekly in their content areas for professional development and curriculum planning.

BC Boys currently serves 223 students in grades 5-8 in a private facility at 395 Elk Street, Albany, N.Y. The facility is jointly financed with the adjoining private facility for BC Girls by bonds such that a default on the payments for one facility by one charter school equates to a default on the other.

EXECUTIVE SUMMARY

Brighter Choice Charter Middle School for Boys has not produced an adequate academic record over the charter term and has struggled to put in place the program necessary to become an academic success. The school is enrolled within its target enrollment range, though it has not been able to reach its maximum target enrollment in any given year. The school is not financially sound. Budget projections submitted were based on increased enrollment projections without

SCHOOL BACKGROUND AND EXECUTIVE SUMMARY

acknowledgement of the school's struggle to fully enroll over the current charter term or a solid plan for recruitment in the future. The BC Boys board¹ (the "board") expresses strong commitment to improvement in the future and has been active in advocating for the school. The data available at the time of renewal indicates that this commitment has not translated into a school that is an academic or fiscal success.

BC Boys has posted a record of declining performance under its key English Language Arts ("ELA") and mathematics Accountability Plan goals. While the school made better progress when enrolling one or two grades early in its charter term, during the two most recent years in the charter term as the school was fully enrolled, the school met neither its ELA goal nor its mathematics goal. Because of the pattern of enrollment during its initial charter term, the school has generated only one year of science data. As measured by its performance on the state's 8th grade science exam, the school is not meeting its science goal.

On April 22, 2014, before the release of the most recent state assessment scores, the Institute met with the board to review the school's progress toward meeting the measures and goals required for renewal. Institute staff members reviewed the school's progress or lack thereof in meeting its Accountability Plan goals and measures with the members of the board and indicated that, due to the low performance posted by the school at that time, the school's renewal was in jeopardy. On February 13th and May 9th of 2014 members of the Institute staff met with ACSN. During those meetings, ACSN presented plans and provided updates on the work ACSN was doing to improve school performance.

Following those meetings, the Institute provided ACSN and the board several opportunities to present supplemental information not included in the school's renewal application, all at the request of the board. Institute staff members met with members of the board, the school's director of school quality, and staff members of ACSN on September 18, 2014, prior to the Institute's renewal visit on October 20-21. After the renewal visit, on November 24, 2014, Institute staff members met with the BC Boys board chair, the chair of the Brighter Choice Foundation board as well as a newly proposed trustee for the BC Boys board. At those meetings, representatives of BC Boys presented information supplemental to the school's application including planned governance changes, planned school personnel changes, and planned changes to the school's enrollment. In addition to these presentations, the school provided additional analyses of test scores that it neglected to include in its application for charter renewal. At, and subsequent to, those meetings, the Institute received and analyzed all supplemental data and analysis thereof, information, and supporting materials provided by the school's board.

On December 10, 2014, the BC Boys' board chair mailed another supplemental analysis of ELA and mathematics performance data not included in the school's charter renewal application. All together the education corporation, or charter school,² submitted three distinct analyses of supplemental data included in neither the school's Application for Charter Renewal nor the

¹ BC Boys Charter School shares the same board members as BC Girls.

² Legally, charter schools in New York are not-for-profit education corporations. Throughout this report, the Institute uses both "education corporation" and "charter school" to indicate the same legal entity.

SCHOOL BACKGROUND AND EXECUTIVE SUMMARY

school's Accountability Plan. The Institute considered all submissions and found the analysis did not indicate any change to the school's inability to meet its Accountability Plan goals.

The school presents data indicating in certain grades, in certain subgroups of students who are continuously enrolled at the school for four years (African American students, Hispanic students, males, females) the school bests the district between one and twenty-five percentage points. However, when considered closely, the comparisons focus on a very small number of BC Boys students and compare their performance against total district average performance without accounting for differences in size and demographics between these two groups. Notwithstanding the school's adequate performance in preparing small subsets of students to meet the demands of the state's grade level expectations, the school designed an Accountability Plan that includes goals and measures focusing on the high achievement of all students enrolled at the school. The school has not met these key academic goals.

The materials assert BC Boys should earn a renewal because the New York State Education Department ("NYSED") did not identify it as a Focus or Priority School. NYSED created these designations to identify schools that are in most need of improvement and not as an indication of a school's sufficient academic performance to prepare students for success in high school and beyond. SUNY's academic performance requirements for renewal require SUNY authorized charter schools provide more evidence of success than simply outscoring the lowest performing schools in the local district or the state.

The Institute made a second, follow up renewal visit to the school on December 10, 2014, in order to determine if the education program in place and in operation had improved since the initial visit in late October. Two members of the Institute's staff returned to the school and collected additional qualitative evidence that became part of the Institute's analysis of the school's academic program. The findings from the supplemental visit were consistent with those of the original visit and the Institute considered them in formulating its preliminary non-renewal recommendation.

In accordance with the SUNY Renewal Policies, on January 12, 2015 from 5:30 to 7:30 pm, Institute staff attended a joint presentation by both BC Girls and BC Boys in opposition to the Institute's non-renewal recommendations for both schools. The Institute received various testimony and letters from staff, parents, community members and board members. The Institute noted the strong support from parents, staff, students and members of the community that both BC Boys and its sister school enjoys as well as the unique choice for public school single sex education offered at both schools. Parents particularly noted they feel the school is safer than other public school choices available within Albany.

The additional data submissions presented by the school, and the advocacy provided by parents, students and teachers, do not combine to indicate the school has met or come close to meeting the goals and measures in its Accountability Plan or that it has in place at the time of renewal a program in place that is likely to improve student learning and achievement so that it will meet those goals in the future.

RENEWAL RECOMMENDATION

RECOMMENDATION: NON-RENEWAL

The Institute recommends that the SUNY Trustees deny the Application for Charter Renewal of the Brighter Choice Charter Middle School for Boys and not allow the school to provide any instruction beyond the last calendar date in the 2014-15 school year.

BC Boys submitted an application for renewal requesting a three year, Short-Term Renewal under the SUNY Renewal Policies. The Institute finds that the school has not met the requirements outlined in the policy for Short-Term Renewal.

To earn an Initial Short-Term Renewal, a school must either:

- (a) have compiled a mixed or limited record of educational achievement in meeting its academic Accountability Plan goals, but have in place and in operation at the time of the renewal inspection visit (i) an academic program of sufficient strength and effectiveness, as assessed using the Qualitative Education Benchmarks,³ which will likely result in the school's being able to meet or come close to meeting those goals with the additional time that renewal would permit, and (ii) a governing board and organizational structures both in the charter school and in its education corporation with a demonstrated capacity to meet the charter school's academic Accountability Plan goals and to operate the school in an educationally and fiscally sound fashion; or
- (b) have compiled an overall record of meeting its academic Accountability Plan goals but, at the time of the renewal inspection visit, have in place an educational program that, as assessed using the Qualitative Education Benchmarks, is inadequate in multiple and material respects.⁴

Where a school fails to earn any other type of renewal, the charter will not be renewed; the charter will be terminated upon its expiration and the education corporation will be dissolved.

³ The Qualitative Education Benchmarks are a subset of the *State University of New York Charter Renewal Benchmarks* (version 5.0, the "SUNY Renewal Benchmarks"), available at: <http://www.newyorkcharters.org/wp-content/uploads/SUNY-Renewal-Benchmarks.pdf>.

⁴ SUNY Renewal Policies at pp. 12-13.

RENEWAL RECOMMENDATION

REQUIRED FINDINGS

In addition to making a recommendation based on a determination of whether the school has met the SUNY Trustees' specific renewal criteria, in order to renew a school, the Institute must make the following findings required by the Act:

- the school, as described in the Application for Charter Renewal meets the requirements of the Act and all other applicable laws, rules and regulations;
- the education corporation can demonstrate the ability to operate the school in an educationally and fiscally sound manner in the next charter term; and,
- given the programs it will offer, its structure and its purpose, approving the school to operate for another five years is likely to improve student learning and achievement and materially further the purposes of the Act.⁵

In the case of BC Boys, the Institute cannot make all of the required findings, especially those related to student learning and achievement and those related to fiscal soundness during a subsequent charter term.

As required by Education Law § 2851(4)(e), a school must include in its renewal application information regarding the efforts it has, and will, put in place to meet or exceed SUNY's enrollment and retention targets for students with disabilities, English language learners ("ELLs"), and students who are eligible applicants for the federal Free and Reduced Price Lunch ("FRPL") program. SUNY⁶ and the Board of Regents finalized the methodology for setting targets in October 2012, and the Institute communicated specific targets or proposed targets for each school in July 2013.

Given the date the school was originally chartered, it does not have statutory targets. However, in accordance with the Act, the Institute, acting on behalf of the SUNY Trustees, considered the school's plans for meeting its future enrollment and retention targets during the next charter term prior to making a final recommendation.

CONSIDERATION OF SCHOOL DISTRICT COMMENTS

In accordance with the Act, the Institute notified the district in which the charter school is located regarding the school's Application for Charter Renewal. The Institute received comments from the Albany City School District in opposition to the renewal of the school, which are included in the Appendix (see page 42).

Honorable Carolyn McLaughlin, Chairwoman of the Albany County Democratic Committee sent the Institute a letter of support for the renewal of both BC Boys and BC Girls (see page 48).

⁵ See New York Education Law § 2852(2).

⁶ SUNY Trustees' Charter Schools Committee resolution dated October 2, 2012.

RENEWAL RECOMMENDATION

The Institute received a letter supporting the renewal of the school from the Business Council of New York State.

The Institute also received 303 parent letters of support from both BC Boys' and BC Girls' parents when staff attended the school's January 12, 2015 presentation in opposition to the preliminary non-renewal recommendation. These letters of support were from students currently enrolled at the school, as well as from students, teachers and school leaders in other schools affiliated with the Brighter Choice Foundation.

REPORT FORMAT

The Institute makes the foregoing non-renewal recommendation based on the school's Application for Charter Renewal, evaluation visits conducted and information gathered during the charter term and a renewal evaluation visit conducted near the end of the current charter term. Additionally, the Institute has reviewed the strength and fiscal health of the not for profit education corporation with the authority to operate the school. Most importantly, the Institute analyzes the school's record of academic performance and the extent to which it has met its academic Accountability Plan goals. This renewal recommendation report compiles the evidence below using the SUNY Renewal Benchmarks, which specify in detail what a successful school should be able to demonstrate at the time of the renewal review. The Institute uses four interconnected renewal questions for framing benchmark statements to determine if a school has made an adequate case for renewal.

1. Is the school an academic success?
2. Is the school an effective, viable organization?
3. Is the education corporation fiscally sound?
4. If the SUNY Trustees renew the education corporation's authority to operate the school, are its plans for the school reasonable, feasible and achievable?

The report's Appendix provides a School Overview, copies of any school district comments on the Application for Charter Renewal, the SUNY Fiscal Dashboard information for the school, and, if applicable, its education corporation and additional evidence on student achievement contained in the School Performance Summaries.

RENEWAL BENCHMARK CONCLUSIONS

IS THE SCHOOL AN ACADEMIC SUCCESS?

BC Boys is not an academic success insofar as it has posted a negative trajectory of student achievement results over the charter term and therefore does not present a mixed record of educational achievement. Qualitative data on education program implementation indicate that the school does not have in place an educational program that is likely to enable the school to meet or come close to meeting its Accountability Plan goals with the time afforded by a Short-Term Renewal.

At the beginning of the Accountability Period,⁷ the school developed and adopted an Accountability Plan that set academic goals in the key subjects of ELA and math. The Institute examines results for five required Accountability Plan measures to determine ELA and math goal attainment. Because the Act requires charters be held “accountable for meeting measurable student achievement results”⁸ and states the educational programs at a charter school must “meet or exceed the student performance standards adopted by the board of regents”⁹ for other public schools, SUNY’s required accountability measures rest on performance as measured by state wide assessments. Historically, SUNY’s required measures include measures that present schools’:

- absolute performance, i.e., what percentage of students score at a certain proficiency on state exams?;
- comparative performance, i.e., how did the school do as compared to schools in the district and schools that serve similar populations of economically disadvantaged students?; and,
- growth performance, i.e., how well did the school do in catching students up – and then keeping them up to grade level proficiency?

Every SUNY authorized charter school has the opportunity to propose additional measures of success when crafting its Accountability Plan. BC Boys did not propose or include any additional measures of success in the Accountability Plan it adopted.

Because of testing changes made by the state, the Institute has since 2009 consistently de-emphasized the two absolute measures under each goal in schools’ Accountability Plans. The Institute continues to focus primarily on the two comparative measures and the growth measure while also considering any additional evidence the school presents using additional measures identified in its Accountability Plan. The Institute identifies the required measures (absolute proficiency, absolute Annual Measurable Objective attainment,¹⁰ comparison to local district,

⁷ Because the SUNY Trustees make a renewal decision before student achievement results for the final year of a charter term become available, the Accountability Period ends with the school year prior to the final year of the charter term. For a school in an initial charter term, the Accountability Period covers the first four years the school provides instruction to students.

⁸ Education Law § 2850(2)(f).

⁹ Education Law § 2854(1)(d).

¹⁰ While the state has recalibrated the absolute Annual Measurable Objective, the Institute will only report on the 2013-14 results, not on those for 2012-13. During 2012-13, the state revised its methodology for calculating a school’s Performance Index and the Institute did not. The Institute continues to use the same methodology in place when BC Boys adopted its

RENEWAL BENCHMARK CONCLUSIONS

comparison to demographically similar schools, and student growth) in the Performance Summaries appearing in the Appendix at the end of the report.

The Accountability Plan also includes science and No Child Left Behind Act (“NCLB”) goals. For each goal in the Accountability Plan, specific outcome measures define the level of performance necessary to meet that goal. Please note that for schools located in New York City, the Institute uses the Community School District (“CSD”) as the local school district.

Academic Attainment

As a middle school, BC Boys posted state assessment results for each full year of its operation starting with just 5th grade assessments in year one of the charter. During 2010-11, the school’s first year of operation, it met its math goal but failed to meet its ELA goal. During 2011-12, although the school met its ELA goal, its performance in mathematics declined and the school did not meet the goal. During 2012-13 and 2013-14, the school met neither its ELA goal nor its mathematics goal. As measured by the Institute’s effect size and the state’s growth model, the school’s performance continues its steady decline. The school failed to meet its 8th grade science goal during 2013-14 (the only year for which data are available) with only 53.8 percent of 8th grade students scoring at or above proficiency on the state’s 8th grade science exam, falling short of its benchmark of 75 percent.¹¹ Although the district’s proficiency rates for the 2013-14 school year are not yet available, 44 percent of all district students and 42 percent of district male students scored at or above proficiency on the state’s 8th grade science exam during 2012-13. The school has met its NCLB goal throughout the Accountability Period.

Comparative Measures

BC Boys has demonstrated an overall decline in its performance compared to similar schools during the four-year Accountability Period. Although students enrolled in the school for at least two years outperformed the district in ELA and mathematics during the 2011-12 school year (the first year for which second-year cohort data were available), the school’s performance compared to the district declined during subsequent years. During 2012-13, the district outperformed BC Boys by 8 percentage points in ELA. During the same year, the school outperformed the district in mathematics by 6 percentage points. While the school modestly outperformed the district as a whole in ELA (by two percentage points) and math (by 11 percentage points) during 2013-14, Albany’s two traditional middle school options (serving 6th through 8th grades) both outranked BC Boys (serving 5th through 8th grades).

Accountability Plan to calculate a Performance Level Index and does not expect its results to match those of the state’s Performance Index.

¹¹ Because the state has not introduced new 8th grade science assessments, the Institute continues to consider the absolute benchmark of 75 percent of students scoring at or above proficiency under each school’s science goal. In order to meet or come close to meeting the science goal, schools must also exceed the comparative performance of the local school district.

RENEWAL BENCHMARK CONCLUSIONS

Percentile ranks of published scores are not included in the BC Boys' Accountability Plan measures under any goal because they would compare BC Boys to other schools throughout the state that serve grade configurations that are dissimilar to BC Boys' grade configuration. However, a percentile ranking of published assessment results at the school level is helpful for defining the context for school to district comparisons because it describes the percentage of schools throughout the state that scored lower or higher than BC Boys on the state's assessments. Statewide, BC Boys ranked in the 12th percentile, meaning 88 percent of schools statewide outperformed BC Boys in ELA during 2013-14. The school's ELA percentile rank during 2013-14 dropped from its rank in 2012-13 when its performance posted in the 13th percentile. In mathematics, the school ranked in the 62nd percentile among all Albany public schools and it outperformed both traditional district middle school options. Notwithstanding, the school's mathematics performance ranked in the 23rd percentile statewide, meaning 77 percent of schools throughout the state posted stronger performance in mathematics during 2013-14. The school's statewide rank in mathematics fell by 2 percentage points from scoring in the 25th percentile during 2012-13.

The school's board provided an analysis that identifies school performance on measures not included in BC Boys' Accountability Plan that the Institute did not find persuasive. The analysis compares the performance of particular subgroups of students at BC Boys to the performance of the same subgroups at the district's Schools during 2013-14. The analysis failed to provide compelling information because of its focus on the achievement specific demographic subgroups only during the 2013-14 school year. The Institute considers the achievement of all students over the entirety of the charter term more compelling. The analysis also overlooks some information about the district's performance. For instance, BC Boys asserts that 28 percent of its African American students enrolled in the 8th grade scored at or above proficiency on the state's 8th grade exam compared to none of the district's students scoring at or above proficiency on the same exam. The analysis did not identify that the district administered the Regents Common Core Algebra 1 exam to 120 8th grade students. Of those, 104 students, or 87 percent, scored at or above proficiency. Some of what the school presented combines the performance of both the BC Boys' charter and the BC Girls' charter, which are two legally separate not-for-profit education corporations or "charters." It is important to note that the school's founders, not SUNY, determined two charters were needed to serve two separate single sex education programs in Albany. As such, the SUNY Trustees must consider each school for renewal separately. Had the schools' boards determined accountability for both schools should be combined, the opportunity to merge into one not-for-profit education corporation has been available since May of 2010.

Effect Size

The Institute calculates an effect size measure that allows it to compare how well BC Boys performed relative to all the other schools in the state serving the same grades with students that

RENEWAL BENCHMARK CONCLUSIONS

are comparably economically situated.¹² Concomitant with the school's declining performance relative to its local district described above, BC Boys performed lower than expected according to the Institute's effect size analysis almost consistently throughout the Accountability Period. In ELA, the school performed lower than expected during all except for one year in the Accountability period and demonstrated a sharp decline in performance since the 2011-12 school year (see graph on page 12). It is important to note that this measure is a comparison measure and therefore not dependent on any changes in New York's assessment system. It compares all schools in the state serving students in the same grades to the performance of BC Boys. As such, the measure, and the school's performance on the measure, is not relative to the test, but relative to how much value BC Boys adds to student learning compared to other schools' performance. In mathematics, the school performed lower than expected during 2012-13 and 2013-14 and posted a steady decline in performance since BC Boys' first year. (See graph on page 13).

BC Boys used information about the absolute performance of economically disadvantaged students to assert that the school performs better within this demographic than the traditional district options for schools serving the same grades. However, the Institute's rank order analysis of effect size scores¹³ makes a similar comparison while accounting for differences in the percentage of economically disadvantaged students enrolled in each of the schools. In ELA, the William S Hackett Middle School ranks in the 38th percentile statewide, Myers Middle School ranks in the 46th percentile, and BC Boys ranks in the 20th. So 80 percent of schools statewide outperformed BC Boys when controlling for enrollment levels of economically disadvantaged students. In math the school did outrank the district's two middle schools. BC Boys ranked in the 44th percentile while controlling for poverty; Albany's Myers Middle School ranked in the 32nd and Hackett Middle School ranked in the 14th percentile.

Growth

The growth measure provides an opportunity to see how BC Boys performs in catching up those students who performed below grade level during the previous school year to performing academically at grade level or at or above "proficiency." It also provides a look at how well a school does at keeping those students who performed at or above proficiency during the previous school year proficient, or on grade level, every year. For a student who is proficient, keeping up to grade level means the student should make one year's progress in one year's time. For a student

¹² Throughout 2011-12, the Institute used the school level percentage of students eligible for Free Lunch as the measure of demographic similarity. Beginning in 2012-13, the Institute replaced the Free Lunch percentage with the state's percentage of Economically Disadvantaged students enrolled at each grade level because the state's economically disadvantaged statistic is a more reliable measure based on a more accurate dataset than the Free Lunch statistic. Subsequent to the Institute providing the school with a draft of this report, the school provided updated economically disadvantaged statistics for the 2012-13 school year. The school's recalculated ELA effect size for 2012-13 is -0.63 and the recalculated 2012-13 math effect size is -0.06. Neither of these scores meets the benchmark effect size of 0.3.

¹³ A rank order analysis of effect size scores indicates what percentage of schools statewide performed higher or lower than BC Boys when accounting for differences in the percentage of economically disadvantaged students enrolled at the schools. This measure is not included in BC Boys' Accountability Plan under any goal but is illustrative in providing context for a school's comparative performance.

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below grade level, in order to reach proficiency, the school must help the student grow *more* than one grade level every year in order to catch up.

The Institute uses the state's mean growth percentiles as a measure of a school's comparative year-to-year growth in student performance on the state's ELA and mathematics exams. The measure compares a school's growth in assessment scores to the growth in assessment scores of the subset of students throughout the state who performed identically on last year's assessments. According to this measure, median growth statewide is at the 50th percentile. This means that to signal the school's ability to help students make one year's worth of growth in one year's time commensurate with the student body's demographic peers the expected percentile performance is 50. To signal a school is catching students who were previously performing below their grade level peers up to grade level proficiency, the school must post a percentile performance that exceeds 50. A percentile performance below 50 indicates that students are losing ground, not catching up or keeping up with grade level expectations of their peers.

This measure of BC Boys' year-to-year growth also illustrates the school's steady decline in academic performance. Although the school's ELA growth score (at 50.6) barely exceeded the state median during 2012, BC Boys underperformed the Institute's standard for growth during every other year in the Accountability Period. Similarly, the school's 5th graders posted strong growth in mathematics (70.0) during the first year of the school's operation. Since that year, the school's growth in mathematics remained consistently below the state median. By this measure, BC Boys has not accelerated student learning at a sufficient rate to raise performance up to grade level proficiency in either ELA or mathematics.

The analysis of BC Boys' performance provided by its board notes the lagging performance of Albany's district middle schools as measured by the trend in absolute scores over the last two years. By comparison using this measure, BC Boys' posted zero growth in English language arts and a 2.1% growth in mathematics from 2012-13 to 2013-14, the first two years of New York State's new assessment program. During the same period, the district's schools posted a negative trend in both ELA and math across the same grades. Notwithstanding these apparent trends, this the Institute does not consider this a robust analysis because it fails to utilize appropriate and commonly accepted statistical techniques to control for differences between the size and demographic makeup of the two comparison groups.

RENEWAL BENCHMARK CONCLUSIONS

BRIGHTER CHOICE CHARTER MIDDLE SCHOOL FOR BOYS

DESCRIPTION	ENGLISH LANGUAGE ARTS ACCOUNTABILITY PLAN GOAL	MATHEMATICS ACCOUNTABILITY PLAN GOAL																				
<p>Comparative Measure: District Comparison. Each year, the percent of students enrolled at the school in at least their second year performing at or above proficiency in ELA and mathematics will be greater than that of students in the same tested grades in the local school district.</p>	<table border="1"> <caption>ELA District Comparison Goals</caption> <thead> <tr> <th>Year</th> <th>Goal</th> </tr> </thead> <tbody> <tr> <td>2012</td> <td>66</td> </tr> <tr> <td>2013</td> <td>40</td> </tr> <tr> <td>2014</td> <td>11, 16, 14</td> </tr> </tbody> </table>	Year	Goal	2012	66	2013	40	2014	11, 16, 14	<table border="1"> <caption>Mathematics District Comparison Goals</caption> <thead> <tr> <th>Year</th> <th>Goal</th> </tr> </thead> <tbody> <tr> <td>2012</td> <td>80</td> </tr> <tr> <td>2013</td> <td>51</td> </tr> <tr> <td>2014</td> <td>17, 11, 20, 9</td> </tr> </tbody> </table>	Year	Goal	2012	80	2013	51	2014	17, 11, 20, 9				
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<p>Comparative Measure: Effect Size. Each year, the school will exceed its predicted level of performance by an Effect Size of 0.3 or above in ELA and mathematics according to a regression analysis controlling for economically disadvantaged students among all public schools in New York State.</p>	<table border="1"> <caption>ELA Effect Size</caption> <thead> <tr> <th>Year</th> <th>Effect Size</th> </tr> </thead> <tbody> <tr> <td>2011</td> <td>-0.12</td> </tr> <tr> <td>2012</td> <td>0.37</td> </tr> <tr> <td>2013</td> <td>-0.64</td> </tr> <tr> <td>2014</td> <td>-0.72</td> </tr> </tbody> </table>	Year	Effect Size	2011	-0.12	2012	0.37	2013	-0.64	2014	-0.72	<table border="1"> <caption>Mathematics Effect Size</caption> <thead> <tr> <th>Year</th> <th>Effect Size</th> </tr> </thead> <tbody> <tr> <td>2011</td> <td>0.83</td> </tr> <tr> <td>2012</td> <td>0.69</td> </tr> <tr> <td>2013</td> <td>-0.11</td> </tr> <tr> <td>2014</td> <td>-0.30</td> </tr> </tbody> </table>	Year	Effect Size	2011	0.83	2012	0.69	2013	-0.11	2014	-0.30
Year	Effect Size																					
2011	-0.12																					
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2014	-0.30																					
<p>Comparative Growth Measure: Mean Growth Percentile. Each year, the school's unadjusted mean growth percentile for all tested students in grades 4-8 will be above the state's unadjusted median growth percentile in ELA and mathematics.</p>	<table border="1"> <caption>ELA Mean Growth Percentile</caption> <thead> <tr> <th>Year</th> <th>Mean Growth Percentile</th> </tr> </thead> <tbody> <tr> <td>2011</td> <td>30.0</td> </tr> <tr> <td>2012</td> <td>50.6</td> </tr> <tr> <td>2013</td> <td>36.2</td> </tr> <tr> <td>2014</td> <td>43.6</td> </tr> </tbody> </table>	Year	Mean Growth Percentile	2011	30.0	2012	50.6	2013	36.2	2014	43.6	<table border="1"> <caption>Mathematics Mean Growth Percentile</caption> <thead> <tr> <th>Year</th> <th>Mean Growth Percentile</th> </tr> </thead> <tbody> <tr> <td>2011</td> <td>70.0</td> </tr> <tr> <td>2012</td> <td>43.7</td> </tr> <tr> <td>2013</td> <td>45.1</td> </tr> <tr> <td>2014</td> <td>43.4</td> </tr> </tbody> </table>	Year	Mean Growth Percentile	2011	70.0	2012	43.7	2013	45.1	2014	43.4
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Instructional Leadership. Over the course of the charter term, BC Boys has struggled to sustain strong instructional leadership. The school's founding instructional leader established a culture sufficient to allow for learning. Changes in leadership, the school has had three leaders in five years, have done little if anything to improve instructional leadership to a level that will significantly increase and sustain student learning. Leadership transition and restructuring in the latter part of the school's charter term has significantly weakened the systems and routines that previously provided support for all teachers. Weaknesses in strategically tailoring activities to the needs of individual teachers inhibit the effectiveness of professional development efforts.

- The school's instructional leadership team, currently consisting of a director of school quality, principal and assistant principal, reports communicating expectations for quality instruction through regular formal observations and feedback for all teachers with a focus on improving each individual's pedagogical skills and implementing school-wide instructional emphases with fidelity. Instructional coaches from the school's partner organization, the ACSN, which is part of the Brighter Choice Foundation, provide a significant amount of additional coaching and curricular planning support for teachers in ELA, social studies, science and math as dedicated "skill developers;" coaches do not formally evaluate staff and provide feedback in a different format from school leaders. In the school's fifth year of operation, school leaders have not yet determined or communicated clear student achievement goals and expectations beyond the goals contained in its Accountability Plan; teachers are unclear about the standards of performance to which leaders will hold them accountable.
- BC Boys' coaching systems and routines are not sufficiently coordinated or refined to develop the pedagogical skills of all teachers. Instructional leaders report observing each teacher at least once per coaching cycle of four to five weeks, following up each with actionable feedback based on a school-wide rubric and a brief subsequent observation to measure implementation. However, at the time of the renewal visit, leaders had not been strategic in deploying support to accelerate the frequency or intensity of classroom observations based on perceived levels of teacher strength, effectiveness or student performance data. Some teachers reported receiving fewer observations or limited formal feedback, and an analysis of the leaders' classroom instruction observation tracking tool confirms inconsistent adherence to the coaching cycle with some teachers observed four to five times since the beginning of the school year and others only once. The school did not provide, and Institute classroom observations did not reveal, any correlation with reports or observations of teacher strength to justify these anomalies. Similarly, limited evidence suggests any systematic coordination or coherence in messaging or focus across the leadership team and coaches. It is difficult to determine the effectiveness of the ACSN staff's supplemental coaching in improving student achievement outcomes as ACSN was brought in to assist the school in the last year.
- Throughout the charter term, leaders have provided teachers with regular opportunities to plan curriculum and review lesson implementation during daily common planning periods. This year, leaders have reduced daily specials periods, decreasing teachers' planning periods from three to two. The result of schedule changes is an average weekly reduction

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of ten minutes in planning time. Teachers report using this time to meet with grade level teams at least once a week; schedule misalignment prevents content area staff from collaborating during the school day.

- During two weeks of pre-service summer workshops, school leaders and ACSN personnel implement school-wide professional development activities that focus on curriculum implementation and instructional methods informed by state assessment results and trends in student data. Leaders provide an additional three days of orientation for teachers new to the school, focused on BC Boys school-wide systems and procedures. In contrast to previous years, leaders have eliminated Friday half-day professional development sessions due to persistent difficulties in arranging district transportation to dismiss students at mid-day. In lieu of the weekly sessions, leaders now provide five full days of professional development spread across the school year. Such a change in schedule is challenging if the goal is to significantly and quickly improve the supports provided to teachers to enable them to provide sustained, quality instruction.
- Professional development activities are interrelated with classroom practice to a limited degree, as leaders identify topics far in advance of delivery and focus on curriculum modules, adapting materials for lesson plans and implementing the school's three main areas of instructional focus: increasing student discourse in classrooms, writing across the content areas and close reading. Weaknesses in strategically tailoring professional development activities to the needs of individual teachers continue to inhibit its effectiveness.
- Instructional leaders regularly conduct teacher evaluations with clear criteria at the middle and end of school year utilizing a network-wide instructional rubric, which evaluates teachers' pedagogical strength across multiple domains, and has been revised multiple times to accurately reflect current instructional priorities. Teachers also assess their own performance according to the same rubric; leaders meet with each teacher to discuss the areas of discrepancy and collaborate to make summative determinations. Teachers report the evaluations are generally fair and accurately identify their strengths and weakness.
- Instructional leaders report holding teachers accountable for quality instruction by putting teachers, when needed, on professional improvement plans or more rarely, by declining to renew contracts for the following year. Over the course of the charter term, the school has not used student performance data to make hiring or termination decisions, but has offered merit based bonuses and salary increases based on students' level of performance on standardized tests. Teachers cannot clearly articulate how leaders calculate merit pay amounts.

Curriculum and Assessment. Late in the charter term, BC Boys lacks the instructional material necessary to prepare students to demonstrate mastery of grade-level skills and concepts. With no systematic process for using assessment results in place, the school still has not established an assessment system that improves in instructional effectiveness and student learning. BC Boys does not use student achievement data to assess the quality of its curriculum and supporting

RENEWAL BENCHMARK CONCLUSIONS

materials. Consistent with previous practice, the school also does not use assessment data to determine teacher effectiveness.

- The partially developed curriculum supports teachers in their instructional planning and they know what to teach and when to teach it based on these materials. ELA and math teachers across the school are now utilizing the EngageNY modules, which include curriculum maps, student performance tasks and indicators. ACSN now provides the school with a curriculum guide and supporting scope and sequence, pacing, and unit planning tools for ELA. BC Boys has a math scope and sequence derived from selected EngageNY modules and a pacing guide for each grade. The school acknowledges that guidance materials for other content areas highlight which standards to teach but do not include clear unit guides for lessons. No curriculum frameworks include clearly defined expectations about how many students will demonstrate proficiency on the performance tasks and indicators.
- BC Boys does not sufficiently use student achievement data to assess the quality of its curriculum and supporting materials. Consistent with previous practice, the school also does not use assessment data to determine teacher effectiveness.
- BC Boys continues to gather a variety of assessment data but does not have a school-wide process for using data to improve student learning, beyond using data to help inform appropriate supports for academically struggling students. The school uses diagnostic assessments in ELA and math to determine placement in tiered interventions. BC Boys also administers formative, unit and interim assessments (“IAs”) in the classroom.
- For the first four years of its charter term, the school relied on an external consultant to develop its IAs and did not have an articulated process for determining the validity and reliability of those IAs and unit assessments. Individual teachers developed unit tests with very limited support. In the fifth year of its charter term, the school has enlisted the ACSN to analyze and modify its IAs through a mix of ReadyNY resources, module resources and previous state assessments.
- Teachers report having analyzed IAs following the administration to determine standards requiring re-teaching. A documented process used consistently across the school to conduct this IA item analysis was not evident. Teachers were not clear what the process would be for the current year cycle. Observation of student work products demonstrate inconsistent application of writing rubrics, in that students receive varying scores without consistent evidence upon which to base those scores. Teachers are required to develop and score unit exams independently. No formal school-wide guidance facilitates this process or ensures accuracy, however instructional leaders report being available to assist upon request.
- During the fifth year of the charter term, the school reports it is beginning to roll out a spreadsheet so that data on student performance from multiple sources can be viewed at once. The school has no plan for how this spreadsheet would be used, or how teachers would be trained to analyze the various data points effectively to inform instruction or develop interventions. The school has yet to realize the effectiveness of this new analytic method.

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- BC Boys does not use student performance results to evaluate teacher effectiveness. Goals established by teachers for the 2014-15 school year do not include student performance goals. ACSN staff reported using the state assessment results to inform summer professional development. The school had not yet completed or administered its revised IA's at the time of the renewal visit, therefore, leaders were unable to use results to inform professional development. No other student performance data was accounted for as a factor in the development of professional learning or the distribution of coaching support services.
- BC Boys provides report cards to parents on a quarterly basis. The school provides opportunities for families who request to do so to schedule conferences. Teachers report contacting parents to schedule conferences when students are underperforming or consistently misbehaving. According to school staff, roughly 20 percent of families receive school requests for meetings.

Pedagogy. Instruction at BC Boys is insufficient to accelerate student learning and improve achievement outcomes. Lessons across the school are generally purposeful; however, the majority of teachers do not infuse instruction with the rigor necessary to prepare students to meet grade level performance standards. Low-level behavioral expectations and lack of classroom culture further inhibit teachers' effectiveness. As shown in the chart below, during the renewal visit and a supplementary visit to the school, Institute team members conducted 29 classroom observations following a defined protocol used in all school renewal visits.

CLASSROOM OBSERVATION METHODOLOGY: NUMBER OF OBSERVATIONS

		GRADE				Total
		5	6	7	8	
CONTENT AREA	ELA	6	2	2	3	13
	Math	2	3	2	4	11
	Writing	2				2
	Science					
	Soc Stu		1	2		3
	Specials					
	Total	10	6	6	7	29

- Most teachers deliver lessons with objectives aligned to the school's curriculum (20 of 29 classrooms observed). Most teachers present content in clear and age appropriate language. Teachers across the school employ "do now" activities in order to review previously taught material and link it to current lesson content; however, some observed do now activities did not align to posted lesson objectives and essential questions in a meaningful way. For example, one classroom's do now activity required

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students to describe why Gilgamesh, the Mesopotamian king, was a good leader but the assigned student work packet focused on hunters and gatherers. Students could not explain the relationship between the two topics. Assigned student work is often rudimentary and reflects below-grade level expectations.

- A minority of teachers regularly and effectively use techniques to check for student understanding (12 of 29 classrooms observed). In a few instances, teachers used deep questioning to gauge student understanding before reframing the discussion to recast the information for students. However, in the majority of classrooms, teachers rely heavily on student volunteers to answer questions with minimal cold calling or whole class checks for understanding, and do not use student responses to spontaneously adjust classroom instruction to provide additional clarity or practice opportunities. Low levels of student participation in many classes further inhibit the effectiveness of checks for understanding, as teachers do not require all students to demonstrate evidence of understanding or mastery before proceeding with instruction.
- Few teachers include opportunities in their lessons to challenge students with questions and activities that develop depth of understanding and higher-order thinking and problem solving skills (7 of 29 classrooms observed). Teachers depend on basic recall questions throughout their lessons and consistently miss opportunities to drive student thinking by failing to require students to elaborate on or defend their answers. Instead, teachers accept cursory responses as a behavior management technique and to move the lesson forward.
- Few teachers have effective classroom management techniques and routines that create a consistent focus on academic achievement (11 of 29 classrooms observed). Teachers struggle to deliver strong instructional content and maintain appropriate lesson pacing because of the school's lack of classroom culture. Many teachers spend a significant amount of their class periods redirecting student behaviors, yet groups of off-task and disruptive students are still evident in nearly every room. In one observed class, only four students actively engaged with the teacher in discussing a shared text; the teacher permitted the rest of the class to opt-out and chatter amongst themselves as long as they kept the volume low enough to not disrupt the academic discussion.

At-Risk Students. The school continues to address the educational needs of some at-risk students.

- Classroom teachers implement tier 1 interventions throughout the school. Teachers examine formative assessment data and develop alternate modalities of instruction to support students struggling to grasp concepts and skills. AIS support teachers assist classroom teachers in implementing level 1 during push-in instructional time.
- The school identifies students requiring academic intervention using the results from the state's ELA and math exams from the previous school year and its universal screeners (STAR Reading and math). The school automatically enrolls students scoring below a defined threshold on the STAR assessments or scoring at proficiency level one on the

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state's assessments in tier 3 interventions. Tier 3 groups consist of no more than four students and receive intensive pull out support for 80 minutes per day, four days per week. Students scoring in a slightly higher defined range on STAR assessments enroll in tier 2 interventions. Tier 2 groups receive pull out support for roughly thirty minutes per day twice per week.

- The logistics of the organizing the pull out tier groups limits their effectiveness. Teachers retrieve students from their respective classrooms and transport them to a separate space for instruction, limiting instructional time.
- The school has a student support team that meets regularly to review the progress of students receiving interventions. After the school's intervention specialists administer the end-of-cycle assessment to students enrolled in tiered intervention groups, the team reviews student performance and determines the student's subsequent placement.
- The school assigns students who score below the cusp of proficiency on state assessments but above the remedial range on universal screeners to a "Level up" program. The program focuses on building discrete skills that will enable students to achieve proficiency on the state exams during subsequent administrations.
- General education teachers and special education teachers meet once per week to discuss student learning objectives, student behavior and achievement during general classroom instruction, and data on assessments (when the data are available), and to develop strategies for meeting the needs of at-risk students. Special education teachers report that the intensity of support required during tier 2 interventions is lessening because of the effectiveness of tier 1 interventions. However, no students receiving mandated academic services scored proficient on the state's ELA exam during 2012-13 or during 2013-14.
- Intervention specialist teachers administer the STAR assessments to tier 2 groups at the end of each intervention cycle. They also administer AIMSweb and internally developed reading assessments (similar to running record) every two weeks to tier 3 students in order to monitor progress more closely. Intervention specialists administer STAR assessments at end of cycle to tier 3 groups. Evidence for the effectiveness of these monitoring systems was not yet available at the time of the renewal visit.
- Special education teachers provide general education teachers with a synopsis of Individualized Education Program ("IEP") goals and required accommodations. Full IEPs are available to teachers if necessary. Special education teachers review the content of IEPs with classroom teachers during weekly meetings at the beginning of the school year. During the school year, special education teachers review student progress with classroom teachers.
- The special education coordinator provides training during the summer outlining for classroom teachers on the Response to Intervention (RTI) processes at the school and provides additional training during the school year. Special education teachers support classroom teachers occasionally during professional development sessions.
- The English as a Second Language ("ESL") teacher/coordinator meets with teachers informally during the time that she picks up the ESL student from classes; she initiates all other communications via email. She reports that this arrangement is adequate to support the needs of the school's one ELL student.

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	2011-12	2012-13	2013-14
Enrollment (N) Receiving Mandated Academic Services	(3)	(9)	(19)
Tested on State Exams (N)	(3)	(9)	(19)
RESULTS Percent Proficient on ELA Exam	5 ¹⁴	0	0
Percent Proficient Statewide	15.5	5.0	5.2

	2011-12	2012-13	2013-14
ELL Enrollment (N)	(0)	(1)	(2)
Tested on NYSESLAT ¹⁵ Exam (N)	(0)	(1)	(2)
RESULTS Percent 'Proficient' or Making Progress ¹⁶ on NYSESLAT	N/A	s	s

¹⁴ In order to comply with Family Educational Rights and Privacy Act regulations on reporting education outcome data, the Institute does not report assessment results for groups containing five or fewer students.

¹⁵ New York State English as a Second Language Achievement Test, a standardized state exam.

¹⁶ Defined as moving up at least one level of proficiency. Student scores fall into four categories/proficiency levels: Beginning; Intermediate; Advanced; and, Proficient.

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IS THE SCHOOL AN EFFECTIVE, VIABLE ORGANIZATION?

BC Boys is not an effective, viable organization as it has not made adequate progress toward meeting or coming close to meeting its Accountability Plan goals and does not have the capacity to support the delivery of an effective educational program. In addition, BC Boys education corporation board of trustees has not provided adequate oversight to ensure that the school operates in an academically and fiscally sound manner. Over the course of the charter term, the school's board did not develop and deploy the tools and skills required to provide the governance necessary to ensure the school is academically or financially stable at the end of its charter term. While board members convey commitment to the students and families that choose the school, the board has not put in place the sustained leadership and systems necessary to meet the terms of its charter contract. The school's mission is to prepare students for success in high school and college. Even in light of the supplemental data provided by the school over the course of the renewal process, the school's performance indicates it is not preparing a majority of its students for success in high school and beyond. During the current charter term, the board has generally abided by its by-laws and has been in general and substantial compliance with the terms of its charter, applicable state and federal law, rules and regulations.

ORGANIZATIONAL STRUCTURE

Board Oversight. The BC Boys education corporation board's attention to the school's academic program has not resulted in strong student achievement. While the school has offered single sex education, it has not offered an educational program that, under the terms of its Accountability Plan, prepare students for future academic success. Student outcomes indicate the board has not put in place systems that result in consistent expectations for high student achievement and does not hold itself, school leaders or its network partner accountable for student outcomes.

- While current board members possess an array of professional experience in education policy, law and government, the board has not put in place structures and procedures with which to govern the school's academic program, operations and finances in order to ensure the school's future as an academically successful and financially healthy organization. At the time of the renewal visit, the board acknowledged that additional members with fiscal and legal expertise would improve its ability to provide effective oversight, but has not been proactive in filling these areas of deficiency. After the renewal visit, the board chair and a representative of the Brighter Choice Foundation requested a meeting to discuss governance changes. The board informed the Institute that three new board members with financial and charter expertise would be voted onto the board in the near future. The Institute notes that certain of the proposed board members have been affiliated with charter schools that have in the past reversed poor performance. The Institute notes as well that some proposed members have also served as board members for charters that failed to turnaround poorly performing schools that opted not to seek renewal.
- The board reports receiving monthly data dashboards reflecting student performance, attendance and enrollment from the director of school quality and monthly financial

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debriefings from ACSN. This information is insufficient to apprise accurately the program condition as evident in board members' inability to speak knowledgeably at the renewal interview about BC Boys' renewal prospects, enrollment status, debt service and financial covenants.

- Early in the charter term, the board, as evidenced in conversations, written communication with the Institute and as reflected in board meeting minutes, focused much attention on facility issues and securing bond financing. Leadership turnover has also consumed much of the board's time. In addition, there have been many changes in the board's membership over the charter term. In the final year of this initial charter term, the board has failed to identify or implement clear and measurable objectives towards meeting the school's Accountability Plan goals. The board does not articulate specific student achievement goals beyond those in the school's Accountability Plan and relies on informal means of tracking progress without a process for regular review and revision.
- The board relies on ACSN, the director of school quality and the principal to recruit, hire and retain staff. High levels of attrition amongst the teaching staff suggest that the board cannot deploy sufficient resources to recruiting and retaining high quality staff. While the board articulates the need to provide incentives to increase teacher retention, it has not yet developed a means or demonstrated the financial wherewithal to do so.
- The board has, over the charter term, contracted with a nationally known charter board development organization to strengthen its practices. These efforts have not, however, created coherent and regular practices wherein the board reflects on its own performance as reflected by student outcomes. Similarly, the board does not have in place effective practices that evaluate the performance of school leadership or ACSN. More than a year after creating the director of school quality role, the board has not developed criteria for evaluating performance despite identifying the position as critical to school success. The board does not articulate specific student achievement goals.
- While board meetings are open to the public, the board has little contact with staff, parents and students. Board minutes and information gathered from the renewal interview indicate attendance by stakeholders other than board members is low. The board includes two parent representatives, one from each middle school, and reports relying on the school's parent coordinator to act as an additional liaison and report concerns from families.

Organizational Capacity. The school has reorganized its administrative and instructional leadership teams but does not support the effective delivery of the educational program.

- During the third year in the charter term, the leadership structure reorganized to support operations at four Brighter Choice schools including two elementary charters authorized by the Board of Regents (Brighter Choice Elementary Charter Schools for Boys and Brighter Choice Elementary Charter School for Girls) and the two SUNY authorized charters (BC Boys and BC Girls). The leadership structure transitioned again during the fourth year of the charter term. This year, the leadership structure includes a director of school quality

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who works across the four Brighter Choice campuses, a principal who works only with BC Boys, and an assistant principal who works across the BC Boys and BC Girls. A director of operations, an assessment coordinator, and a special services coordinator also work across the four campuses.

- The numbers and positions included in the administrative and instructional leadership at the school is sufficient for to carry out its academic program; however, coordination between roles lacks transparent accountability. Teachers are not clear about who formally evaluates their performance and which observations contribute to evaluative decisions. The director of school quality and the principal do not define clear performance criteria for staff members in subordinate roles.
- The school has not had a coherent and consistent discipline strategy across the charter term. Early in the charter term, the school implemented a student discipline system that relied on issuing merits and demerits to students. During the renewal visit, the evaluation team did not observe teachers and staff issuing merits or demerits; instead, teachers issue two verbal warnings to disruptive students before remanding them to the dean of students. Teachers do not apply the discipline system consistently across the school. In most classrooms, teachers allow students to opt out of instruction as long as they are not disruptive. Students chat with each other and generate a constant din in most classrooms and most teachers tolerate low level misbehaviors.
- The school retains most staff. Last year, the school did not place any teachers on a performance improvement plan and, as of the time of the visit, the school has not done so during this year. As stated above, the school lacks clear criteria for high quality instruction and teacher performance.
- This year, the school expanded its personnel to support at-risk students by adding two special education teachers. The school also retired its contract with its third party special education services vendor and generated a role for an internal special education services coordinator. The special education services coordinator reports that the role is still evolving and that the school will contract with its former consulting company to purchase mentor-style support for the new coordinator.
- High payments to service the school facility mortgage and related expenses (22% of total revenues) appear to prevent the board from devoting sufficient resources to the academic program. Other SUNY authorized charter schools in Albany pay 4-8% less for facilities.
- The school's enrollment is within the acceptable range according to its charter but the waitlist is limited to only five students.
- School leaders do not set measurable performance expectations for students, teachers, or instructional coaches. The school monitors activities and processes and school leaders adjust staffing based on the perceived effectiveness of the programs.

FAITHFULNESS TO CHARTER & PARENT SATISFACTION

As part of their initial application and their Application for Charter Renewal, schools identify the Key Design Elements that reflect their mission and distinguish the school. The table below reflects

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the intended Key Design Elements and indicates for each if the school is implementing the element as included in the school’s charter.

Key Design Elements	Evident?
Differentiating instruction to meet the wide ranging learning needs of its entire scholar body; offering flexible learning spaces that compliment and encourage varied instructional methods.	-
Emphasizing scholar choices with BCMSB’s unique iChoose: Citizenship, Integrity, Perseverance & Scholarship character campaign.	+
Utilizing data from all aspects of its operation to inform decision making and improve scholar performance.	-
Committing to technology use and integration into the school’s academic program and culture.	-
Providing each scholar an adult advisor and small-group seminar to support the positive soul and emotional development of boys.	-
Offering individualized counseling and guidance throughout the high school placement process.	+

Parent Satisfaction. The school supplied survey information with its Application for Charter Renewal that demonstrates parents/guardians and students are satisfied with the school.¹⁷ Many parents attended a public hearing at the school on January 12, 2015 to express their support for the school. Many speakers praised the school’s safe environment and emphasized its importance as the only public, single gender option for middle school students in Albany, which provides a pipeline from an all-male elementary through to an all-male high school program.

2013-14
Response Rate: 72%
Overall satisfaction: 100%
Academics: 100%
School Environment: 97%

Persistence in Enrollment. The Institute derived the following statistical information from its database. The Institute does not have access to comparative data from the local school districts where students reside (Albany, Troy, Schenectady, Lansingburgh, Watervliet, Menands and Ravena) and therefore is unable to present a comparative analysis.

¹⁷ Source: Application for Charter Renewal.

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	2011-12	2012-13	2013-14
Percent of Eligible Students Returning From Previous Year	N/A	72.8	75.9

COMPLIANCE

Governance. In general, the board has not implemented, maintained or abided by adequate and appropriate policies, systems and processes and procedures to ensure the effective governance and oversight of the school as evidenced by its academic and fiscal results. However, the board has maintained general compliance with the terms of its charter and applicable law. The board does not demonstrate a clear understanding of its role in holding the school leadership and ACSN accountable for academic results. The board has not demonstrated an understanding of appropriate hires, timing of hires and resources to ensure good instruction and to hold school leadership is accountable for academic results.

- While the board of trustees has not avoided creating conflicts of interest because of trustees affiliated with the Brighter Choice Foundation (ACSN), its contractor, it has managed those conflicts through proper disclosure and recusal.
- The board has materially complied with the terms of its by-laws with exceptions where the board had an insufficient number of trustees as admitted by the board chair.
- The board receives reports on fiscal and academic performance, but it is unclear how effective the reports are as the board has failed to act with a sense of urgency in these areas.
- In 2011, the board properly sought amendment of its charter to change its Friday school schedule to allow for professional development time rather than instruction.
- The board has received some board training through ACSN.
- The board has appropriately used outside legal counsel.

Legal Requirements. The education corporation has generally and substantially complied with applicable state and federal laws, rules and regulations and the provisions of its charter.

- **Code of Ethics.** The education corporation's Code of Ethics did not conform to the current requirements of the New York General Municipal Law and it had not been distributed to trustees, officers and staff.
- **By-laws.** The education corporation's by-laws contained some minor deficiencies with respect to the Not-For-Profit Corporation Law and the Education Law.
- **Complaints.** The school has generated few, if any, informal complaints with no formal complaints reviewed by the Institute.
- **Violations.** The Institute noted one violation for a late audit report.

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IS THE EDUCATION CORPORATION FISCALLY SOUND?

BC Boys is not fiscally sound. The school, or not for profit education corporation, has not successfully managed cash flow and does not have adequate financial resources to ensure stable operations in the future. The education corporation does not engage in effective budgeting practices and has problems with fiscal monitoring of revenues and expenses, and is not making appropriate adjustments when necessary. The Institute records reflect continually delinquent financial reporting over the charter term. The SUNY Fiscal Dashboard, a multi-year financial data and analysis for SUNY authorized charter schools appears below in the Appendix.

As noted earlier in this report, the education corporation is operating under a January 31, 2013 compact agreement with the ACSN; services include academic, legal and financial assistance, technical support and advocacy, professional development to both the school staff and board of trustees to improve governance knowledge and expertise. The compact contains a service fee that increases from 1% of per pupil revenues in 2012-13 to 1.5% in 2013-14 to 2% in 2014-15. The ACSN fee structure is anticipated to increase to 3% - 5% - 7% over a future charter term as described by the board and reflected in the revised budget submitted with the renewal application, a draft agreement was not supplied to the Institute.

Budgeting and Long-Range Planning. Throughout the charter term, BC Boys has not maintained fiscal soundness, has not implemented effective budgeting practices and routine monitoring of revenues and expenses. Early in the charter term, net assets grew to approximately \$1M while in leased space and serving three chartered grades. As the new facility was being built and adding the fourth chartered grade, net assets took a steady decline to \$243,515 as of June 30, 2014, which reflects expense levels outpacing revenue levels and depleting any earlier reserves established. Current operations show that as of December 31, 2014, cash on hand was \$153,568 to cover current liabilities already on the books of \$566,955. Operating in this manner results in great dependence on each per-pupil payment to cover past bills and limits the available resources for current operations.

- The education corporation's development of annual budgets was previously handled by the school level business manager and the board. The most recent budget development cycle encountered problems in that the business manager left the position prior to the budget completion, resulting in the board having to obtain outside financial services and have ACSN to complete work.
- As the most recent audit management letter recommends, the board is encouraged to monitor the financial status on an ongoing basis and implement revisions necessary to assure that the financial results are balanced for fiscal year 2015. The education corporation and ACSN worked together to complete a major budget revision, which is projecting a \$5,291 operating surplus for the fiscal year 2015.
- The board has seen turnover over the charter term. At the time of the renewal visit interview, the board did not include any financial and/or legal expertise and therefore has relied on the ACSN to navigate the financial aspects of the operations. The board is in the

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process of recruiting new members including a proposed trustee with experience as a chief financial officer.

- ACSN prepares for the school board monthly financial reports that include a current balance sheet, a profit and loss statement, a budget-versus-actual-expenditure report, and personnel expenditure projections. As the audit management letter states, there are a significant number of transactions that affect not only the BC Boys and BC Girls, but also the elementary schools, which are separate charter schools authorized by the Board of Regents and overseen by some of the same charter school board members. Not all balances due to and from the related schools agreed to the records of the other schools. The auditor recommended that procedures be developed and implemented to reconcile these balances on a regular basis.
- The projected budgets submitted with the renewal application were based on higher enrollment, and, therefore, given the schools inability to fully enroll as per allowable limits in its charter, found to be not realistic or fiscally obtainable. Revised budgets were subsequently submitted to the Institute that reflected lower enrollment. To offset the lower revenue projections, the academic program was altered by reducing costs associated with staff recruitment and recruiting new students, reduced field trips and reduced office expenses. Personnel costs were also shifted to reduce instructional management by 0.5 positions, reduce deans and directors by 1.75 positions, with an increase of 1.10 therapist positions. The school reports that the new academic program adjustments and additional ACSN support will reduce costs.
- In the renewal interview, the board was asked and wasn't able to articulate reasonable knowledge or understanding of the financial requirements of the facility bond financing. The requirements include loan covenants of debt service and cash on hand requirements that should be a common topic of discussion during board meetings to ensure continual oversight and monitoring of financial condition and compliance with the covenants.
- In the renewal interview held on October 27, 2014, just days away from an important due date for reporting to both NYSED and SUNY on November 1, 2014, the board was not maintaining proper oversight and could not give any insight into the audit timeframe for the independent auditor to complete fieldwork or the audit report. According to the RFP issued by the education corporation for the audit work, field work was to be completed in September and the audit report finalized in October in line with the reporting requirements.
- The independent auditor identified the delay in completing the fieldwork as caused by the education corporation. According to the auditor, such a delay resulted in the auditor not being able to receive critical information to complete the audit in a timely manner, which is a requirement under the facility financing covenants. After granting an extension, the Institute issued a violation letter for the late audit report when the education corporation did not comply with the extension deadline. The submission dates contained in the violation letter were required to be submitted by December 31, 2014. The Institute received the final audit report and related final management letter and corrective action plan on December 31, 2014.

RENEWAL BENCHMARK CONCLUSIONS

Internal Controls. The education corporation has established appropriate fiscal policies, procedures and controls, although the auditor found some areas where the education corporation does not follow those established policies and procedures consistently. Written policies address key issues including financial reporting, revenues, procurement, expenditures, payroll, banking, capital assets, and record retention.

- Under the Albany Charter Schools Compact initiated in Spring 2012, and continuing into the current school year, ACSN has contractual responsibility for the following fiscal operations: assisting with budget development, preparing monthly financial statements, recording and tracking income and expenses related to all grants and contracts, recording all accounts payable invoices and cash receipts, preparing all vendor checks, reconciling checking accounts each month, providing and maintaining payroll services, and interfacing with the school's independent external auditor.
- In the past the education corporation relied upon the Brighter Choice foundation and now relies on the support of the ACSN to strengthen their financial processes and internal controls. ACSN is now leading the budget development process, the audit cycle and the preparation of the monthly financial statements. ACSN will also oversee the school staff in the processing of cash receipts and accounts payable, preparation of vendor checks, bank reconciliations, and payroll processing and reporting.
- The most recent independent audit found no material weaknesses in the financial statements but did identify that the education corporation had not accurately recorded and appropriately documented transactions in accordance with established policies. The auditor found policy areas regarding related party transactions that needed development and implementation to reconcile on a regular basis.
- The education corporation's most recent completed audit reports of internal controls related to financial reporting and compliance with laws, regulations and grants, disclosed some weaknesses and instances of non-compliance. The delinquent audit report caused the education corporation to be out of compliance with NYSED, SUNY and the facility loan covenant regarding timeliness of financial statements. The debt service coverage ratio covenant must be completed within 120 days after the close of the fiscal year and be based on audited financial statements. The auditor also advised regarding the required compliance with the recent New York Nonprofit Revitalization Act of 2013 that the education corporation has not reviewed and implemented (similar to other charter schools).
- The audit report noted a former board member as a current authorized check signer for the bank accounts. The corrective action plan submitted to the Institute did not outline immediate corrective action and completion. Instead, there is a plan to make the correction during the upcoming process of moving all bank accounts to one bank; with an anticipated completion date of January 21, 2015.
- The audit report noted some discrepancies in the cash receipts process including variance from what is stated in the school's *Fiscal Policies and Procedures Guide*. Cash received and a majority of school payments received that were not properly entered into the receipt log.

RENEWAL BENCHMARK CONCLUSIONS

- The audit report noted that during sample testing, personnel action forms were not utilized for new employees and a terminated employee did not have a termination form completed.
- The audit report noted numerous instances where the cash disbursement process per the school's *Fiscal Policies and Procedures Guide* was not followed. Purchase orders were not utilized in over 50 percent of the items sampled. Purchase orders should be used for any non-recurring purchases over \$500. Management responded to the auditor that the school will review the cash disbursements process to determine if any adjustments should be made to the procedure and then encourage compliance.
- **Timeliness of Reporting: Annual Audit Reports; Budgets; and, Quarterly Financial Reports**

Reports	Due Date	Received Date	Days Late
09/30/10 Q1	11/15/10	11/18/10	3 Days Late
12/31/10 Q2	02/15/11	02/28/11	13 Days Late
03/31/11 Q3	05/15/11	05/10/11	--
06/30/11 Q4	08/01/11	08/03/11	2 Days Late
06/30/11 Audit	11/01/11	11/01/11	--
2011-12 Budget	06/30/11	06/29/11	--
09/30/11 Q1	11/15/11	12/09/11	24 Days Late
12/31/11 Q2	02/15/12	02/23/12	8 Days Late
03/31/12 Q3	05/15/12	05/27/12	12 Days Late
06/30/12 Q4	08/01/12	08/01/12	--
06/30/12 Audit	11/01/12	11/01/12	--
2012-13 Budget	06/30/12	07/27/12	27 Days Late
09/30/12 Q1	11/15/12	02/04/13	81 Days Late
12/31/12 Q2	02/15/13	02/12/13	--
03/31/13 Q3	05/15/13	05/20/13	5 Days Late
06/30/13 Q4	08/01/13	08/01/13	--
06/30/13 Audit	11/01/13	11/01/13	--
2013-14 Budget	06/30/13	07/15/13	15 Days Late
09/30/13 Q1	11/15/13	01/19/14	65 Days Late
12/31/13 Q2	02/15/14	01/19/14	--
03/31/14 Q3	05/15/14	06/22/14	38 Days Late
06/30/14 Q4	08/01/14	09/12/14	42 Days Late
06/30/14 Audit	11/01/14	12/31/14	60 Days Late
2014-15 Budget	6/30/14	08/23/14	54 Days Late
09/30/14 Q1	11/15/14	11/18/14	3 Days Late
12/31/14 Q2	02/15/15	Not Yet Due	

Financial Reporting. The education corporation has not complied with financial reporting requirements by providing the SUNY Trustees and NYSED with required financial reports that are on time, complete and follow generally accepted accounting principles.

RENEWAL BENCHMARK CONCLUSIONS

- The education corporation presents its annual financial statements in accordance with generally accepted accounting principles (GAAP) and the independent audits of those statements have received unqualified opinions.
- The education corporation has not filed key reports timely and accurately including: audit reports, budgets, cash-flow statements, un-audited reports of income, expenses and enrollment reports. Despite the education corporation's assertion of minimal instances of late financial reporting, as evidenced by the due date table above, there has been a pattern of late reporting throughout the charter term. The external auditor noted that staff turnover and issues related to obtaining source documents resulted in the most recent delinquent report filings.

Financial Condition. The education corporation maintains inadequate financial resources needed to ensure stable operations.

- The education corporation has posted *fiscal monitoring needed* composite-score ratings on the SUNY Fiscal Dashboard indicating fiscal instability over the charter contract term.¹⁸
- As reported in the audited financial statements, the education corporation has long-term mortgage debt held jointly with BC Girls related to the facility utilized by both schools. The education corporation was responsible for 50% of total costs of the facility acquisition and is responsible for 50% of the debt obligations.
- As the audited financial statement reports, the mortgage loan agreement includes certain financial statement covenants for maintaining a debt service coverage ratio and liquidity requirements for maintaining cash on hand of not less than seven days as measured semiannually. As of June 30, 2014, cash on hand was measured at 15.4 days, meeting the bond requirement. The audited financial statements report cash of \$153,568 on hand at June 30, 2014; comparing that to the \$9,934 needed per day to cover expenses (\$3,625,881 total annual expenses / 365 days) results in the 15.4 days of cash on hand. The education corporation's lack of complete understanding of the facility financing requirements is concerning.
- The education corporation maintains inadequate cash flow and on average over the charter term 18 days of cash reserves to cover current bills and those coming due shortly. The Institute recommends at least one month cash reserve. For this reason, the SUNY Fiscal Dashboard shows a high risk in this category.
- As the audited financial statement reports, the school had consecutive losses of (\$123,765) in 2014 and (\$704,347) in 2013 which has resulted in net assets being 2.5% of total assets.
- In December 2014, Fitch Ratings placed the bonds on "Rating Watch Negative."

¹⁸ The composite score assists in measuring the financial health of an education corporation using a blended score that measures the school's performances on key financial indicators. The blended score offsets financial strengths against areas where there may be financial weaknesses.

RENEWAL BENCHMARK CONCLUSIONS

- The New York State Comptroller issued a report dated February 7, 2014 on the education corporation's compact agreement with ACSN. The report stated that the service fees structure of 1% - 2% does not appear to be reasonable, as the services being provided do not have any bearing on the number of students at the school or the tuition rate and the increasing fee places additional financial burden on the education corporation. While the education corporation board stated that it is satisfied with the value and delivery of ACSN's services despite the school's failure to meet its academic Accountability Plan goals or basic financial tests outlined in SUNY's Fiscal Dashboard. The anticipated future fee structure calls for an increase in the rate to 3% - 7%, which will place a tremendous financial burden on the education corporation. The education corporation has not entered into a formal charter management agreement with ACSN. The Institute would require such an agreement be in writing and include detailed service deliverables and measurable outcomes.
- Contributions and fundraising activities have played a diminishing role in the financial health of the school. Contributions for the year ended June 30, 2014 were less than 0.3 percent of total revenues.
- The Institute now has additional reserve requirements that will affect the education corporation's cash position. SUNY authorized charter agreements have changed to include a required \$75,000 Dissolution Reserve Fund for the purpose of covering legal and administrative costs associated with the closure/dissolution of a school.

The SUNY Fiscal Dashboard, provided in the Appendix, presents color-coded tables and charts indicating BC Boys' fiscal condition over the course of its charter term.¹⁹

¹⁹ The U.S. Department of Education has established fiscal criteria for certain ratios or information with high – medium – low categories, represented in the table as green – gray – red. The categories generally correspond to levels of fiscal risk, but must be viewed in the context of each education corporation and the general type or category of school.

RENEWAL BENCHMARK CONCLUSIONS

IF THE SUNY TRUSTEES RENEW THE EDUCATION CORPORATION'S AUTHORITY TO OPERATE THE SCHOOL, ARE ITS PLANS FOR THE SCHOOL REASONABLE, FEASIBLE AND ACHIEVABLE?

BC Boys has not developed an academic program that will likely result in the school's being able to meet or come close to meeting its Accountability Plan goals in a new charter term. The education corporation is not fiscally sound and the school lacks the organizational capacity to support an effective educational program. As such, its plans for the next charter term are not reasonable, feasible and achievable.

APPENDIX: SCHOOL OVERVIEW

Mission Statement

The mission of Brighter Choice Charter Middle School for Boys is to prepare boys for high school and college success while attending to the unique developmental needs of middle school scholars.

Board of Trustees

Board Member Name	Position
Martha Snyder	Chair
Zoe Nelson	Trustee
Nilsa Velilla	Trustee
Shawn Wallace	Treasurer/former Parent Representative
Rebecca Calos	Trustee

School Characteristics

School Year	Proposed Enrollment	Actual Enrollment ²⁰	Proposed Grades	Actual Grades
2010-11	54	45	5	5
2011-12	112	102	5-6	5-6
2012-13	168	150	5-7	5-7
2013-14	220	211	5-8	5-8
2014-15	235	223	5-8	5-8

²⁰ Source: The Institute's Official Enrollment Binder. (Figures may differ slightly from New York State Report Cards, depending on date of data collection.)

APPENDIX: SCHOOL OVERVIEW

Student Demographics

	2011-12		2012-13		2013-14 ²¹
	% of School Enrollment	% of Albany City School District Enrollment	% of School Enrollment	% of Albany City School District Enrollment	% of School Enrollment
Race/Ethnicity					
American Indian or Alaska Native	0	0	1	0	1
Black or African American	89	55	83	53	83
Hispanic	10	14	11	15	11
Asian, Native Hawaiian, or Pacific Islander	1	7	3	8	3
White	0	21	2	21	2
Multiracial	0	2	0	3	0
Special Populations					
Students with Disabilities	3	--	5	15	9
English Language Learners	0	7	--	8	0
Free/Reduced Lunch					
Eligible for Free Lunch	67	60	73	60	--
Eligible for Reduced-Price Lunch	16	7	14	7	--
Economically Disadvantaged	81	--	86	76	100

²¹ The Institute derived the 2013-14 Students with Disabilities, ELL and Economically Disadvantaged statistics from the school's October 2013 student enrollment report to NYSED (2013-14 BEDS Report). District data are not yet available. Because NYSED releases data up to a full year after the conclusion of any one school year, the data presented in this table may differ from current information reported by the school and included in this report.

APPENDIX: SCHOOL OVERVIEW

School Leaders

School Year(s)	Name(s) and Title(s)
2010-11 to 2011-12	Darryl Williams, Principal
2012-13 to 2013-14	Darryl Williams, Director of Schools Derick Brown, Principal
July 2013 to November 2014	Marcus Puccioni, Director of School Quality Derick Brown, Principal
December 2014 to Present	Marcus Puccioni, Executive Principal and Interim Principal

School Visit History

School Year	Visit Type	Evaluator (Institute/External)	Date
2010-11	First Year Visit	Institute	March 17, 2011
2012-13	Evaluation Visit	Institute	February 14, 2013
2014-15	Initial Renewal Visit	Institute	October 20-21, 2014

Conduct of the Renewal Visit

Date(s) of Visit	Evaluation Team Members	Title
October 20-21, 2014	Heather Wendling	Senior Analyst
	Jeff Wasbes	Executive Deputy Director for Accountability
	David Montes de Oca	External Consultant

APPENDIX: FISCAL DASHBOARD



Charter Schools Institute
The State University of New York

Brighter Choice Charter Middle School for Boys

SCHOOL INFORMATION

FINANCIAL POSITION

Assets

Current Assets

Cash and Cash Equivalents - GRAPH 1
Grants and Contracts Receivable
Accounts Receivable
Prepaid Expenses
Contributions and Other Receivables

Total Current Assets - GRAPH 1

Property, Building and Equipment, net

Other Assets

Total Assets - GRAPH 1

Liabilities and Net Assets

Current Liabilities

Accounts Payable and Accrued Expenses
Accrued Payroll and Benefits
Deferred Revenue
Current Maturities of Long-Term Debt
Short Term Debt - Bonds, Notes Payable
Other

Total Current Liabilities - GRAPH 1

L-T Debt and Notes Payable, net current maturities

Total Liabilities - GRAPH 1

Net Assets

Unrestricted
Temporarily restricted

Total Net Assets

Total Liabilities and Net Assets

ACTIVITIES

Operating Revenue

Resident Student Enrollment
Students with Disabilities

Grants and Contracts

State and Local
Federal - Title and IDEA
Federal - Other
Other

Food Service/Child Nutrition Program

Total Operating Revenue

Expenses

Regular Education
SPED
Regular Education & SPED (combined)
Other

Total Program Services

Management and General
Fundraising

Total Expenses - GRAPHS 2, 3 & 4

Surplus / (Deficit) From School Operations

Support and Other Revenue

Contributions
Fundraising
Miscellaneous Income
Net assets released from restriction

Total Support and Other Revenue

Total Unrestricted Revenue

Total Temporarily Restricted Revenue

Total Revenue - GRAPHS 2 & 3

Change in Net Assets

Net Assets - Beginning of Year - GRAPH 2

Prior Year Adjustment(s)

Net Assets - End of Year - GRAPH 2

Opened 2010-11

	2009-10	2010-11	2011-12	2012-13	2013-14
Cash and Cash Equivalents - GRAPH 1	-	25,388	75,759	212,912	153,568
Grants and Contracts Receivable	-	135,370	210,452	65,536	93,835
Accounts Receivable	-	118,270	72,218	265,847	418,881
Prepaid Expenses	-	4,764	-	8,436	5,883
Contributions and Other Receivables	-	12,500	112,634	112,155	40,647
Total Current Assets - GRAPH 1	-	296,292	471,063	664,886	712,814
Property, Building and Equipment, net	-	62,216	7,742,083	7,464,907	7,167,250
Other Assets	-	35,106	1,899,276	1,494,075	1,596,219
Total Assets - GRAPH 1	-	393,614	10,112,422	9,623,868	9,476,283
Accounts Payable and Accrued Expenses	-	83,413	214,169	334,407	14,254
Accrued Payroll and Benefits	-	3,200	21,934	138,418	477,701
Deferred Revenue	-	-	-	4,250	-
Current Maturities of Long-Term Debt	-	-	-	75,000	75,000
Short Term Debt - Bonds, Notes Payable	-	-	-	-	-
Other	-	-	84,504	8,700	-
Total Current Liabilities - GRAPH 1	-	86,613	320,607	560,775	566,955
L-T Debt and Notes Payable, net current maturities	-	-	8,720,188	8,695,813	8,665,813
Total Liabilities - GRAPH 1	-	86,613	9,040,795	9,256,588	9,232,768
Unrestricted	-	297,001	818,449	164,727	85,962
Temporarily restricted	-	10,000	253,178	202,553	157,553
Total Net Assets	-	307,001	1,071,627	367,280	243,515
Total Liabilities and Net Assets	-	393,614	10,112,422	9,623,868	9,476,283
Resident Student Enrollment	-	668,328	1,453,805	2,106,492	3,029,986
Students with Disabilities	-	24,126	26,287	34,013	84,275
State and Local	-	-	97,500	-	-
Federal - Title and IDEA	-	32,613	30,974	87,513	104,832
Federal - Other	-	138,717	319,715	117,022	19,589
Other	-	-	111,554	21,493	-
Food Service/Child Nutrition Program	-	-	59,582	88,915	166,441
Total Operating Revenue	-	863,784	2,099,417	2,455,448	3,405,123
Regular Education	-	365,954	870,217	1,527,359	1,817,977
SPED	-	46,827	118,181	173,196	226,197
Regular Education & SPED (combined)	-	-	-	-	-
Other	-	47,476	158,781	260,978	284,684
Total Program Services	-	460,257	1,147,179	1,961,533	2,328,858
Management and General	-	328,977	612,747	1,263,051	1,302,681
Fundraising	-	-	-	-	-
Total Expenses - GRAPHS 2, 3 & 4	-	789,234	1,759,926	3,224,584	3,631,539
Surplus / (Deficit) From School Operations	-	74,550	339,491	(769,136)	(226,416)
Contributions	-	230,854	409,626	11,600	1,650
Fundraising	-	-	1,492	-	-
Miscellaneous Income	-	1,597	14,017	53,189	101,001
Net assets released from restriction	-	-	-	-	-
Total Support and Other Revenue	-	232,451	425,135	64,789	102,651
Total Unrestricted Revenue	-	1,086,235	2,281,374	2,570,862	3,552,774
Total Temporarily Restricted Revenue	-	10,000	243,178	(50,625)	(45,000)
Total Revenue - GRAPHS 2 & 3	-	1,096,235	2,524,552	2,520,237	3,507,774
Change in Net Assets	-	307,001	764,626	(704,347)	(123,765)
Net Assets - Beginning of Year - GRAPH 2	-	-	307,001	1,071,627	367,280
Prior Year Adjustment(s)	-	-	-	-	-
Net Assets - End of Year - GRAPH 2	-	307,001	1,071,627	367,280	243,515

APPENDIX: FISCAL DASHBOARD



Brighter Choice Charter Middle School for Boys

SCHOOL INFORMATION - (Continued)

Functional Expense Breakdown

	2009-10	2010-11	2011-12	2012-13	2013-14
Personnel Service	-	199,308	-	332,132	386,119
Administrative Staff Personnel	-	250,676	780,183	990,219	1,092,713
Instructional Personnel	-	-	-	-	61,041
Non-Instructional Personnel	-	-	-	-	-
Personnel Services (Combined)	-	-	-	-	-
Total Salaries and Staff	-	449,984	780,183	1,322,351	1,539,873
Fringe Benefits & Payroll Taxes	-	78,554	163,777	283,997	426,301
Retirement	-	5,500	23,838	44,153	-
Management Company Fees	-	-	-	-	-
Building and Land Rent / Lease	-	45,833	31,439	-	612,750
Staff Development	-	10,965	9,615	6,160	9,372
Professional Fees, Consultant & Purchased Services	-	60,002	164,642	195,244	237,648
Marketing / Recruitment	-	10,710	2,989	3,298	3,286
Student Supplies, Materials & Services	-	39,829	141,969	225,045	160,733
Depreciation	-	13,847	116,433	319,532	316,807
Other	-	74,010	325,041	824,804	324,769
Total Expenses	-	789,234	1,759,926	3,224,584	3,631,539

SCHOOL ANALYSIS

ENROLLMENT

	2009-10	2010-11	2011-12	2012-13	2013-14
Chartered Enroll	-	54	112	168	220
Revised Enroll	-	-	-	-	-
Actual Enroll - GRAPH 4	-	45	102	150	211
Chartered Grades	Planning	5	5-6	5-7	5-8
Revised Grades	-	-	-	-	-

Primary School District: Albany

Per Pupil Funding (Weighted Avg of All Districts)	2009-10	2010-11	2011-12	2012-13	2013-14
Increase over prior year	0.0%	20.2%	0.0%	0.0%	0.2%

PER STUDENT BREAKDOWN

	2009-10	2010-11	2011-12	2012-13	2013-14	Average - 5 Yrs. OR Charter Term
Revenue						
Operating	-	19,195	20,583	16,370	16,138	18,071
Other Revenue and Support	-	5,166	4,168	432	486	2,563
TOTAL - GRAPH 3	-	24,361	24,751	16,802	16,625	20,634
Expenses						
Program Services	-	10,228	11,247	13,077	11,037	11,397
Management and General, Fundraising	-	7,311	6,007	8,420	6,174	6,978
TOTAL - GRAPH 3	-	17,539	17,254	21,497	17,211	18,375
% of Program Services	0.0%	58.3%	65.2%	60.8%	64.1%	62.1%
% of Management and Other	0.0%	41.7%	34.8%	39.2%	35.9%	37.9%
% of Revenue Exceeding Expenses - GRAPH 5	0.0%	38.9%	43.4%	-21.8%	-3.4%	12.3%

Student to Faculty Ratio

2009-10	2010-11	2011-12	2012-13	2013-14
-	8.2	8.7	8.5	-

Faculty to Admin Ratio

2009-10	2010-11	2011-12	2012-13	2013-14
-	2.8	3.4	3.6	-

Financial Responsibility Composite Scores - GRAPH 6

Score	2009-10	2010-11	2011-12	2012-13	2013-14	Average
Fiscally Strong 1.5 - 3.0 / Fiscally Adequate 1.0 - 1.4 / Fiscally Needs Monitoring < 1.0	0.0	3.0	2.1	0.4	0.4	1.5
	N/A	Fiscally Strong	Fiscally Strong	Fiscally Needs Monitoring	Fiscally Needs Monitoring	Fiscally Strong

Working Capital - GRAPH 7

	2009-10	2010-11	2011-12	2012-13	2013-14	Average
Net Working Capital	0	209,679	150,456	104,111	145,859	152,526
As % of Unrestricted Revenue	0.0%	19.3%	6.6%	4.0%	4.1%	8.5%
Working Capital (Current) Ratio Score	0.0	3.4	1.5	1.2	1.3	1.8
Risk (Low > 3.0 / Medium 1.4 - 2.9 / High < 1.4)	N/A	LOW	MEDIUM	HIGH	HIGH	MEDIUM
Rating (Excellent > 3.0 / Good 1.4 - 2.9 / Poor < 1.4)	N/A	Excellent	Good	Poor	Poor	Good

Quick (Acid Test) Ratio

Score	2009-10	2010-11	2011-12	2012-13	2013-14	Average
Risk (Low > 2.5 / Medium 1.0 - 2.4 / High < 1.0)	0.0	3.4	1.5	1.2	1.2	1.8
Rating (Excellent > 2.5 / Good 1.0 - 2.4 / Poor < 1.0)	N/A	Excellent	Good	Good	Good	Good

Debt to Asset Ratio - GRAPH 7

Score	2009-10	2010-11	2011-12	2012-13	2013-14	Average
Risk (Low < 0.50 / Medium 0.51 - .95 / High > 1.0)	0.0	0.2	0.9	1.0	1.0	0.8
Rating (Excellent < 0.50 / Good 0.51 - .95 / Poor > 1.0)	N/A	Excellent	Good	Poor	Poor	Good

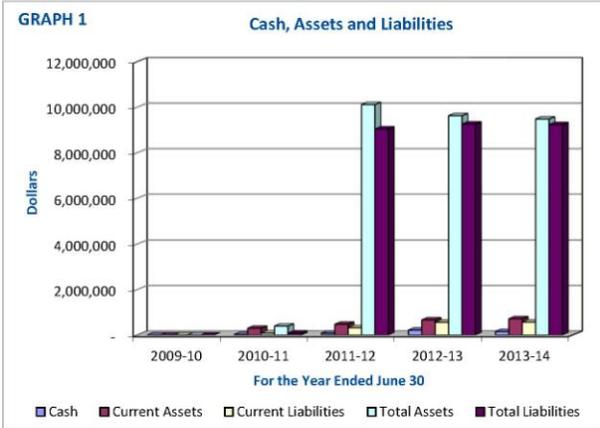
Months of Cash - GRAPH 8

Score	2009-10	2010-11	2011-12	2012-13	2013-14	Average
Risk (Low > 3 mo. / Medium 1 - 3 mo. / High < 1 mo.)	0.0	0.4	0.5	0.8	0.5	0.6
Rating (Excellent > 3 mo. / Good 1 - 3 mo. / Poor < 1 mo.)	N/A	High	High	High	High	High
	N/A	Poor	Poor	Poor	Poor	Poor

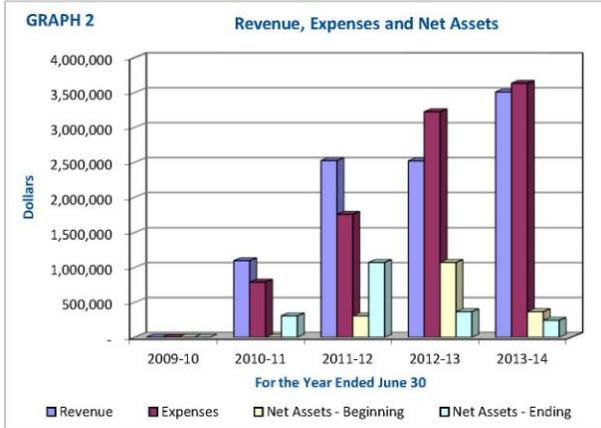
APPENDIX: FISCAL DASHBOARD



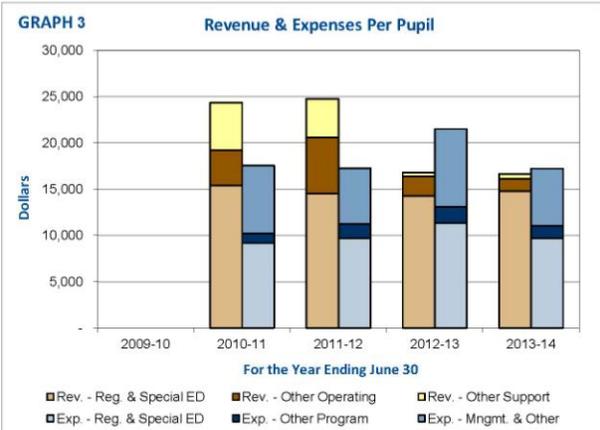
Brighter Choice Charter Middle School for Boys



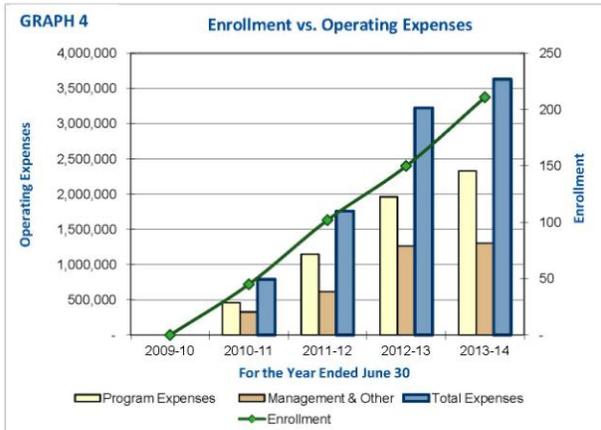
This chart illustrates total revenue and expenses each year and the relationship those subsets have on the increase/decrease of net assets on a year-to-year basis. Ideally subset 1, revenue, will be taller than subset 2, expenses, and as a result subset 3, net assets - beginning, will increase each year building a more fiscally viable school.



This chart illustrates the relationship between assets and liabilities and to what extent cash reserves makes up current assets. Ideally for each subset, subsets 2 thru 4, (i.e. current assets vs. current liabilities), the column on the left is taller than the immediate column on the right; and, generally speaking, the bigger that gap, the better.



This chart illustrates the breakdown of revenue and expenses on a per pupil basis. Caution should be exercised in making school-by-school comparisons since schools serving different missions or student populations are likely to have substantially different educational cost bases. Comparisons with similar schools with similar dynamics are most valid.



This chart illustrates to what extent the school's operating expenses have followed its student enrollment pattern. A baseline assumption that this data tests is that operating expenses increase with each additional student served. This chart also compares and contrasts growth trends of both, giving insight into what a reasonable expectation might be in terms of economies of scale.

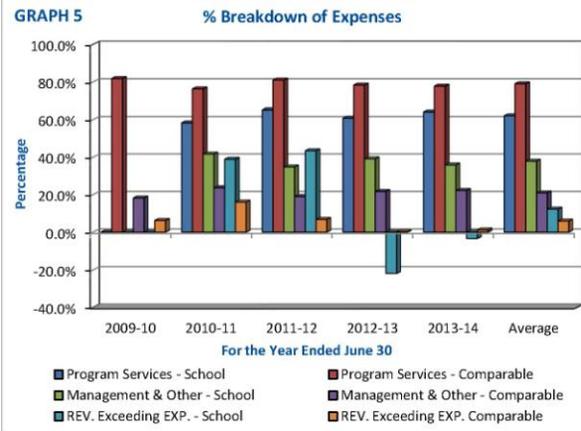
APPENDIX: FISCAL DASHBOARD



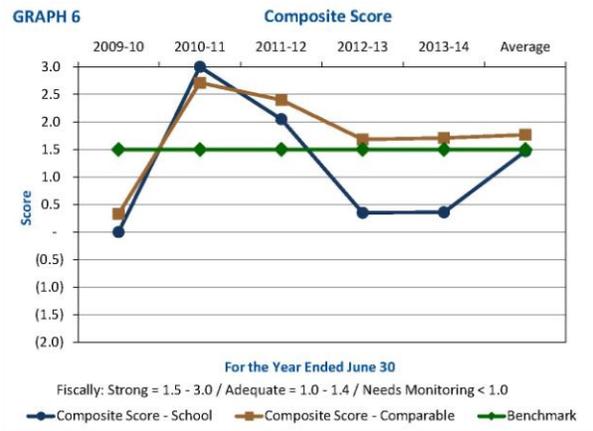
Brighter Choice Charter Middle School for Boys

Comparable School, Region or Network: Capital District & Hudson Valley Schools

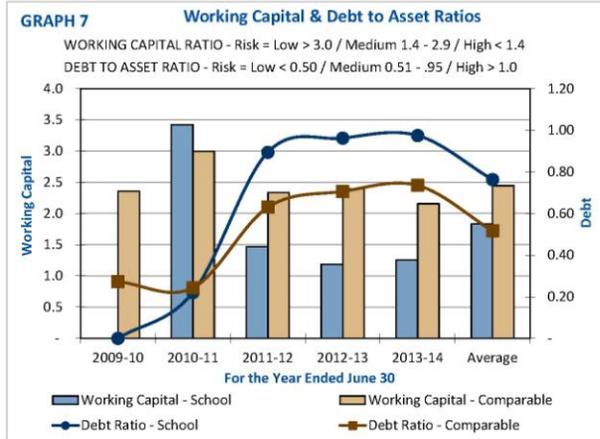
* Average = Average - 5 Yrs. OR Charter Term



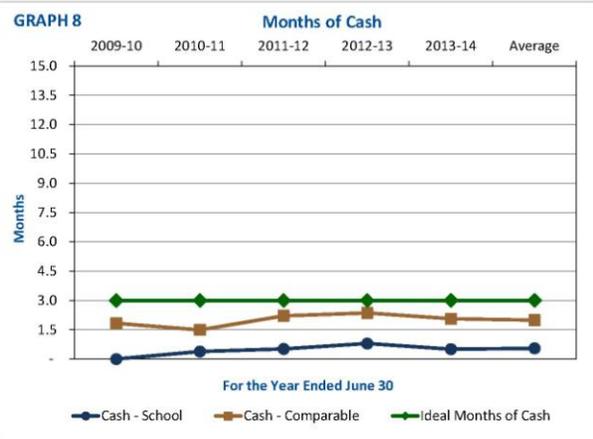
This chart illustrates the percentage expense breakdown between program services and management & others as well as the percentage of revenues exceeding expenses. Ideally the percentage expense for program services will far exceed that of the management & other expense. The percentage of revenues exceeding expenses should not be negative. Similar caution, as mentioned on GRAPH 3, should be used in comparing schools.



This chart illustrates a school's composite score based on the methodology developed by the United States Department of Education (USDOE) to determine whether private not-for-profit colleges and universities are financially strong enough to participate in federal loan programs. These scores can be valid for observing the fiscal trends of a particular school and used as a tool to compare the results of different schools.



This chart illustrates Working Capital and Debt to Asset Ratios. W/C indicates if a school has enough short-term assets to cover its immediate liabilities/short term debt. Debt to Asset indicates what proportion of debt a school has relative to its assets. The measure gives an idea to the leverage of the school along with the potential risks the school faces in terms of its debt-load.



This chart illustrates how many months of cash the school has in reserves. This metric is to measure solvency – the school's ability to pay debts and claims as they come due. This gives some idea of how long a school could continue its ongoing operating costs without tapping into some other, non-cash form of financing in the event that revenues were to cease flowing to the school.

APPENDIX: PERFORMANCE SUMMARIES

SCHOOL PERFORMANCE SUMMARY: English Language Arts Brighter Choice Charter Middle School for Boys



	2011-12 Grades Served: 5-6			MET	2012-13 Grades Served: 5-7			MET	2013-14 Grades Served: 5-8			MET			
	Grades	All Students	2+ Years Students		Grades	All Students	2+ Years Students		Grades	All Students	2+ Years Students				
		% (N)	% (N)			% (N)	% (N)			% (N)					
ABSOLUTE MEASURES 1. Each year 75 percent of students who are enrolled in at least their second year will perform at proficiency on the New York State exam.	3	(0)	(0)		3	(0)	(0)		3	(0)	(0)				
	4	(0)	(0)		4	(0)	(0)		4	(0)	(0)				
	5	39.6 (48)	20.0 (5)		5	12.7 (55)	0.0 (1)		5	4.8 (63)	0.0 (2)				
	6	59.6 (52)	65.7 (35)		6	4.2 (48)	6.9 (29)		6	10.9 (55)	12.8 (39)				
	7	(0)	(0)		7	14.0 (43)	14.3 (42)		7	7.1 (56)	9.7 (31)				
	8	(0)	(0)		8	(0)	(0)		8	25.6 (39)	26.3 (38)				
	All	50.0 (100)	60.0 (40)	NO	All	10.3 (146)	11.1 (72)	NA	All	10.8 (213)	16.4 (110)	NA			
2. Each year the school's aggregate Performance Level Index on the State exam will meet the Annual Measurable Objective set forth in the State's NCLB accountability system.	Grades	PI	AMO	YES	Grades	PLI	AMO		Grades	PI	AMO	NA			
	5-6	144	135		5-7	64	5-8		63	89					
COMPARATIVE MEASURES 3. Each year the percent of students enrolled in at least their second year and performing at proficiency will be greater than that of students in the same grades in the local district.	Comparison: Albany City Schools			YES	Comparison: Albany City Schools			NO	Comparison: Albany City Schools			YES			
	Grades	School	District		Grades	School	District		Grades	School	District				
	6	60.0	40.1		6-7	11.1	18.8		6-8	16.4	14.3				
4. Each year the school will exceed its predicted percent of students at proficiency on the state exam by at least a small Effect Size (at least 0.3) based on its percentage of Economically Disadvantaged students.	% ED	Actual	Predicted	Effect Size	YES	% ED	Actual	Predicted	Effect Size	NO	% ED	Actual	Predicted	Effect Size	NO
	67.3	50.0	44.3	0.37		84.7	10.3	17.2	-0.64		77.6	10.8	20.5	-0.72	
GROWTH MEASURE 5. Each year, the school's unadjusted mean growth percentile will meet or exceed the state's unadjusted median growth percentile.	Grades	School	State	YES	Grades	School	State	NO	Grades	School	State	NO			
	4				4	0.0	4		0.0						
	5				5	36.0	5		37.3						
	6				6	37.5	6		41.3						
	7				7	35.1	7		45.4						
	8				8	0.0	8		54.0						
	All	50.6	50.0		All	36.2	50.0		All	43.6	50.0				

APPENDIX: PERFORMANCE SUMMARIES

SCHOOL PERFORMANCE SUMMARY: Mathematics

Brighter Choice Charter Middle School for Boys

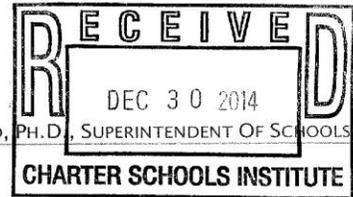


	2011-12 Grades Served: 5-6			MET	2012-13 Grades Served: 5-7			MET	2013-14 Grades Served: 5-8			MET			
	Grades	All Students % (N)	2+ Years Students % (N)		Grades	All Students % (N)	2+ Years Students % (N)		Grades	All Students % (N)	2+ Years Students % (N)				
ABSOLUTE MEASURES 1. Each year 75 percent of students who are enrolled in at least their second year will perform at proficiency on the New York State exam.	3	(0)	(0)	YES	3	(0)	(0)	NA	3	(0)	(0)	NA			
	4	(0)	(0)		4	(0)	(0)		4	(0)	(0)				
	5	60.4 (48)	60.0 (5)		5	16.4 (55)	0.0 (1)		5	15.9 (63)	0.0 (2)				
	6	78.8 (52)	80.0 (35)		6	16.7 (48)	20.7 (29)		6	18.2 (55)	15.4 (39)				
	7	(0)	(0)		7	14.0 (43)	14.3 (42)		7	12.5 (56)	12.9 (31)				
	8	(0)	(0)		8	(0)	(0)		8	30.8 (39)	31.6 (38)				
	All	70.0 (100)	77.5 (40)		All	15.8 (146)	16.7 (72)		All	18.3 (213)	20.0 (110)				
2. Each year the school's aggregate Performance Level Index on the State exam will meet the Annual Measurable Objective set forth in the State's NCLB accountability system.	Grades	PI	AMO	YES	Grades	PLI	AMO		Grades	PI	AMO	NA			
	5-6	168	148		5-7	80	5-8		78	86					
COMPARATIVE MEASURES 3. Each year the percent of students enrolled in at least their second year and performing at proficiency will be greater than that of students in the same grades in the local district.	Comparison: Albany City Schools			YES	Comparison: Albany City Schools			YES	Comparison: Albany City Schools			YES			
	Grades	School	District		Grades	School	District		Grades	School	District				
	6	77.5	50.7		6-7	16.7	11.2		6-8	20.0	8.7				
4. Each year the school will exceed its predicted percent of students at proficiency on the State exam by at least a small Effect Size (at least 0.3) based on its percentage of Economically Disadvantaged students.	% ED	Actual	Predicted	Effect Size	YES	% ED	Actual	Predicted	Effect Size	NO	% ED	Actual	Predicted	Effect Size	NO
	67.3	70.0	55.8	0.69		84.7	15.8	17.5	-0.11		77.6	18.3	24.2	-0.30	
GROWTH MEASURE 5. Each year, the school's unadjusted mean growth percentile will meet or exceed the state's unadjusted median growth percentile.	Grades	School	State	NO	Grades	School	State	NO	Grades	School	State	NO			
	4				4	0.0	4		0.0						
	5				5	47.7	5		39.4						
	6				6	46.1	6		40.1						
	7				7	41.1	7		38.7						
	8				8	0.0	8		59.7						
	All	43.7	50.0		All	45.1	50.0		All	43.4	50.0				

APPENDIX: SCHOOL DISTRICT COMMENTS



MARGUERITE VANDEN WYNGAARD, PH.D., SUPERINTENDENT OF SCHOOLS



December 29, 2014

Mr. Ralph A. Rossi II
Vice President and General Counsel
Charter Schools Institute
The State University of New York
41 State Street, Suite 700
Albany, NY 12207

Dear Mr. Rossi:

I am writing in regard to the SUNY Board of Trustees' Charter Schools Committee's pending consideration of the renewal applications for the Brighter Choice Charter Middle School for Boys and the Brighter Choice Charter Middle School for Girls. The City School District of Albany respectfully asks that the trustees deny both requests in the best interests of all students, families and taxpayers in the City of Albany. As justification we cite the following:

- The Brighter Choice middle schools' continued substandard academic performance.
- The significant financial burden charter schools have created in Albany – on public education and the community at large – with many unanswered questions about how the charter schools have spent more than a quarter-billion in taxpayer dollars. This situation is highlighted by New York State Comptroller Thomas DiNapoli's continued findings of imprudent management of public funds at several Albany charter schools, including the two Brighter Choice middle schools that are the subject of this letter.

The Brighter Choice middle schools, as with other Albany charter schools, routinely fail to retain the majority of students who enroll in their programs, and also fail to provide equal opportunities to students with disabilities. Moreover, their academic performance consistently has lagged that of the district's middle schools in many or all testing subjects and grades. It is telling that even the Brighter Choice middle schools recognize that they have failed Albany students and families through their request only for a short-term renewal rather than a full-term renewal.

We believe that it is critical to the future of public education in Albany for the Board of Trustees to acknowledge that the oversaturation of charter schools in Albany is adversely affecting all students, families and taxpayers. We ask that you deny the renewal requests for both Brighter Choice middle schools and require the schools to close when their current charters expire following the 2013-14 academic year.

1 ACADEMY PARK • ALBANY, NEW YORK 12207
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EMAIL: MVANDEN@ALBANY.K12.NY.US

APPENDIX: SCHOOL DISTRICT COMMENTS

I. Substandard academic performance

The Brighter Choice middle schools have consistently been the lowest-performing schools, or among the lowest-performing, in the City of Albany throughout their existence.

This has been especially true for the Brighter Choice Charter Middle School for Girls. This school underperformed the district as a whole in all testing grades in 2013, and both district middle schools (Hackett and Myers) in grades 6-7 in 2013 and 2014 (with the exception of a 1 percentage point edge over Hackett in students achieving proficiency in 2014 seventh-grade math).

Table 1. *Percentage of Brighter Choice Charter Middle School for Girls, Hackett Middle School and Myers Middle School students achieving Levels 3-4 in 2013 and 2014. Results in red indicate areas in which BCMG underperformed CSDA. (Source: New York State Education Department)*

Grade/Subject	BCMG 2013	BCMG 2014	Hackett 2014 (2013)	Myers 2014 (2013)	CSDA Grade 5 2014 (2013)
5 ELA	9%	22%	NA	NA	10% (18%)
5 Math	7%	18%	NA	NA	13% (14%)
6 ELA	5%	10%	22% (22%)	21% (17%)	NA
6 Math	11%	14%	16% (16%)	27% (15%)	NA
7 ELA	7%	7%	10% (20%)	10% (21%)	NA
7 Math	5%	7%	6% (10%)	12% (8%)	NA
8 ELA	NA	23%	19% (17%)	21% (20%)	NA
8 Math	NA	3%	0%* (8%)	1%* (12%)	NA

* 120 City School District of Albany eighth-grade students took the Algebra Regents only in 2014 and did not sit for the grade 8 math exam. Of those students, 104 (87%) achieved a passing grade on the Algebra Regents.

Brighter Choice Charter Middle School for Boys has performed somewhat better than its counterpart for girls. However, the Brighter Choice boys' middle school still has performed only about on par with the district.

APPENDIX: SCHOOL DISTRICT COMMENTS

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December 29, 2014

Table 2. *Percentage of Brighter Choice Middle School for Boys, Hackett Middle School and Myers Middle School students achieving Levels 3-4 in 2013 and 2014. Results in red indicate areas in which BCMG underperformed CSDA. (Source: New York State Education Department)*

Grade/Subject	BCMB 2013	BCMB 2014	Hackett 2014 (2013)	Myers 2014 (2013)	CSDA Grade 5 (2013)
5 ELA	13%	5%	NA	NA	10% (18%)
5 Math	16%	16%	NA	NA	13% (14%)
6 ELA	4%	10%	22% (22%)	21% (17%)	NA
6 Math	17%	18%	16% (16%)	27% (15%)	NA
7 ELA	14%	7%	10% (20%)	10% (21%)	NA
7 Math	14%	13%	12% (10%)	12% (8%)	NA
8 ELA	NA	26%	19% (17%)	21% (20%)	NA
8 Math	NA	31%	0%* (8%)	1%* (12%)	NA

* 120 City School District of Albany eighth-grade students took the Algebra Regents only in 2014 and did not sit for the grade 8 math exam. Of those students, 104 (87%) achieved a passing grade on the Algebra Regents.

Charter schools were implemented to provide students and families with choice options that significantly surpassed that of comparable public schools in terms of academic achievement for students. This has not been the reality for most charter schools in Albany, including the two Brighter Choice middle schools. These schools simply are providing another option for families, which serves primarily to destabilize the academic environment for students at ages where stability and consistency are crucial.

Combine this flagging academic achievement with the high rates of student attrition at the Brighter Choice middle schools since their inception, and there is no solid basis on which to reward them with three more years to operate.

II. A significant financial burden with little public accountability to local taxpayers

The financial pressures that charter schools have put on our school district and our community have been significant. Charter schools in Albany educate approximately 20 percent of the students but consume the equivalent of 45 percent of the district's total state aid.

By the end of the current school year, our district will have sent nearly \$300 million – more than a quarter of a billion public dollars – in payments and state-mandated services to Albany’s charter schools since 1999 while receiving approximately \$33 million in charter transition aid – a net loss of approximately \$260 million over that time.

Furthermore, Albany’s charter schools – as well as the foundations and umbrella groups that support them – continue to be largely unaccountable to the local taxpayers for the management of the public funds they receive through our district. As Comptroller DiNapoli’s recent audit of Albany’s Henry Johnson Charter School suggested – as well as his audit findings at the two Brighter Choice middle schools earlier in 2014 – there are serious questions about where public tax dollars go after our school district sends them on to charter schools. The conviction in 2013 of a Brighter Choice employee accused of embezzling more than \$200,000 in public funds also highlights the grave concerns about how charter schools manage and allocate public funds.

In light of these critical and unanswered questions about how the Brighter Choice middle schools and other charter schools in Albany spend tax dollars, we ask that the Board of Trustees honor its commitment to close failing charter schools and deny the Brighter Choice middle schools’ renewal requests. Without this safeguard of public finances and the public trust, the city’s long-term financial health and stability will continue to erode.

III. Unequal opportunities

In theory, charter schools provide valuable choice options for students and families. However, in practice the Brighter Choice middle schools have a consistent record of failing to enroll or retain certain students, especially those students who may need additional help to succeed academically. The Brighter Choice middle schools serve students with disabilities in disproportionately low numbers in spite of their regulatory charge to “increase learning opportunities for all students, with special emphasis on expanded learning opportunities for students who are at-risk of academic failure.”

The Brighter Choice middle schools, like the rest of Albany’s charter schools, do not practice a philosophy of providing equal access to all students. Rewarding this well-documented pattern of discriminatory behavior would be harmful to Albany’s children and families.

- **Boys** -- Of the 42 Albany fifth-graders reported in the November 2010 billing, 20 (47.6%) finished on time, according to the school’s year-end report for 2013-14.
- **Girls** – Of the 34 Albany fifth-graders reported in the November 2010 billing, 16 (47%) finished on time, according to the school’s year-end report for 2013-14.

During the 2013-14 school year, 30 Brighter Choice middle school students returned to district schools. That is equal to 8.5 percent of the schools’ average bimonthly enrollment of Albany students. From July 1-Nov. 30 of the current school year, 26 Brighter Choice middle school students already have returned to district schools.

Both Brighter Choice middle schools also capitalize on their statutory right to open their doors only to the students they choose, not to all students who choose them. For example, Brighter Choice middle schools have just 17 total students with disabilities from Albany enrolled in the current school year (13 at the boys' school, four at the girls' school). That's less than 5 percent of their total combined Albany student population (7 percent at the boys' school, 2 percent at the girls' school).

In total this year, our city's nine charter schools enroll 88 Albany students with disabilities, or less than 4 percent of the total population of Albany students enrolled in those schools. By comparison, about 12 percent of the students enrolled in our district's 15 public schools (1,091) are students with disabilities. Our district also serves another 202 Albany students in out-of-district placements.

Perpetuated annually at the Brighter Choice middle schools since they opened, this pattern of failing to retain students and excluding students with disabilities is harmful to the needs of all students, who are most successful in stable, consistent learning environments. The Brighter Choice middle schools have failed to provide this type of environment for all of their students and should not be rewarded with renewal of their current charters.

IV. 2015-16 enrollment planning

The City School District of Albany's enrollment has grown steadily in recent years, topping 9,000 in 2014-15 for the first time in a decade (9,107 as of Dec. 19, 2014). While the number of charter schools in Albany grew during the 2000s, the district was forced to close one middle school (Philip Livingston Magnet Academy following the 2008-09 school year) and faced similar questions at the elementary level during the 2009-10 school year.

However, as charter schools have closed and the city's overall population of school-age children has increased, the district currently is faced with different enrollment-related questions as it looks to the future. At this time, the district is in the process of examining elementary and middle school enrollment for 2015-16, and also beginning the process of a larger grade configuration discussion in partnership with the community for 2016-17 and beyond.

In the short term, planning for middle school enrollment with the future of the Brighter Choice middle schools (and KIPP Tech Valley Charter School) uncertain beyond the current school year is a challenge. With our two current middle schools projected to be at or over capacity for 2015-16, the district would need to employ an alternate solution to serve the Brighter Choice students if their charter is not renewed. **Let me state emphatically that our Board of Education and our district are fully prepared to provide robust academic, social-emotional and extracurricular programming for all current Brighter Choice middle school students in 2015-16.**

We would be prepared to accommodate all current Brighter Choice students in grades 5-7 at our Alternative Learning Center (the former New Covenant Charter School building). This facility, which originally served approximately 800 charter students in grades K-8, would

APPENDIX: SCHOOL DISTRICT COMMENTS

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December 29, 2014

comfortably accommodate the approximately 285 current Brighter Choice students in grades 5-7. We would staff a strong middle school program that would provide all of these students with the supports they need and deserve.

Another option we would seek to pursue in partnership with Brighter Choice would be to maintain the students in grades 5-7 in their current building, again staffing a robust middle school program for these students while also avoiding the instability that having to change schools would bring for many students and families.

Under either scenario, we would include this expanded student cohort in our long-term planning for the 2016-17 school year and beyond. We would serve students who would have entered the Brighter Choice middle schools for grade 5 next year in our existing elementary schools.

At the end of the 1998-99 school year, Albany had 17 publicly funded schools serving about 10,500 Albany students. Today, there are 25 publicly funded schools serving about the same student population. The inefficiencies and redundancies inherent in this model are threatening the future of an educational system charged with raising student achievement in an urban community with high poverty and large percentages of high-needs students and families.

Albany's unique charter-school situation is threatening the goal it was intended to achieve: improving the quality of educational opportunities for all of the city's students. The Brighter Choice middle schools have failed to demonstrate any benefit and failed to provide equal opportunities to all of Albany's students. Allowing them to perpetuate this damaging cycle by renewing them for three more years would be harmful to children, families and the entire Albany community.

There is much work to be done on behalf of all students in Albany for public and charter schools alike. Granting these renewal requests would continue to undermine those efforts for everyone.

Once again, we respectfully ask that the Charter Schools Committee and the Board of Trustees reject the Brighter Choice middle schools' requests to renew their charters for three more years.

Sincerely,



Marguerite Vanden Wyngaard, Ph.D.
Superintendent of Schools

APPENDIX: LETTER OF SUPPORT

Albany County Democratic Committee

Hon. Carolyn McLaughlin, Chairwoman

Shirley Brown, Vice-Chair
Thomas Remmert, Treasurer

Thomas Clingan, 2nd Vice-Chair
Tara Murphy, Secretary

January 20, 2015

Mr. Joseph Belluck
Chairman of the Charter Schools Committee
State University of New York Board of Trustees

Dear Mr. Belluck,

I am writing in support of the renewal of the charters for the Brighter Choice Middle School for Boys and the Brighter Choice Middle School for Girls. I am Chairwoman of the Albany County Democratic Committee and I have spent the last twenty years representing the communities and families of the city of Albany. I currently serve as Albany City Common Council President and as such I have become intimately familiar with the issues facing our community. My full-time position with the New York State Teacher's Retirement System gives me additional perspective on education issues that affect the city of Albany and New York State. My experience and expertise tells me that the city of Albany unequivocally needs the Brighter Choice Middle Schools

My political career arose out of a discussion about schools and the dismal graduation rates of the children in the Albany City School district as well as other issues. The district schools were not serving our families in the best way possible – especially families that came from economically disadvantaged backgrounds. I can still recall conversations and community meetings held to discuss the concerns about the education of our children and the contributions and positive impact charter schools could possibly have in the city of Albany. Ultimately, the decision was that the educational needs of our children would be best served by providing every possible choice available. Subsequently, charter schools opened and began serving our children. That need has not decreased – it has increased over the last seventeen years that I have been on the Albany Common Council.

I have read a lot of the data that shows that the Brighter Choice Middle Schools are for the most part getting better proficiency results and making more progress than city school districts, and also have fewer disciplinary incidents – and that data speaks for itself. In addition, I would like to emphasize how deeply entwined the fate of the Brighter Choice Middle Schools is to the destinies of the hundreds of students in the schools, as well as their families. So I urge you to recognize how the entire community would be negatively affected by the closure of these schools.

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Albany County Democratic Committee

In Albany, there simply is not much choice for students and families when it comes to education. I began my education in the public school system in Albany, and while I was in grammar school my parents made a decision of choice to enroll my siblings and myself in Cathedral Academy, which was a parochial school. They were able to afford the tuition and provided us with an educational advantage. After graduation I was privileged enough to be privileged enough to attend a single-gender college.

Along the same lines, there are hundreds of parents in Albany who have made the choice to send their children to Brighter Choice Middle School for Boys or Brighter Choice Middle School for Girls, simply because they want their children to have a unique educational experience. The majorities of these families are economically disadvantaged and cannot afford to pay tuition at a private school. The Brighter Choice Middle Schools provide a more intimate environment for learning; where there is more opportunity to prepare students for college and to develop their skills so that they can eventually give back to the community. By closing the Brighter Choice Middle Schools, you are taking away choice – you are taking away the opportunity for these parents to give their children an educational experience that is similar to private schools that typically only wealthier families can afford.

Dr. Martin Luther King, Jr., said “Intelligence plus character – that is the goal of true education.” That is what the Brighter Choice Schools are doing: developing students’ intelligence, which is proven by the fact that these schools have scores that routinely outperform their district counterparts, and at the same time developing students’ character, which is demonstrated through the fact that they have fewer disciplinary incidents and more parental involvement than the typical district middle schools. There is a positive atmosphere at the Brighter Choice Middle Schools – the way students are taught to act and to speak respectfully with teachers and one another, the way this manner of carrying themselves becomes habit, and the way that these positive habits translate to their home lives and to their lives in the greater community.

I implore you to please extend the charters for the Brighter Choice Middle Schools. They are important to the destinies of so many individuals and groups. Students, families, and the City of Albany need these schools.

Sincerely,

Carolyn McLaughlin
President, Albany Common Council
Chair of the Albany County Democratic Committee

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Email: albanyadamchair@gmail.com