

February 27, 2015

MEMORANDUM

To: Members of the Charter Schools Committee of the SUNY Board of Trustees

From: Susan Miller Barker, Executive Director, SUNY Charter Schools Institute

Subject: UFT Charter School

Scope & Purpose

This memo sets forth the UFT Charter School's (the "UFTCS's") progress in meeting the terms of its February 2013 two-year with conditions renewal. It also provides an analysis as to the extent UFTCS has met the requirements every charter school must meet as outlined in the New York Charter Schools Act of 1998 (as amended, the "Act") in order to earn charter renewal.

The Charter Schools Committee's (the "Committee's") February 26, 2013 resolution (attached) renewing UFTCS for two years, the charter term ends July 31, 2015. As the school did not meet the conditions of renewal, if the Committee takes no action at this time, the school should cease all instructional operations after the end of the current school year and move toward dissolution.

While UFTCS did not meet the academic conditions for elementary, middle or high school required to apply for renewal, or to be fully renewed under the SUNY Renewal Policies, as discussed below, the performance posted by UFTCS indicates the State University of New York Board of Trustees (the "SUNY Trustees") should consider renewal of the school's authority to operate only grades 9-12. Though the terms of its renewal stated the school was ineligible to apply for renewal if it did not meet the conditions set forth by the Committee, because of UFTCS's high school performance, the Institute did accept and review the UFTCS's renewal application to serve students in grades 9-12. The Institute finds UFTCS generally and substantially met the additional fiscal and governance conditions included in the Committee's resolution and the UFTCS charter contract.

Background

Originally chartered by the SUNY Trustees on July 15, 2005, the UFTCS is in its current, third charter term. UFTCS did not meet its Accountability Plan goals at the conclusion of its first five year charter term in 2010. However, based on the UFTCS's mixed and ambiguous record of

performance by 2010, and in alignment with the SUNY Renewal Policies for charter schools approaching renewal, the school posted sufficient evidence to receive a short term, three-year charter renewal. That renewal extended the school's authority to operate through the 2012-2013 school year.

At the conclusion of its second charter term in 2013, the school presented mixed outcomes at its elementary grades, poor academic outcomes at its middle school, and had yet to post outcome data for its high school grades as it had yet to graduate a senior class. During the SUNY Charter Schools Institute's ("Institute's") renewal review, UFTCS provided assurances it would address fiscal and governance deficiencies the Institute identified in its 2013 renewal report. UFTCS also announced an agreement with the New York City Department of Education (the "NYCDOE") allowing UFTCS to move its middle school grades from the public co-located space in the building that houses its high school grades to the public co-located space in another building that houses its elementary grades. UFTCS indicated this shift, alongside other efforts to improve the academic performance at the elementary and middle school grades, would significantly improve the academic outcomes across the school.

Based on these plans, and in consideration of the UFTCS's high school program that had yet to produce a graduating class, and therefore without student academic outcome data, the Committee, on February 26, 2013, granted the UFTCS a two-year renewal with conditions set forth below.

Academic Performance Conditions

The UFTCS was required to meet following academic conditions during this current, third charter term:

- Each year of the accountability period, grades K-8 will meet or exceed:
 - K-8 Goal 1, English language arts ("ELA"), by meeting three of the five measures set forth in the standard SUNY Accountability Plan; and
 - K-8 Goal 2, mathematics, by meeting three of the five measures set forth in the standard SUNY Accountability Plan; and

- Each year of the accountability period, the high school ("HS") will meet or exceed:
 - HS Goal 1, ELA, by meeting two of the four measures set forth in the standard college preparatory SUNY Accountability Plan;
 - HS Goal 2, mathematics, by meeting two of the four measures set forth in the standard college preparatory SUNY Accountability Plan; and

- HS Goal 3, high school graduation, by meeting two of the four measures set forth in the standard college preparatory SUNY Accountability Plan; and
- HS Goal 4, college preparation, by meeting three of the six measures set forth in the standard college preparatory SUNY Accountability Plan.

Analysis of Grades K-8 Performance

The following table presents the standard measures included in SUNY’s Accountability Plan and UFTCS’s performance in meeting each measure. UFTCS did not meet three of the five measures under the K-8 ELA or mathematics goals as required for renewal in either year 1 (2012-2013 school year) or in year 2 (2013-2014 school year) of this charter term.

		ELA		Math	
		Year 1	Year 2	Year 1	Year 2
UFTCS Grades 3-8 Goals 1 and 2 Performance					
Absolute	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.	NO	NO	NO	NO
	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.	NO	NO	NO	NO
Comparative	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 at the local school district.	NO	NO	NO	NO
	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 free lunch (prior to 2013) or economically disadvantaged students.	NO	NO	NO	NO
Growth	Each year, the school's unadjusted mean growth percentile will meet or exceed the state's unadjusted median growth percentile.	NO	NO	NO	NO

As shown in the tables below, when broken out, neither the elementary grade nor middle grade performance indicates the school met the three of five measures required for renewal in either year 1 (2012-2013) or in year 2 (2013-2014) of its charter term.

UFTCS Grades 3-5 Goals 1 and 2 Performance		ELA Year		Math Year	
		1	2	1	2
Absolute	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.	NO	NO	NO	NO
	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.	NO	NO	NO	NO
Comparative	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 at the local school district.	YES	NO	NO	NO
	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 free lunch (prior to 2013) or economically disadvantaged students.	NO	NO	NO	YES
Growth	Each year, the school's unadjusted mean growth percentile will meet or exceed the state's unadjusted median growth percentile.	NO	NO	NO	NO

UFTCS Grades 6-8 Goals 1 and 2 Performance		ELA Year		Math Year	
		1	2	1	2
Absolute	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.	NO	NO	NO	NO
	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.	NO	NO	NO	NO
Comparative	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 at the local school district.	NO	NO	NO	NO
	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 free lunch (prior to 2013) or economically disadvantaged students.	NO	NO	NO	NO
Growth	Each year, the school's unadjusted mean growth percentile will meet or exceed the state's unadjusted median growth percentile.	NO	NO	NO	NO

Analysis of UFTCS High School Performance

UFTCS's renewal conditions required the school, at the high school level, to meet two of four Regents passing measures in year 1 (2012-2013) and year 2 (2013-2014) of its renewal term. UFTCS came close to meeting its ELA goal in year 2 (2013-14) but did not meet enough measures in each year to meet High School Goals 1 or Goal 2 contained in the conditions for

renewal.

UFTCS High School Goals 1 and 2		ELA Year		Math Year	
		1	2	1	2
Absolute	Each year, 65 percent of students will score at or above 75 on the English Regents exam or 80 on a math Regents exam.	NO	NO	NO	NO
	Each year, 65 percent of students who scored below proficiency on their 8th grade ELA or math exam will score at least 75 (for English) or 80 (for math) on a Regents exam.	NO	NO	NO	NO
Comparative	Each year, the Accountability Performance Level (APL) on the English or on a math Regents exam will meet the Annual Measurable Objective set forth in the state's NCLB accountability system.	NO	NO	NO	NO
	Each year, the APL of students in the high school Accountability Cohort will exceed the APL of students from the local school district.	YES	NO	NO	NO

UFTCS’s renewal also required meeting two of the four measures set forth under the high school graduation goal (High School Goal 3) and three of the six measures under college preparation goal (High School Goal 4). As UFTCS’s enrollment pattern did not include 5th year seniors in year one of this charter term, the graduation rate during year 1 (2012-2013) only includes a 4th year cohort. The year 2 graduation rate includes both 4th year and a 5th year cohorts.

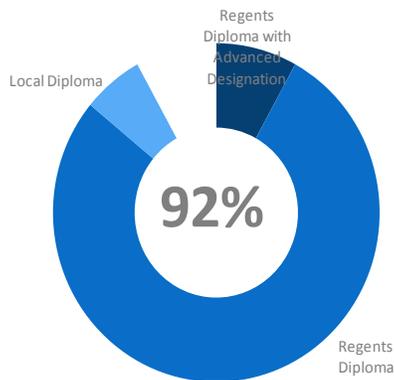
UFTCS met its High School Graduation Goal by meeting two of four measures in year 1 of the charter term and three of four measures in year 2 of the charter term. UFTCS also met its High School College Preparation Goal by meeting three of six measures during year 1 and four of six measures during year 2 of this charter term. Based on the totality of the high school data, the Institute suggests the SUNY Trustees consider renewing UFTCS with the condition that the school may only offer instruction in high school grades 9-12.

UFTCS High School Graduation Goal 3		Year	
		1	2
Absolute	Each year, 75 percent of students in the first and second year Total Graduation Cohort will earn at least 10 credits.	NO	YES
	Each year, 75 percent of students in the second year Total Graduation Cohort will score at proficiency on at least three different Regents exams required for graduation.	NO	NO
	Each year, 75 percent of students in the fourth year and 95 percent of students in the fifth years Total Graduation Cohort will graduate.	YES	YES
Comparative	Each year, the percent of students graduating after their fourth year will exceed that of the local school district.	YES	YES

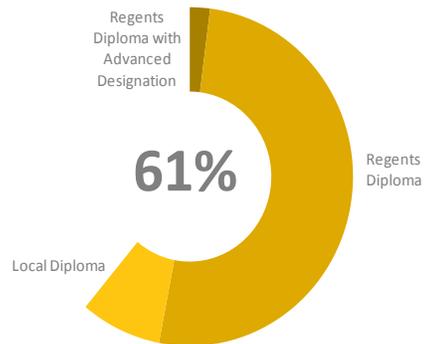
UFTCS College Preparation Goal 4		Year	
		1	2
Comparative	Each year, the average performance of students in the 10th grade will exceed the state average on the PSAT tests in critical reading and mathematics.	NO	NO
	Each year, the average performance of students in the 12th grade will exceed the state average on the SAT or ACT tests in reading and mathematics.	NO	NO
	The percent of students graduating with an Advanced Regents Diploma will exceed that of the local school district.	YES	YES
	The percent of graduating students who meet the State's APM will exceed the district average.	YES	YES
Absolute	Each year, 75 percent of graduating students will pass an AP exam, CLEP exam, or successfully complete college level coursework.	NO	YES
	Each year, 75 percent of graduates will enroll in a college or university in the year after graduation.	YES	YES

The Institute notes UFTCS's 4th year cohort graduation rate exceeded its local district by 36% in 2013 and 31% in 2014.

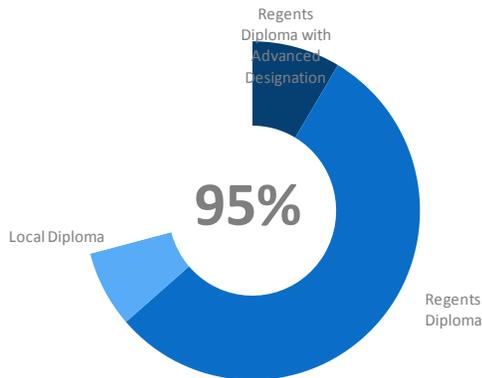
2013-14 Graduation Outcomes: All Students at UFTCS (n=50)



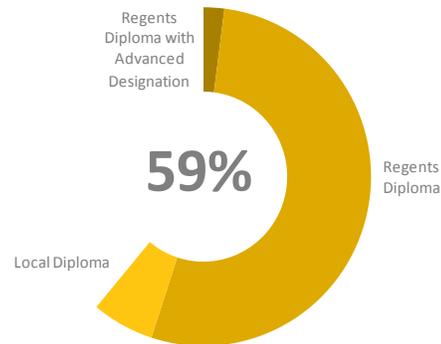
2013-14 Graduation Outcomes: All Students in CSD 19 (n=1,438)



2012-13 Graduation Outcomes: All Students at UFTCS (n=61)



2012-13 Graduation Outcomes: All Students in CSD 19 (n=1,522)



Enrollment and Retention Targets

With its two year conditional renewal in 2013, UFTCS also received enrollment and retention targets pursuant to the Act. As required by Education Law § 2851(4)(e), a school must include in its renewal application information regarding the efforts it will put in place to meet or exceed enrollment and retention targets for students with disabilities (“SWDs”), English language learner (“ELLs”), and student who are eligible applicants for the federal Free and Reduced Price Lunch (“FRPL”) program.

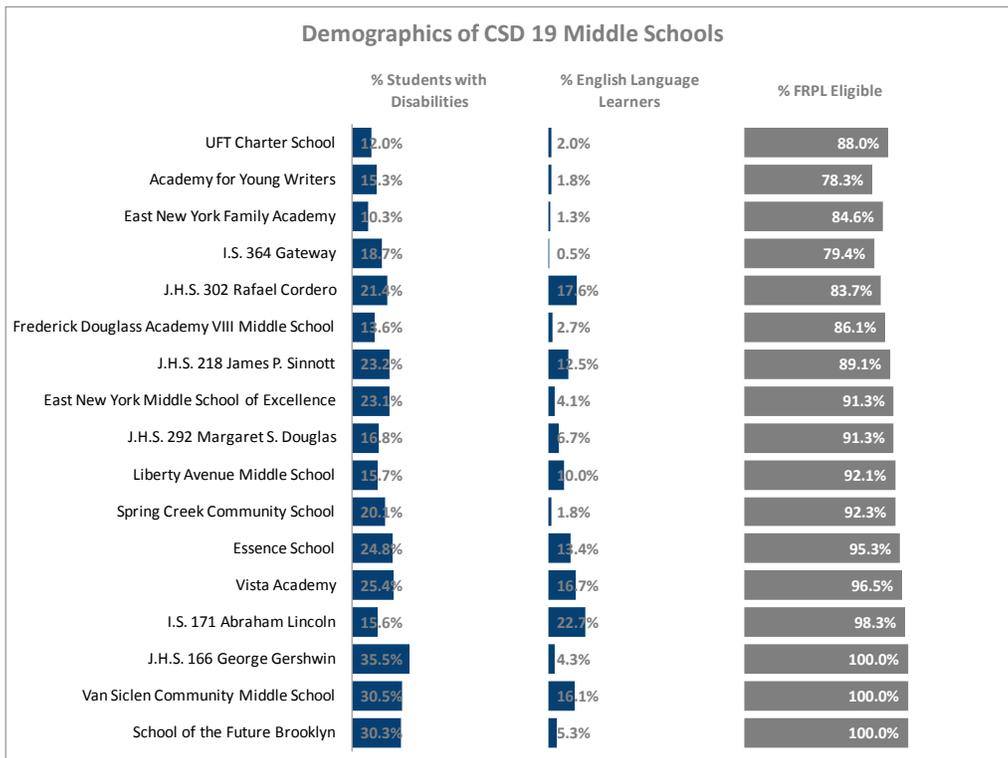
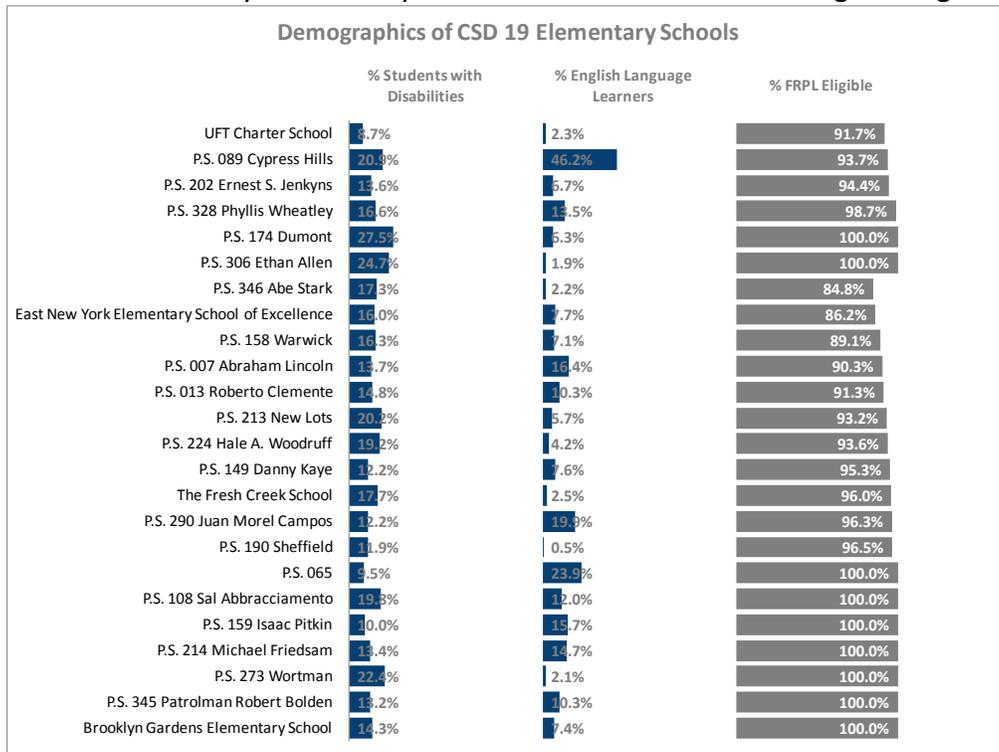
The table below lists UFTCS’s targets and the school’s performance against its targets. During 2013-14, the UFTCS did not meet any of its three enrollment targets. The school fell short of reaching its target for enrolling students eligible for the FRPL program by less than two percentage points but missed its ELL and SWD enrollment targets by wider margins. The UFTCS retained sufficient proportions of its SWDs and ELLs such that it met its retention targets for those subgroups. The school did not meet its retention target for students eligible for the FRPL program.

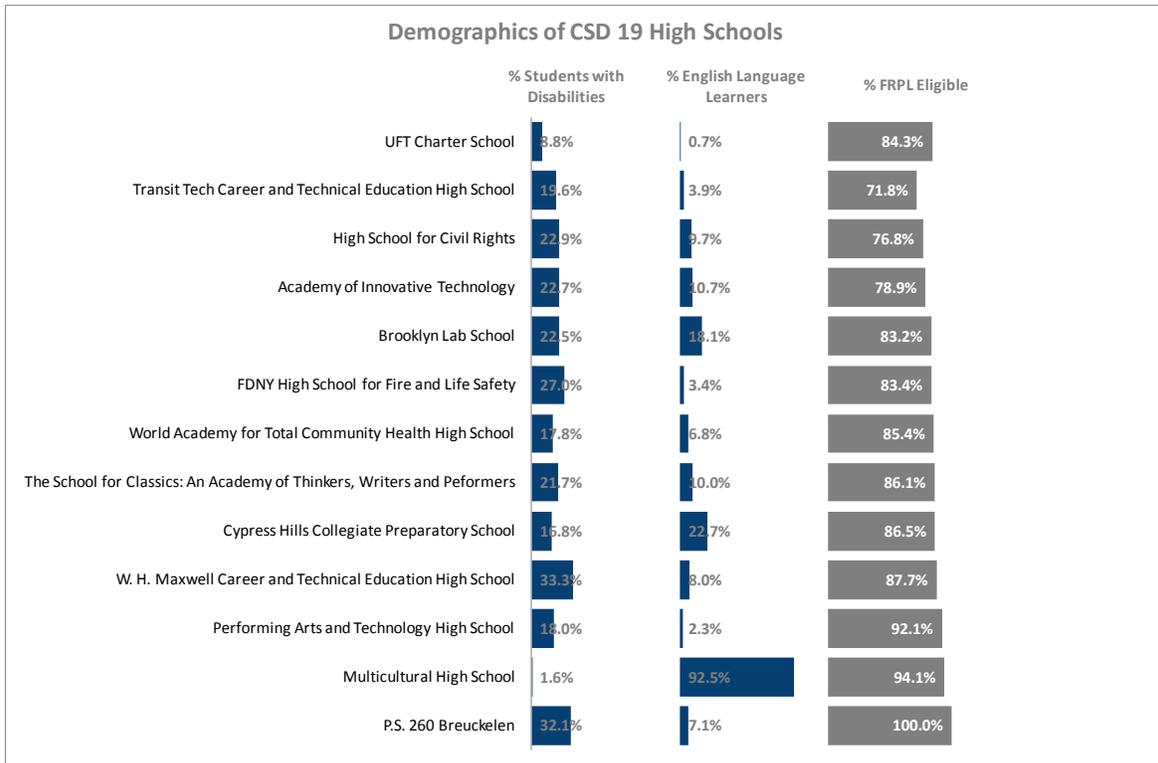
UFTCS Targets and School Performance as Percent of Enrollment¹

	Enrollment Target	School Enrollment 2013-14	Retention Target	School Retention 2012-13 to 2013-14
FRPL	90.4	88.7	81.2	72.7
ELL	13.2	1.8	77.5	83.3
SWD	13.6	9.5	72.1	75.4

¹ Source: L2RPT Portal, February 2015.

Although the Act does not require an analysis of the school’s enrollment and retention rates disaggregated by grade level, the following charts illustrate the UFTCS’s enrollment rates in each target subgroup at the elementary, middle, and high schools, respectively, and compares them to other New York City Community School District 19 schools serving those grades.





Organizational Viability

With minor exceptions, UFTCS has generally and substantially complied with applicable state and federal laws, rules and regulations and the provisions of its charter. The Institute received a few informal complaints during the current charter term outside of the Act that do not require action by SUNY.

The Institute noted exceptions to the school’s compliance in the following areas. The UFTCS by-laws need to be updated to be to reflect the July 2014 changes in the Not-for-Profit Corporation Law. Should the Committee renew the school to serve students in high school grades, the by-laws require an update to reflect the limit to serve high school grades only as this will affect board member selection. The education corporation’s code of ethics needs to be updated to comply with provisions of the General Municipal Law. The Institute will incorporate these issues as additional assurances in the charter agreement.

Financial Viability

The Institute performed a fiscal analysis of UFTCS’s renewal application submission for grades 9-12 to determine fiscal soundness based on serving only those grades at an increased enrollment. The SUNY Fiscal Dashboard for the current K-12 grade configuration reports a fiscally strong composite score and approximately \$5.9 million in cash on hand as of December

31, 2014. This equates to 5.6 months of cash to pay current liabilities amounting to approximately \$300,000 per month.

The renewal application enrollment contains larger numbers of students per high school grade than UFTCS currently serves. The staffing plan ties to the budget and calls for 33.5 instructional and 8 administrative positions. The UFTCS's high school facility is located in NYCDOE space with no rent, utilities, janitorial or security costs. The five year budget projections appear reasonable and reflect net income in each of the five years. In addition, the United Federation of Teachers Foundation provided a guarantee of funding should expenses exceed revenues. If the alternative happens, where revenues exceed expenses, then the school can be charged for services such as payroll, human resources, accounting, and others that are supplied by the UFT Foundation. Based on the foregoing, the renewal application for just a high school appears fiscally reasonable and feasible.

Required Renewal Findings

UFTCS did not meet the academic requirements of its renewal for grades K-8. Its performance against the goals and measures of academic success for the K-8 program were not sufficient. While the high school program also did not meet the academic conditions the Charter Schools Committee placed on UFTCS's renewal, the school made progress toward the goals and has a far higher graduation rate than its community school district. As a result, the Institute could make the finding that if restricted to serving high school grades 9-12, the renewal of UFTCS would likely improve student learning and achievement, and meet or come close to meeting its Accountability Plan goals. All of the findings required by the Act for any renewal are as follows:

- 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.²

Based on the information in the renewal application and the school's high school performance to date, the Institute can make the required findings if UFTCS is restricted to a high school.

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