



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

Pursuant to the New York Charter Schools Act of 1998 (as amended, the “Act”), the Board of Trustees of the State University of New York (the “SUNY Trustees”) has adopted these policies (the “SUNY Renewal Policies”) for considering applications for renewal of not-for-profit charter school education corporations¹ that the SUNY Trustees have authorized, and applications for renewal of the authority to operate particular schools of an education corporation.

Purpose, Goals and Means

A charter school trades greater autonomy granted by the Act for greater accountability to which it is held by SUNY. While the SUNY Trustees have the obligation and authority to hold a charter school accountable through a number of means during the charter period (including revocation of a charter school education corporation’s provisional charter), the core of the Act’s accountability bargain continues to be the requirement that a charter school apply and be approved for renewal of its authority to operate on a periodic basis. Renewal, and the review that the SUNY Charter Schools Institute (the “Institute”) conducts, is, therefore, a high-stakes process for charter school education corporations, their schools and, of course, the parents of students enrolled in those schools as well as their teachers and staff.

The SUNY Trustees have created, published and, over time, revised these SUNY Renewal Policies so that they, the Institute, charter school education corporations, charter schools, and equally important, the parents of students at those charter schools, understand the process, the criteria and the underlying assumptions and requirements surrounding renewal, as well as the responsibilities and obligations of all parties. In setting out and using these policies, a charter school education corporation and its school(s) will know before renewal what the SUNY Trustees expect the education corporation and its school(s) to accomplish, and what evidence must be compiled to demonstrate the education corporation has earned renewal and/or the authority to operate its school(s). This foreknowledge, in turn, enables a charter school education corporation to present a more compelling case for renewal of its school(s). When the SUNY Trustees make a determination of non-renewal, whether for a school or the entire charter school education

¹ See Appendix A: Definition of Terms, for additional clarity regarding the terminology used in these SUNY Renewal Policies.

corporation, an education corporation and its school(s) will understand the reasons for this outcome, and parents also will be forewarned and informed. More generally, through the use of the SUNY Renewal Policies, the SUNY Trustees commit to a fair and transparent renewal process.

The SUNY Trustees use the following essential means to accomplish the important purposes and goals of renewal review:

- By requiring a charter school to set out in an accountability plan (the “Accountability Plan”)² its student achievement goals (and how they will be measured) at the early stages of the charter, all stakeholders are aware from the outset what a charter school education corporation and its charter school(s) are expected to accomplish.
- By prescribing specific goals and measures of academic performance that education corporations must adopt as part of their schools’ Accountability Plans, while allowing additional goals and measures, the Institute ensures that each school will generate objective and comparable evidence of student achievement, while also permitting each school to provide evidence of its success in meeting its unique program goals.
- By providing feedback to education corporations and their charter schools regarding each school’s progress toward school renewal and the education corporation’s progress toward corporate renewal, based on the stated renewal criteria, the SUNY Trustees allow education corporations and their schools to understand where they stand at a given point in their charter terms or period of authority to operate, respectively, in relation to earning renewal.
- By requiring charter school education corporations to evaluate their schools’ progress annually and presenting the results in Accountability Plan Progress Reports, SUNY enables education corporations to demonstrate for themselves whether their schools are moving successfully toward renewal.
- By giving far greater weight in the school renewal decision process to the student assessment outcomes that a charter school generates (especially the results of state standardized tests in English language arts and mathematics) than to other criteria, the SUNY Trustees make renewal decisions heavily based on academic results.
- By evaluating academic results using multiple measures and also taking into account the totality of additional evidence it gathers – including fiscal, legal and other organizational indicators – the SUNY Trustees maintain a renewal process that is aligned to the

² Information on Accountability Plans and accountability reporting is available on the Institute’s website at: <http://www.newyorkcharters.org/schoolsAccountability.htm>.

purposes and requirements of the Act, comprehensive, nuanced and reflective of the complexity of each charter school's case for renewal.

- By articulating a common set of SUNY Renewal Benchmarks³ that specify in detail what a successful charter school education corporation and its charter school(s) should be able to demonstrate at the time of renewal, the Institute provides clear expectations from the very beginning of its charter.
- By setting forth separate criteria for initial and subsequent school renewal, the SUNY Trustees recognize the difference between starting and sustaining an education corporation and its charter school(s), as well as differences in the richness of student assessment data available depending on how long a charter school has been operating.
- By holding charter schools to high standards, and renewing only those schools that are likely to continue to improve or sustain high levels of, student learning and achievement, the SUNY Trustees fulfill the Act's promise of true, outcome-based accountability.

Background, History and Legal Requirements

The Act provides for the creation of independent and autonomous public, not-for-profit charter school education corporations and charter schools. The Act gives charter school education corporations greater statutory and regulatory freedom; in return they must demonstrate that they are educationally and fiscally sound, and capable of improving student learning and achievement as measured by the objective assessment outcomes of their school(s).

Upon initial approval, charter school education corporations receive a provisional charter (certificate of incorporation) under which they have the authority to operate one or more schools for a period of up to five years. Prior to the end of the five-year period (and the expiration of the provisional charter), an education corporation has the right to apply for renewal of the authority to operate one or more of its schools and its provisional charter for another term of up to five years.⁴ An education corporation files the initial renewal application usually (but not necessarily) during the last year of the provisional charter term. Under the Act, a renewal must be filed within six months of the expiration of the provisional charter and/or charter agreement unless the SUNY Trustees waive the deadline for good cause. The Institute acting on behalf of the SUNY Trustees will waive such deadline in appropriate cases and annually publishes a renewal calendar on its website (www.newyorkcharters.org). Subsequent renewals are treated in a similar fashion with an

³ The State University of New York Charter Renewal Benchmarks (the "SUNY Renewal Benchmarks") are available at <http://www.newyorkcharters.org/schoolsRenewOverview.htm>.

⁴ The Act contains no limits regarding how many renewal periods a charter school education corporation may receive.

application required before the expiration of the current provisional charter and/or the authority to operate a particular school in order for an education corporation and/or its charter school(s) to be eligible for renewal.

While the Act provides grounds for revoking an education corporation's charter or its authority to operate a school at any time during its charter period, the specific grounds for academic revocation are such that the renewal review is the principal point when SUNY assesses the academic performance of a charter school and makes the decision whether to continue to permit the education corporation to operate the particular charter school.⁵

Unlike the requirements for an application to establish a charter school education corporation, which the Act sets out in great detail, the Act prescribes only a few specific requirements for a renewal application as follows:

- (a) a report of the progress of the charter school in achieving the educational objectives set forth in the charter;
- (b) a detailed financial statement that discloses the cost of administration, instruction, and other spending categories for the charter school that will allow a comparison of such costs to other schools, both public and private;
- (c) copies of each of the annual reports of the charter school including the charter school report cards and the certified financial statements;
- (d) indications of parent and student satisfaction; and
- (e) the means by which the charter school will meet or exceed the enrollment and retention targets prescribed by the SUNY Trustees for students with disabilities, English language learners and students who are eligible for the federal Free and

⁵ The Act provides that a charter school education corporation's charter may be revoked (or the corporation placed on probation) where a charter school's performance on student achievement measures adopted by the Board of Regents is so low that the charter school would be potentially eligible for inclusion on the Commissioner of Education's list of schools under registration review (SURR) in its second year and student performance has shown no improvement for three years. A decision to revoke based on student outcome measures is theoretically possible at the earliest in the fifth year of an initial charter term. In addition, the federal No Child Left Behind Act's ("NCLB's") accountability standards apply to all charter schools and can result in school restructuring. Again, however, a school would typically take a number of years to receive such status. Therefore, practically speaking, for most charter schools, the renewal process will be the first time that a charter school faces high stakes consequences for its academic performance outcomes, rather than as a result of its long-term status as a SURR school. This process is in contrast to legal, financial and operational failures, which may result in the education corporation's charter, or its authority to operate a particular school, being terminated at any time if such failures are sufficiently material.

Reduced Price Lunch program, which shall be considered by the SUNY Trustees prior to approving a renewal application.⁶

The Act permits the SUNY Trustees to require additional information, which is reflected in the Institute's renewal application guidelines.

The above requirements were drafted prior to the May 2010 amendments to the Act that permit one charter school education corporation to operate more than one school. Through these SUNY Renewal Policies, SUNY applies the Act requirements to that corporate structure so that an education corporation's authority to operate individual schools may be reviewed and renewed in accordance with the SUNY Replication Policies,⁷ and the education corporation's one provisional charter (and corporate existence) can be renewed periodically as contemplated by the original Act.

The renewal application approval process parallels the initial charter application process in some though not all respects. First, no application for renewal of a charter school education corporation or its authority to operate a particular school can be approved until and unless the SUNY Trustees make the findings required by the Act as codified in Education Law § 2852(2) (the "§ 2852(2) Findings"):

- (a) the charter school described in the [renewal] application meets the requirements set out in [the Act] and all other applicable laws, rules and regulations;
- (b) the charter school education corporation can demonstrate the ability to operate the school [in the renewal term] in an educationally and fiscally sound manner; and
- (c) granting the [renewal] application is likely to improve student learning and achievement and materially further the purposes set out in [Education Law § 2850(2)].

Again, the above statutory provisions were enacted prior to the passage of the May 2010 amendments to the Act, which permit a charter school education corporation the ability to operate more than one school, and, therefore, do not account for how the authority to operate a particular school should be renewed. SUNY will renew an education corporation's authority to operate a school in accordance with these SUNY Renewal Policies and on a school by school basis in a similar manner to how it previously renewed the combined education corporation/school.

⁶ New York Education Law § 2851(4).

⁷ Policies for the Board of Trustees of the State University of New York for Replication of Charter Schools, adopted January 25, 2012 (available at <http://www.newyorkcharters.org/documents/ReplicationPoliciesResolution.pdf>).

Once the SUNY Trustees or its Charter Schools Committee⁸ approve a renewal application, the Institute either executes a proposed renewal charter agreement (in the case of a charter school renewal that aligns with a corporate renewal) or a proposed amended charter agreement revising the period of authority to operate a particular charter school or schools (in the case of a charter school renewal that does not align with the corporate renewal), and forwards it to the Board of Regents for review. If the Board of Regents approves the renewal application it is effective as of the date specified in the charter agreement, usually the end of the current charter term. In the event that the Board of Regents does not act on the renewal application, it goes into effect by operation of law after 90 days. In the event that the Board of Regents does not approve the renewal application, it must return the proposed renewal or amended charter agreement to SUNY for reconsideration with its comments and recommendations. Such comments or recommendations may include proposed amendments to the proposed renewal or amended charter agreement or a comment to reconsider some aspect of the renewal application's approval. Thereafter, and after consideration of the Board of Regents' comment(s) and recommendation(s), the SUNY Trustees or its Charter Schools Committee may resubmit the proposed renewal or amended charter agreement (with some, all or none of the modifications that the Board of Regents may have suggested). If resubmitted and the Board of Regents does not act to approve the proposed charter, it goes into effect by operation of law after 30 days. Lastly, the SUNY Trustees may abandon the returned proposed renewal or amended charter, in which case the provisional charter and/or the education corporation's authority to operate a particular school or schools, as the case may be, would expire at the end of its then current charter term or the authority end date specified in the charter agreement.

The decision to renew a provisional charter and/or the authority of a charter school education corporation to operate a particular school is left to the sound discretion of the SUNY Trustees or its Charter Schools Committee. Moreover, the approval of the authority to operate one particular school does not automatically extend to all schools of the education corporation on the same renewal cycle as each school is subject to individual renewal review by the Institute.

Prior to and Preparing for Renewal

A. Initial Charter Period or Initial Term of Authority to Operate an Additional School

During the first year of operation of a charter school, the Institute works with the education corporation to develop an Accountability Plan for that school, which contains the general goals that the charter school obligates itself to meet and delineates very specific measures to determine whether, or to what extent, the school has met such goals. To ensure high standards among schools that the SUNY Trustees authorize, comparability to other public schools, and compliance with the NCLB, the Institute prescribes a set of specific academic

⁸ On June 12, 2012, the SUNY Trustees delegated to its Charter Schools Committee the authority to approve charter renewal applications and to re-submit such applications to the Board of Regents.

achievement measures. Recognizing that each charter school, especially high schools, may have unique features, the Institute permits schools to formulate additional academic goals and measures. While a charter school may also include optional organizational and fiscal goals in its Accountability Plan, the core function of the Accountability Plan is to set forth the academic goals by which the school will be judged at the time the school comes to renewal (see, also, *Renewal Criteria, Evaluation Process and Outcomes, infra* at page 10).

Thereafter, and throughout the term of the initial charter agreement or the term of authority to operate an additional school, the Institute (and/or its consultants) visit the charter school and evaluate the charter school's academic and organizational progress on a periodic basis, as well as that of the charter school education corporation. Depending on the nature of the visit, the Institute provides the charter school a written review of the visit (either in the form of a formal report or a letter to the education corporation's board of trustees and school leadership team). Where possible, the Institute discusses with the education corporation board and charter school leadership team the visit conclusions, provides assistance (consistent with its oversight role) to identify deficiencies, and, if needed, discusses possible avenues for corrective action. Consistent with the status of the education corporation and its school(s) as an independent and autonomous public school, the Institute's lack of assistance, requested or otherwise, does not excuse a charter school's failure to meet its Accountability Plan goals or to comply with the requirements of the Act, charter, or applicable laws, rules and regulations. Should the Institute's oversight uncover severe deficiencies, the Institute, pursuant to the power granted to it in the charter agreement, may require an education corporation to enter into a corrective plan, or, in appropriate circumstances and as permitted and circumscribed the Act, the SUNY Trustees or its Charter Schools Committee may place the education corporation on probation or revoke its ability to operate a particular school or its charter.

To assist an education corporation and its charter school(s) in determining whether they are making appropriate progress towards a successful renewal review, the Institute's visit protocols, reports and oral feedback center on each school's performance under the same measures and performance indicators (the SUNY Renewal Benchmarks) that the Institute employs during the renewal review. In particular, the Institute on a periodic basis reviews with an education corporation's board and school leadership the goals and specific measures set forth in each school's Accountability Plan as well other benchmarks concerning the educational program and the organizational and fiscal soundness of the education corporation and/or the charter school.

B. Subsequent Charter Periods or Subsequent Terms of Authority to Operate Additional Schools

During subsequent charter agreements or terms of authority to operate additional schools, given the longer time a charter school has been in operation and the greater weight placed

on academic performance, the scope and timing of the Institute’s oversight process changes. In general, and consonant with the record of success that any renewed charter school has generated, the frequency of the Institute’s visits, as well as their breadth and depth decreases. While the Institute conducts at least one school inspection visit during the course of a subsequent charter term or term of authority to operate a particular school, it may increase the number and scope of such visits where appropriate or necessary. The Institute continues to provide feedback aligned to the SUNY Renewal Benchmarks. Finally, as during the initial charter period, an education corporation must continue to report annually on progress towards each of its charter school(s)’s Accountability Plan goals.

C. Planning Year and Other Charter Extensions

Charter school education corporations that take one or more planning years or whose provisional charters were issued on a date that does not approximately coincide with the school year may need extensions of the terms of their provisional charters approximately equal in length to the number of planning years the education corporation has taken prior to opening its first school, or to complete the end of a school year, respectively.⁹ While the SUNY Trustees must be able to determine: 1) the educational program will be sound during the subsequent (extension) charter period based on data from student assessments, established and accepted academic program evaluation benchmarks (the “Qualitative Education Benchmarks”) (a subset of the SUNY Renewal Benchmarks for charter schools), or the original application; and, 2) the education corporation has met the other renewal requirements of the Act; such extensions are not strictly within the scope of these SUNY Renewal Policies as they are not high stakes decisions. Rather, charter school education corporations may apply for such extensions to the Institute (typically in the summer following the first year of operation) in a manner similar to a charter revision and pursuant to guidance of the Institute. The Charter Schools Committee or the Institute¹⁰ may act on such extensions in its own discretion. While unlikely, the denial of such an extension shall not be considered a non-renewal of a charter, or be appealable to the Charter Schools Committee. In that case, the education corporation or its school, as the case may be, would simply face renewal pursuant to these SUNY Renewal Policies sooner than other schools.

In a manner similar to the foregoing, an education corporation that receives the authority to operate an additional school but that does not open that school on time would apply for an extension of its authority to operate that school, which would take the form of a charter revision.

⁹ Provisional charters issued through the request for proposal process in the Act (post May 2010) may operate for five full school years, which eliminates the need for most charter extensions.

¹⁰ Pursuant to the SUNY Trustees’ delegation dated June 12, 2012, the Institute may extend provisional charters for up to two (2) years; the Charter Schools Committee must approve any longer extensions.

Application for Renewal

To assist the SUNY Trustees in capturing the information necessary to make an informed decision on renewal, as well as to allow them to make the § 2852(2) Findings (see, *Background, History and Legal Requirements, supra* at page 3) and any other findings they require, the application for charter renewal asks a charter school education corporation to answer the following questions using valid objective evidence for each of its schools facing renewal.

- Is the school an academic success?
- Has the school met its non-academic goals and been faithful to its mission and charter design?
- Has the education corporation effectively governed the school?
- Are parents and students satisfied with the school?
- Has the education corporation satisfactorily met its legal requirements with respect to the school?
- Is the education corporation and its operation of the school fiscally sound?
- If the education corporation's charter is or its authority to operate the particular school is renewed, what are the education corporation's plans for the term of the next charter period or its authority to operate the school, and are they reasonable, feasible and achievable?

Applications for renewal are available to an education corporation on the Institute's website (www.newyorkcharters.org). The Institute provides additional information to education corporations regarding the means and manner of the submission including required formats for the submission of assessment data. Application requirements (and manner of submission) differ depending on the type of renewal for which an education corporation and its charter school(s) are eligible to apply.

Renewal Criteria, Evaluation Process and Outcomes

The ultimate criteria a charter school education corporation and its school(s) must meet in order to be renewed are those implicit in the § 2852(2) Findings, (see, *Background, History and Legal Requirements, supra*, page 3.) In addition, the SUNY Trustees require that each education corporation and/or charter school granted renewal be an "effective, viable organization." The

SUNY Trustees will not act favorably on any application for renewal unless it can make each of these “Required Findings.”

The Required Findings are quite broad (e.g., whether the education corporation and/or its charter school(s) will be operated in an “educationally sound manner”) and neither self-defining nor self-executing. The SUNY Trustees therefore use a set of “general guidelines and methods” that further refine and define what evidence an education corporation and/or its charter school(s) must be able to marshal and how to evaluate and weigh the various sources of evidence the Institute gathers during the renewal inquiry. In addition, the SUNY Trustees have established a set of “renewal outcomes,” which specify with greater precision the various kinds of renewal available and eligibility criteria for particular types of renewal.

General Guidelines and Methods

- While the SUNY Trustees apply specific criteria to evaluate each education corporation and/or charter school, they base a renewal decision on the totality of the evidence the Institute gathers.
- In keeping with the Act’s emphasis on academic achievement and the legal requirements of NCLB, the SUNY Trustees weigh an education corporation’s and/or charter school’s academic performance far more heavily than any other factor (such as future plans) in determining whether they can make the Required Findings that relate to the strength of the educational program, especially when considering a subsequent renewal application.
- In determining the strength of a charter school’s academic performance during a charter period, the SUNY Trustees consider the most important indicator to be, and give the greatest weight to, the charter school’s record in meeting its academic Accountability Plan goals especially in English language arts and mathematics. The SUNY Trustees may also factor into their review the time during the charter agreement when standardized assessment data were posted as well as positive and negative trends that the data evidence.
- The SUNY Trustees recognize that official student achievement data for the last year of a school’s term of authority to operate (the year in which the renewal review occurs) are not available when the SUNY Trustees must make a renewal decision. As such, education corporations with a school applying for initial renewal present (and the SUNY Trustees consider) student achievement data from only the first four years of the school’s operation as evidence of the extent to which it has met its Accountability Plan goals. Education corporations applying for a subsequent authority to operate a school present (and the SUNY Trustees consider) student achievement data for the last year of their previous term of authority to operate through the academic year prior to the last

year of the term under review. These respective periods are known as the “Accountability Period.”

- Given the limited standardized assessment data available at the time of an *initial* renewal review and the challenges that a start-up charter school faces, the Institute also reviews the school’s academic program and evaluates its strength and effectiveness based on the Qualitative Education Benchmarks. The depth of the Institute’s review of the academic program, the level of quality required, and the weight accorded to the evidence collected using the Qualitative Education Benchmarks, varies depending on the charter school’s record of meeting its academic Accountability Plan goals and on the specific type of renewal the charter school seeks.
- The SUNY Trustees acknowledge that, in exchange for greater accountability for student achievement outcomes, charter school education corporations are afforded significant autonomy over elements of their schools’ academic programs, organizational effectiveness and viability, and fiscal soundness. As a result, charter school education corporations may implement a range of programmatic and organizational changes in pursuit of improved student achievement outcomes, and such changes may occur at any point during a charter period (some requiring approval of the Institute and/or the Charter Schools Committee). Notwithstanding the scope of the changes or existence of prior approval, measurable student achievement results that are the consequence of programmatic and organizational changes will be afforded greater consideration than indications of the extent of the implementation of such changes.
- To focus its evidence gathering, and to allow an education corporation and/or its charter school(s) to understand with greater particularity the criteria for making the Required Findings, the Institute deploys a set of SUNY Renewal Benchmarks. Not every benchmark, or a particular group of benchmarks, is weighed equally, and application of the SUNY Renewal Benchmarks does not result in an overall score. In addition, success in meeting the criteria in specific benchmarks does not necessarily generate a positive renewal decision.

SUNY Renewal Policies

A. Initial Renewal Outcomes

The following renewal outcomes are available to a charter school education corporation's schools in their first charter period.¹¹ Each outcome contains specific criteria keyed to one or more of the Required Findings. In addition, the education corporation must be able to provide evidence that permits the SUNY Trustees to make *each* of the Required Findings, i.e., the education corporation and its charter school(s) will operate in a fiscally sound manner, etc. The Institute will review and analyze the success of the education corporation and/or its charter school(s) in meeting the specific requirements set forth in a particular outcome pursuant to the General Guidelines and Methods.

- *Full-Term Renewal*: available to an education corporation's charter school(s) in the fifth year of operation for the maximum term of five (5) years. In order for a charter school to be eligible for Full-Term Renewal, the charter school must during the Accountability Period either:
 - (a) have compiled a strong and compelling record of meeting or coming close to meeting its academic Accountability Plan goals, **and** have in place at the time of the renewal review an educational program that, as assessed using the Qualitative Education Benchmarks, is generally effective; **or**
 - (b) have made progress toward meeting its academic Accountability Plan goals **and** have in place at the time of the renewal review an educational program that, as assessed using the Qualitative Education Benchmarks, is particularly strong and effective.
- *Short-Term Renewal*: available to an education corporation's school(s) in the fifth year of operation typically for a term of three (3) years. In order for a charter school to be eligible for Short-Term Renewal, the charter school, during the Accountability Period, must have generated a strong and compelling record of having met the SUNY Renewal Benchmarks, and the school during the Accountability Period 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, which will likely result in the charter school's being able to meet or come close to meeting those goals with the additional time that renewal would permit, and (ii) a

¹¹ A charter school that is awarded a planning year or other extension is still considered to be in its initial charter period when it comes to renewal in its fifth full year of operation.

governing board and organizational structures both in the charter school and its education corporation with a demonstrated capacity to meet the charter school's academic Accountability Plan goals and to operate the charter 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.

- *Renewal with Conditions*: available to an education corporation's charter school that:
 - (a) meets the standards for Full-Term Renewal or Short-Term Renewal with regard to its educational program, but that has material legal, fiscal or organizational deficiencies that cannot be fully corrected by the time of renewal — so long as such deficiencies are not fatal to making each and every other required finding, **or**
 - (b) meets the standards for Full-Term Renewal or Short-Term Renewal with regard to some portion of its educational program, but requires conditions to improve the academic program.

Such conditions may include, but are not limited to, restrictions on the number of students and grades served. Conditions may also be imposed that are consonant with the requirements of NCLB as to schools requiring corrective action. Where appropriate, conditions may be imposed which if not met by the education corporation shall be deemed a substantial and material violation of the provisional charter and/or charter agreement and therefore expose the education corporation and/or its charter school(s) to probation, revocation of authority to operate a school or charter revocation. SUNY may also impose conditions solely on the corporation as a whole.

- *Non-Renewal*: when an education corporation does not apply for renewal on behalf of a charter school (and therefore voluntarily surrenders that school's charter) or the school fails to meet the criteria for any other type of renewal, the charter or the authority to operate the school will not be renewed as the case may be. In the case of an education corporation that operates only one school that is not renewed, the charter will be terminated upon its expiration and the charter school education corporation will be dissolved.

B. Subsequent Renewal Outcomes

In subsequent renewal reviews, and in contrast to initial renewal reviews, the SUNY Trustees evaluate the strength and effectiveness of a charter school's academic program

almost exclusively by the degree to which the charter school has succeeded in meeting its academic Accountability Plan goals during the Accountability Period. This approach is consistent with the greater time that a charter school has been in operation and a concomitant increase in the quantity and quality of student achievement data that the school has generated. It is also consistent with the Act's purpose of moving from a rules-based to an outcome-based system of accountability in which charter schools and their education corporations are held accountable for meeting measurable student achievement results.

Where the Institute's renewal site visit generates overwhelming and incontrovertible evidence that the school's academic program is in disarray and that the structures, personnel and practices that had led to positive assessment outcomes are, in material respect, no longer in place (through an assessment using the Qualitative Education Benchmarks), the SUNY Trustees may take account of such countervailing evidence, and such countervailing evidence, if of sufficient strength and weight, may affect the SUNY Trustees' decision.

The following outcomes are available to an education corporation's charter school that is not in its first Accountability Period. Each outcome contains specific criteria keyed to one or more of the Required Findings. In addition, an education corporation and its charter school(s), to be eligible for any type of renewal, must be able to provide evidence that permits the SUNY Trustees to make *each* of the Required Findings.

- *Early Renewal*: available to any charter school that has previously received a Full-Term Renewal and has met or come close to meeting the charter school's academic Accountability Plan goals. A charter school that is able to demonstrate this level of academic achievement is eligible to apply for Early Renewal four years from the time it applied for its prior renewal.
- *Full-Term Renewal*: available to any school that has been renewed previously and that has met or come close to meeting its academic Accountability Plan goals during the Accountability Period.
- *Renewal with Conditions*: available to any charter school that:
 - (a) otherwise meets the standards for Full-Term Renewal with regard to its educational program, but that has material legal, fiscal or organizational deficiencies that cannot be fully corrected by the time of renewal — so long as such deficiencies are not fatal to the SUNY Trustees making each of the Required Findings; **or**

- (b) meets the standards for Full-Term Renewal with regard to some portion of its educational program, but requires conditions to improve the academic program. Such conditions may include, but are not limited to, restrictions on the number of students and grades served. Conditions may also be imposed that are consonant with the requirements of NCLB as to schools requiring corrective action. Where appropriate, conditions may be imposed which if not met by the education corporation and/or its charter school shall be deemed a substantial and material violation of the charter and therefore expose the education corporation and/or its charter school to probation, revocation of authority to operate the school or charter revocation.
- *Non-Renewal*: when an education corporation does not apply for renewal on behalf of a charter school (and therefore voluntarily surrenders the authority to operate that school) or the school fails to meet the criteria for any other type of renewal, the authority to operate that school will not be renewed. If the education corporation operates only one school, the charter will be terminated upon its expiration and the education corporation will be dissolved.

C. Corporate Renewal Outcomes

Corporate renewal outcomes follow the outcomes for an education corporation's schools. As set forth above, when an education corporation operates only one school the term of the provisional charter will be renewed for the same term as the school's authority to operate. Likewise if SUNY does not renew the school's authority to operate, it would not renew the education corporation's provisional charter.

When an education corporation operates one or more schools there are three possible corporate renewal outcomes: Full-Term Renewal of five (5) years; Short-Term Renewal and Non-Renewal. The type of positive renewal available will depend on the status of the education corporation's schools in terms of initial or subsequent term of authority to operate. In the corporate renewal context, two types of Short-Term renewal exist:

- An education corporation whose only school is in its initial term of authority to operate and that school receives a Short-Term renewal; or
- The education corporation's provisional charter expires at a point where none of its operating schools has five years of authority to operate, in which case the corporation, assuming the other conditions of renewal in these SUNY Renewal Policies are met, would be renewed to the end of the longest term of authority of the operating schools.

The SUNY Trustees may make a Non-Renewal determination for a corporation operating multiple schools under two different circumstances:

- The last school that the education corporation operates is not renewed by the SUNY Trustees (after all of the other schools operated by the education corporation have closed either voluntarily or involuntarily); or
- Regardless of the number of schools operated by the education corporation and the year of their term of authority to operate:
 - the SUNY Trustees cannot make *each* of the Required Findings for the corporate renewal; or
 - at the time of the corporate renewal conditions exist that would allow the SUNY Trustees to revoke the education corporation's provisional charter under the Act or revoke the authority to operate all of the schools the education corporation operates.

Review and Decision Process

The SUNY Trustees' school renewal process is designed to be open, rigorous and timely. The key elements of this process are set forth below.

- An education corporation submits an application on behalf of the charter school, usually just prior to the start of the last year of its authority to operate or provisional. The education corporation receives a decision generally within six (6) to eight (8) months of the application's submission.
- The Institute notifies public and non-public schools in the same geographic area as the charter school of the receipt of an application for renewal. The Charter Schools Committee will consider comments from the school district in which the charter school is located and forward same to the Board of Regents if it approves any type of renewal. In addition, the Institute posts information about renewal applications on its website, www.newyorkcharters.org, and summarizes public comment on renewal applications for the Charter Schools Committee.
- The Institute reviews the application as well as data and records in its files including charter school evaluation reports. It thereafter generally conducts an extensive and comprehensive site visit to the offices of the education corporation, affiliated partners, and/or charter school. The scope of the site visit and its duration varies depending on the type of renewal for which the education corporation and/or charter school is eligible, e.g., an initial or subsequent renewal. Depending on these and other factors,

the site visit may encompass interviews with parents, students, teachers, administrators and education corporation trustees, reviews of documentary evidence including evidence relating to curriculum, pedagogy, internal assessment, board governance, fiscal viability and legal compliance, and extensive classroom observations. Its duration may be from one (1) to four (4) days (or more if necessary). The Institute may require additional documentation and other evidence where necessary and appropriate. The Institute may conduct follow-up visits where it deems necessary, but is not required to do so.

- The SUNY Trustees' corporate renewal procedures for corporate renewal follow the school renewal procedures set forth above, but are generally based on aggregated compliance, school performance and financial data.
- The Institute prepares a draft report to the Charter Schools Committee that includes its preliminary renewal recommendation, findings, and other conclusions and forwards a copy to the education corporation and its charter school leader to solicit comment and factual corrections to ensure the accuracy of evidence and findings contained within the draft report.
- Where the Institute is prepared to make a recommendation of Non-Renewal, it will so notify the education corporation of its preliminary recommendation prior to making its final recommendation and allow the education corporation an opportunity to present evidence and argument to the Institute in opposition. This evidence could have previously been submitted in the education corporation's application for renewal, at the time of the Institute's renewal inspection visit, or drawn from the school's performance during the Accountability Period. The Institute will consider such evidence, prior to making its final recommendation. The Institute will determine the form, time, manner and place and other practices related thereto.
- In all cases, the Institute prepares a final report for presentation to the Charter Schools Committee that contains the Institute's renewal recommendation and forwards a copy to the education corporation.
- The Institute will take appropriate steps to ensure that the education corporation disseminates the final recommendation of the Institute to the parents of students at the charter school.
- In all cases where the Institute makes a positive renewal recommendation of either type (Short-Term Renewal or Full-Term Renewal), no review of that decision may be taken to the Charter Schools Committee regardless of any renewal conditions imposed.

- At its discretion, the Charter Schools Committee will act on the Institute's final recommendation. Where the Charter Schools Committee, acting on behalf of the SUNY Trustees, takes action to renew or amend a charter agreement for a term of any length, the action of the Committee shall be final. No appeal from any decision of the Charter Schools Committee may be taken to the full SUNY Board of Trustees.
- Where the Institute's final renewal report recommends Non-Renewal of the charter agreement or authority to operate a school, the education corporation may petition to appear before the Charter Schools Committee prior to the Committee making any final renewal decision and the Committee, at its sole discretion, may grant or deny such petition. If the petition is granted, the education corporation may, at the discretion of the Charter Schools Committee, present documentary evidence as well as legal argument to the Committee. The Charter Schools Committee will determine the form, time, manner, place as well as other practices thereto. At its sole discretion, the Charter Schools Committee may, but is not required to, appoint a subcommittee to act for it, in a manner that is consistent with the SUNY Trustees' by-laws.
- In the event the Institute's final renewal report recommends renewal of the charter agreement or authority to operate a school but the Charter Schools Committee initially takes action to not renew the charter agreement or authority to operate a school, the Committee shall, prior to taking final action, afford the education corporation the same process and review as set forth in these SUNY Renewal Policies as if the Institute had recommended Non-Renewal to the Committee.
- At the discretion of the Charter Schools Committee, the Committee will act on the recommendation of the subcommittee or the Institute. The Charter Schools Committee retains sole authority over non-renewal decisions and the decision of the Committee shall be final.
- In the event that the Charter Schools Committee or any subcommittee are unable to meet, the Institute upon notice to all members of the Committee and in consultation with the Chair of the Committee, and upon no dissent being made by any member of the Committee, may present its findings and recommendation(s) directly to the SUNY Trustees.
- If a renewal application is approved by the Charter Schools Committee, a proposed renewal charter agreement, or amended charter agreement, as the case may be, will thereafter be entered into by the Institute and the education corporation, and forwarded to the Board of Regents for action (approval or return to the SUNY Trustees for further consideration together with any comments and recommendation).

- If the Board of Regents returns a proposed renewal charter agreement, or amended charter agreement, as the case may be, the Institute will review the comments and recommendations of the Regents, and present a recommendation to the Charter Schools Committee regarding resubmission of the proposed or amended charter agreement to the Regents with or without modification, or abandonment of the proposed or amended charter agreement. The Institute will include the comments of the Board of Regents for consideration. The Charter Schools Committee may approve such resubmission or abandonment in its sole authority.
- In the event that the Institute recommends abandonment of the proposed renewal or amended charter agreement, the Institute shall, prior to presenting its recommendation to the Charter Schools Committee, afford the education corporation the same process and review as set forth in these SUNY Renewal Policies as if the Institute had initially recommended Non-Renewal to the Committee. Thereafter, if the Institute maintains its recommendation to abandon the proposed renewal or amended charter agreement, the education corporation may seek review of the recommendation by the Charter Schools Committee in accordance with the review procedures for Non-Renewal recommendations, above.
- Similarly, if the Institute recommends resubmission of the proposed renewal or amended charter agreement but the Charter Schools Committee initially takes action to abandon the renewal or amended charter agreement, the Committee, prior to the taking final action to abandon the renewal or amended charter agreement, shall afford the education corporation the same process and review as set forth in these SUNY Renewal Policies as if the Committee had voted not to renew a renewal or amended charter agreement recommended non-renewal to the Committee.

Supplemental and Additional Practices, Policies and Procedures

The SUNY Renewal Policies provide an overview of the renewal process and describe its central elements; they do not delineate every detail of the renewal process employed by the SUNY Trustees, the Charter Schools Committee or the Institute. Supplemental, interstitial practices and procedures may be required and employed to ensure the integrity, comprehensiveness and excellence of SUNY's charter school program and the renewal process in particular. Such amendments and supplements, if material, may be made either through action of the Charter Schools Committee or, where appropriate, by the Institute acting in consultation with the Chair of the Charter Schools Committee.

Amendment, Effective Date and Scope

The SUNY Renewal Policies may be amended by the Charter Schools Committee or by the SUNY Trustees, as the case may be. Amendments shall be effective upon passage of a duly approved resolution by either body or upon such date as may be set forth therein.

If one section or clause of the SUNY Renewal Policies is found to be unlawful by a court of competent jurisdiction it shall not affect the other parts of the SUNY Renewal Policies.

The SUNY Renewal Policies do not limit the discretion or authority of the SUNY Trustees as a charter entity as set forth in the Act.

APPENDIX A: DEFINITION OF TERMS

Charter School Education Corporation: a New York, not-for-profit, charter school education corporation that comes into existence through the issuance of a charter and the formation of a corporation pursuant to Article 56 and §§ 216 and 217 of the New York Education Law, respectively. Each not-for-profit charter school education corporation is entitled to operate one **school** in one or more **sites** for each charter that is issued to it. An education corporation may be a Local Educational Agency (LEA) for federal program purposes (other than for purposes of the Individuals with Disabilities Education Act).

Program: an element of an overall educational program that may be shared among schools within the education corporation without further legal authority beyond the charter agreement. A program is not created by any provision of New York Education Law.

Provisional Charter: the certificate of incorporation of a not-for-profit charter school education corporation. The education corporation has only one provisional charter even though it may have been issued more than one charter in order to operate more than one **school**. It is provisional because by law it is issued for a period of five (5) years or less and is not perpetual. The charter agreement is not the provisional charter.

School: a vehicle for the delivery of a complete educational program to students that has: independent leadership; dedicated staff; and defined facilities. A charter school education corporation may have the authority to operate more than one school so long as a charter has been issued for each such school, which may be listed in or part of the provisional charter of the education corporation (the certificate of incorporation). Note a school may be housed in more than one physical **site**. A school is generally its own Local Educational Agency (LEA) for federal program purposes except special education, its own accountability unit for purposes of federal No Child Left Behind Act (NCLB) and New York Schools Under Registration Review (SURR) accountability.

Site: one of a number of facility locations for a single charter school typically representing a grade range. (For example, K-4 site, 5-8 site or 9-12 site.) A site would not be its own LEA, or NCLB or SURR unit. More than one charter school building tightly clustered (i.e., a campus) would also be a "single site" under New York Education Law. Without additional authority, a charter school education corporation may not educate students of the same grade level in more than one site. An education corporation may teach the same grade or grades at an additional site so long as it has obtained additional authority to do so through the issuance of an additional charter. The number of charters issued to an education corporation will determine the number of sites it may have for any particular grade even though the education corporation will have one provisional charter.