



# New York State Education Department

## ***Renewal Site Visit Report 2017-2018***

### **Brighter Choice Charter School for Boys**

**Visit Date: November 8, 2017**

**Date of Report: May 29, 2018**

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## SCHOOL DESCRIPTION

### Charter School Summary<sup>1</sup>

<b>Name of Charter School</b>	Brighter Choice Charter School for Boys
<b>Board Chair</b>	Martha Snyder
<b>School Leader</b>	Karen McLean
<b>District of location</b>	Albany City School District
<b>Opening Date</b>	September 9, 2002
<b>Charter Terms</b>	Initial: 01/10/2001 – 01/09/2006 1 <sup>st</sup> Renewal Term: 01/10/2006 – 01/09/2011 2 <sup>nd</sup> Renewal Term: 01/11/2011 – 06/30/2015 3 <sup>rd</sup> Renewal Term: 07/01/2015 – 06/30/2018
<b>Current Term Authorized Grades/ Maximum Authorized Enrollment</b>	k-5/325
<b>Management Company</b>	N/A
<b>Educational Partners</b>	N/A
<b>Facilities</b>	116 N. Lake Avenue, Albany, NY 12206
<b>Mission Statement</b>	<p><i>The Mission of the Brighter Choice Charter Schools is to ensure that Brighter Choice Charter School scholars have the same opportunities for future success as scholars attending the best public schools in the region. There are 3 significant components to achieving this mission:</i></p> <ul style="list-style-type: none"> <li>• <i>Exemplary instruction that ensures competency and mastery in reading, writing and mathematics</i></li> <li>• <i>Focus on the development of social, behavioral, and organizational skills necessary for future school success</i></li> <li>• <i>An education beyond the basics that includes performing arts, visual arts, science, and history</i></li> </ul>
<b>Key Design Elements</b>	<ul style="list-style-type: none"> <li>• High Impact Professional Development for Educators</li> <li>• Engaging Academic Program</li> <li>• Integrated Studies</li> <li>• Data Driven Instructions</li> <li>• Focus on Character Development and Problem Solving Skills</li> <li>• Parent and Community Partnerships</li> <li>• More Time on Task</li> </ul>
<b>Revision History</b>	<p>In April 2016, the Board of Regents approved:</p> <ul style="list-style-type: none"> <li>• A merger with Brighter Choice Charter School for Girls;</li> <li>• An increase in grade span from K-4 to K-5; and</li> <li>• An increase in maximum enrollment from 270 to 325 students.</li> </ul>

<sup>1</sup> The information in this section was provided by the NYS Education Department Charter School Office.

## **Renewal Outcomes**

The following renewal outcomes are possible:

- **Full-Term Renewal:** A school’s charter may be renewed for the maximum term of five years. For a school to be eligible for a full-term renewal, during the current charter term the school must have compiled a strong and compelling record of meeting or exceeding Benchmark 1, and at the time of the renewal analysis, have met substantially all other performance benchmarks in the Framework.
- **Short-Term Renewal:** A school’s charter may be renewed for a shorter term, typically of three years. As discussed above, the Regents will place an even greater emphasis on student performance for schools applying for their second or subsequent renewal, which is consistent with the greater time that a school has been in operation and the corresponding increase in the quantity and quality of student achievement data that the school has generated. In order for a school to be eligible for short-term renewal, a school must either:
  - (a) have compiled a mixed or limited record of meeting Benchmark 1, but at the time of the renewal analysis, have met substantially all of the other performance benchmarks in the Framework which will likely result in the school’s being able to meet Benchmark 1 with the additional time that short-term renewal permits, **or**
  - (b) have compiled an overall record of meeting Benchmark 1, but falls far below meeting one or more of the other performance benchmarks in the Framework.
- **Non-Renewal:** A school’s charter will not be renewed if the school does not apply for renewal or the school fails to meet the criteria for either full-term or short-term renewal. In the case of non-renewal, a school’s charter will be terminated upon its expiration and the school will be required to comply with the Charter School Office’s Closing Procedures to ensure an orderly closure by the end of the school year.

**Please Note:** The Regents may include additional terms, conditions, and/or requirements in a school’s Full-Term or Short-Term Renewal charter to address specific situations or areas of concern. For example, a school may meet the standards for full-term renewal or short-term renewal with regard to its educational success, but may be required to address organizational deficiencies that need to be corrected but do not prevent the Regents from making the required legal findings for renewal. A school may also meet the standards for full-term renewal or short-term renewal of only a portion of its educational program (e.g., for the elementary school program, but not the middle school program). Such additional terms and/or requirements may include, but are not limited to, restrictions on the number of students and grades to be served by the school, additional student performance metrics, heightened reporting requirements, or specific corrective action.

## School Characteristics

### Enrollment for the Current Charter Term

	Year 1 2015 to 2016	Year 2 2016 to 2017	Year 3 2017 to 2018
<b>Grade Configuration</b>	Grades K - 4	Grades K - 5	Grades K - 5
<b>Total Approved Enrollment</b>	270	325	325
<b>Actual Enrollment</b>	289	311	320 <sup>2</sup>

### Proposed Enrollment for the Renewal Charter Term

	Year 1 2018 to 2019	Year 2 2019 to 2020	Year 3 2020 to 2021	Year 4 2021 to 2022	Year 5 2022 to 2023
<b>Grade Configuration</b>	Grades K - 5				
<b>Total Enrollment</b>	325	325	325	325	325

## METHODOLOGY

A one-day renewal site visit was conducted at Brighter Choice Charter School for Boys (BCCSB) on November 8, 2017. The NYSED Charter School Office (CSO) team conducted interviews with the board of trustees, the instructional leadership team, parents, school leaders, and the special student populations providers. In cooperation with school leadership, the CSO administered an anonymous online survey to teachers.

The team conducted 18 classroom observations in kindergarten through Grade 5. The observations were approximately 15 minutes in length and conducted jointly with the principal, the assistant principal, and the instructional coach.

The documents and data reviewed by the team before, during, and after the site visit included the following:

- **Renewal Application**
- **Academic data**
- **School submitted Renewal Site Visit Workbook**

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<sup>2</sup> Source: Self-reported by the school in the Renewal Site Visit Workbook

- **School submitted Annual Reports**
- **Current organizational chart**
- **A master school schedule**
- **Map of school with room numbers and teacher names**
- **Board materials (roster, minutes,)**
- **Board self-evaluation processes and documents**
- **Student/family handbook**
- **Staff handbook and personnel policies**
- **A list of major assessments**
- **Teacher and administrator evaluation processes**
- **Interventions offered at the school**
- **School-conducted parent survey, and NYSED teacher survey**
- **Professional development plans and schedules**
- **Efforts towards achieving enrollment and retention targets**
- **School submitted Annual Reports**
- **Original charter application**
- **A list of family events for 2016-2017**
- **Scholar Motivation System**
- **Leadership evaluations**

## BENCHMARK ANALYSIS

The Performance Framework, which is part of the oversight plan included in the Charter Agreement for each school, outlines 10 Performance Framework benchmarks in three key areas of charter school performance:

- Educational Success
- Organizational Soundness
- Faithfulness to Charter and Law

Observational findings from the review of the renewal application, supporting data, and the site visit will be presented in alignment with the [Performance Framework](#) Benchmarks and Indicators according to the rating scale below, although not all indicators will necessarily be assessed on every site visit. A brief summary of the school's strengths will precede the benchmark analysis. Each benchmark will be rated; however, the report narrative will highlight those indicators not fully met by the school.

Level	Description
<b>Exceeds</b>	The school meets the performance benchmark; potential exemplar in this area.
<b>Meets</b>	The school generally meets the performance benchmark; few concerns are noted.
<b>Approaches</b>	The school does not meet the performance benchmark; a number of concerns are noted.
<b>Falls Far Below</b>	The school falls far below the performance benchmark; significant concerns are noted.

For the site visit conducted on November 8, 2017 at Brighter Choice Charter School for Boys, see the following Performance Framework benchmark scores and discussion.

**New York State Education Department  
Charter School Performance Framework Rating**

Performance Benchmark		Level
<b>Educational Success</b>	<b>Benchmark 1: Student Performance:</b> The school has met or exceeded achievement indicators for academic trends toward proficiency, proficiency and high school graduation. At all grade levels and all assessments, scoring proficiently means achieving a performance level of 3 or higher (high school Regents and Common Core Regents exam score of 65 or higher).	Meets
	<b>Benchmark 2: Teaching and Learning:</b> School leaders have systems in place designed to cultivate shared accountability and high expectations and that lead to students’ well-being, improved academic outcomes, and educational success. The school has rigorous and coherent curriculum and assessments that are aligned to the New York State Learning Standards (NYSLS) for all students. Teachers engage in strategic practices and decision-making in order to address the gap between what students know and need to learn so that all students experience consistent high levels of engagement, thinking and achievement.	Meets
	<b>Benchmark 3: Culture, Climate, and Family Engagement:</b> The school has systems in place to support students’ social and emotional health and to provide for a safe and respectful learning environment. Families, community members and school staff work together to share in the responsibility for student academic progress and social-emotional growth and well-being. Families and students are satisfied with the school’s academics and the overall leadership and management of the school.	Meets
<b>Organizational Soundness</b>	<b>Benchmark 4: Financial Condition:</b> The school is in sound and stable financial condition as evidenced by performance on key financial indicators.	Approaches
	<b>Benchmark 5: Financial Management:</b> The school operates in a fiscally sound manner with realistic budgets pursuant to a long-range financial plan, appropriate internal controls and procedures, and in accordance with state law and generally accepted accounting practices.	Meets
	<b>Benchmark 6: Board Oversight and Governance:</b> The board of trustees provides competent stewardship and oversight of the school while maintaining policies, establishing performance goals, and implementing systems to ensure academic success, organizational viability, board effectiveness and faithfulness to the terms of its charter.	Approaches
	<b>Benchmark 7: Organizational Capacity:</b> The school has established a well-functioning organizational structure, clearly delineated roles for staff, management, and board members. The school has systems and protocols that allow for the successful implementation, evaluation, and improvement of its academic program and operations.	Meets
<b>Faithfulness to Charter &amp; Law</b>	<b>Benchmark 8: Mission and Key Design Elements:</b> The school is faithful to its mission and has implemented the key design elements included in its charter.	Meets
	<b>Benchmark 9: Enrollment, Recruitment, and Retention:</b> The school is meeting or making annual progress toward meeting the enrollment plan outlined in its charter and its enrollment and retention targets for students with disabilities, English language learners, and students who are eligible applicants for the free and reduced priced lunch program; or has demonstrated that it has made extensive good faith efforts to attract, recruit, and retain such students.	Approaches
	<b>Benchmark 10: Legal Compliance:</b> The school complies with applicable laws, regulations, and the provisions of its charter.	Falls Far Below

## *Summary of Findings*

BCCSB provides an academic program aligned with the New York State Learning Standards (NYSLS) that fulfills the school's mission. The school implements a comprehensive behavior management system and character education curriculum that complements the academic program and results in a safe, orderly, and productive learning environment. On state tests, the economically disadvantaged (ED) students at BCCSB outperform similar students in the Albany City School District (ACSD) and state averages except for the 2017 administration of the math assessment. The school enrolls fewer students with disabilities (SWDs) and English language learners (ELLs) than the district and the state. Therefore, due to data suppression requirements, direct comparisons of the academic performance for all students as well as for SWDs and ELLs are not able to be made.

While the Brighter Choice Elementary Charter Schools' (BCECS) Board of Trustees has corrected errors identified by the authorizer, it has not fully put into place procedures to actively maintain awareness of and ensure adherence to its by-laws, charter requirements, and state and federal regulations including the Open Meetings Law (OML), and as a result, remains out of compliance in several areas. The board oversees two schools that have consistently enrolled far fewer SWDs and ELLs than its district of location. The board does not have strong systems in place to identify the effectiveness of its recruitment and retention strategies and has made few changes in its outreach plans.

In addition to issues around compliance as related by the CSO to BCECS, the school has had numerous errors around data reporting including the submission of data to Student Information Repository System (SIRS), documentation submitted to the CSO in coordination with the renewal visit, and annual report submissions. While some have been corrected, it is unclear if the school has a system in place moving forward to prevent others from occurring again.

Overall, the school's financial well-being has been improving over the course of the charter term. The school's financial condition is not yet stable, although the indicator it has been improving year over year over the course of the charter term. BCCSB is meeting the financial management benchmark.

BCCSB has a coordinated leadership and staffing structure that distributes responsibility for the two core areas of its mission: ensuring academic success and developing essential social, behavioral, and organizational skills. Structures in place allow frequent, regular communication across the school and between the school and families. Instructional support staff provide targeted professional development for teachers, who feel supported professionally. While the school has experienced high rates of teacher turnover, the school reports lower turnover this year than in previous years.

## Benchmark 1: Student Performance

*The school has met or exceeded achievement indicators for academic trends toward proficiency, proficiency and high school graduation. At all grade levels and all assessments, scoring proficiently means achieving a performance level of 3 or higher (high school Regents and Common Core Regents exam score of 65 or higher).*

### Finding: Meets

#### Summative Evidence for Benchmark 1:

Over the current charter term, the academic performance of students at the BCCSB meets several of the indicators defined under Benchmark 1 of the *Charter School Performance Framework*. However, because the school enrolls fewer ELLs and SWDs than ACSD and the state, test results shown in Table 2 do not reflect comparable populations. Therefore, the data are insufficient to draw accurate conclusions about the performance of the school compared to ACSD or the state.

#### Indicator 1: All Schools

##### 1.a.i. Accountability - ESEA Accountability Designation:

BCCSB has been designated “Good Standing” for each of the three years of the current charter term.

##### 1.b.i. Similar Schools Comparison – Comparative Proficiency:

The school reports in the renewal application that its performance has fluctuated in comparison to similar schools in ELA, performing above them in 2015-2016 but below them in 2016-2017. In math, BCCSB closely matches students in similar schools.

ELA Percent Proficient	2015-2016	2016-2017
BCCSB	29%	29%
Similar Schools	22%	34%

Math Percent Proficient	2015-2016	2016-2017
BCCSB	32%	32%
Similar Schools	32%	31%

#### Indicator 2: Elementary/Middle School Outcomes

##### 2.a.i. Trending Toward Proficiency – Aggregate Standards-Based Trend Toward Proficiency:

School-provided data shows 89% of BCCSB students moving toward proficiency in ELA and 59% demonstrating positive trends in math.

##### 2.a.ii. Trending Toward Proficiency - Subgroup Standards-Based Trend Toward Proficiency:

The number of ELLs and SWDs are too small to draw reliable conclusions about trends toward proficiency among those groups (2.a.ii.).

##### 2.b.i. Proficiency - Aggregate School Level Proficiency for All Students: See Table 1 below.

In the aggregate, BCCSB students have consistently surpassed the district in ELA over the charter term, and in 2015-2016, also surpassed the state average. Proficiency rates, however, took a 20 percentage point drop from 2015-2016 to 2016-2017. In math, BCCSB outperformed both the district and the state in

2014-2015, and outperformed the district but not the state in 2015-2016 and 2016-2017. It should be noted, however, that math proficiencies are trending downwards and have fallen 23 percentage points from 2014-2015 to 2016-2017.

Table 1: Elementary/Middle School Assessment Proficiency Outcomes for All Students:  
School, District & NYS Level Aggregates

	ELA					Math				
	BCCSB	ACSD	Variance to ACSD	NYS	Variance to NYS	BCCSB	ACSD	Variance to ACSD	NYS	Variance to NYS
All Students										
2014-2015	15%	14%	+1	32%	-17	55%	16%	+39	43%	+12
2015-2016	49%	19%	+30	41%	+8	38%	17%	+21	44%	-6
2016-2017	29%	19%	+10	40%	-11	32%	18%	+14	45%	-13

2.b.ii. Proficiency – Subgroup School Level Proficiency: See Tables 2-4 below.

Due to NYSED data suppression rules, most data for SWDs and ELLs is unavailable for view in Tables 2 and 3. As noted earlier, the numbers of ELLs and SWDs at BCCSB are too small to make valid comparisons or to assess trends. Comparisons for the ED population to 2014-2015 and 2015-2016 may not be accurate due to reporting errors by the school on this population. In 2016-2017, EDs performed above the district of location and were approximately even with the state in both math and ELA.

Table 2: Elementary/Middle School Assessment Proficiency Outcomes by Subgroup –  
SWDs: School, District & NYS Level Aggregates

	ELA					Math				
	BCCSB	ACSD	Variance to ACSD	NYS	Variance to NYS	BCCSB	ACSD	Variance to ACSD	NYS	Variance to NYS
SWDs										
2014-2015	*	1%	N/A	7%	N/A	*	1%	N/A	15%	N/A
2015-2016	*	1%	N/A	10%	N/A	*	2%	N/A	15%	N/A
2016-2017	20%	1%	+19	10%	+10	*	2%	N/A	15%	N/A

\*Data suppressed by NYSED on the NYS Report Card

Table 3: Elementary/Middle School Assessment Proficiency Outcomes by Subgroup –  
ELLs: School, District & NYS Level Aggregates

ELLs	ELA					Math				
	BCCSB	ACSD	Variance to ACSD	NYS	Variance to NYS	BCCSB	ACSD	Variance to ACSD	NYS	Variance to NYS
2014-2015	*	1%	N/A	6%	N/A	*	5	N/A	16%	N/A
2015-2016	*	3%	N/A	7%	N/A	*	9%	N/A	15%	N/A
2016-2017	*	7%	N/A	7%	N/A	*	9%	N/A	16%	N/A

\*Data suppressed by NYSED on the NYS Report Card

Table 4: Elementary/Middle School Assessment Proficiency Outcomes by Subgroup –  
EDs: School, District & NYS Level Aggregates

EDs	ELA					Math				
	BCCSB	ACSD	Variance to ACSD	NYS	Variance to NYS	BCCSB	ACSD	Variance to ACSD	NYS	Variance to NYS
2014-2015	*	8%	N/A	21%	N/A	*	9%	N/A	31%	N/A
2015-2016	52%	12%	+40	30%	+22	42%	10%	+32	33%	+9
2016-2017	29%	11%	+18	29%	0	31%	10%	+21	33%	-2

\*Data suppressed by NYSED on the NYS Report Card

2.b.iii. Proficiency – Grade Level Proficiency: See Table 5 and 6 below.

Grade level proficiency shows wide fluctuations from year to year. For example, 3% of BCCSB third graders in 2014-2015 reached proficiency in ELA. The following year, as fourth graders in 2015-2016, 56% met the proficiency standard, and as sixth graders in 2016-2017, only 17% met the grade level target. Similar fluctuations are evident in math. Forty-six (46%) percent of third graders in 2014-2015 were proficient, rising to 59% as fourth graders in 2015-2016, and dropping to 29% as fifth graders in 2016-2017. The fluctuations could not be attributed to changes in population or program which remained generally consistent across the three years of the charter term.

Table 5: Grade Level Proficiency for All Students: 2014-2015

	ELA					Math				
	BCCSB	ACSD	Variance to ACSD	NYS	Variance to NYS	BCCSB	ACSD	Variance to ACSD	NYS	Variance to NYS
2014-2015										
Grade 3	3%	14%	-11	31%	-28	46%	15%	+31	42%	+4
Grade 4	32%	14%	+18	33%	-1	68%	16%	+52	43%	+25

Table 6: Grade Level Proficiency for All Students: 2015-2016

	ELA					Math				
	BCCSB	ACSD	Variance to ACSD	NYS	Variance to NYS	BCCSB Boys	ACSD	Variance to ACSD	NYS	Variance to NYS
2015-2016										
Grade 3	42%	19%	+23	42%	0	19%	17%	2	44%	-25
Grade 4	56%	19%	+37	41%	+15	59%	16%	43	45%	+14

Table 7: Grade Level Proficiency for All Students: 2016-2017

	ELA					Math				
	BCCSB	ACSD	Variance to ACSD	NYS	Variance to NYS	BCCSB	ACSD	Variance to ACSD	NYS	Variance to NYS
2016-2017										
Grade 3	33%	20%	+13	43%	-10	37%	24%	+13	48%	-11
Grade 4	33%	20%	+13	41%	-8	29%	14%	+15	43%	-14
Grade 5	17%	17%	0	35%	-18	29%	15%	+14	43%	-14

## Benchmark 2: Teaching and Learning

*School leaders have systems in place designed to cultivate shared accountability and high expectations and that lead to students' well-being, improved academic outcomes, and educational success. The school has rigorous and coherent curriculum and assessments that are aligned to the New York State Learning Standards (NYSL) for all students. Teachers engage in strategic practices and decision-making in order to address the gap between what students know and need to learn so that all students experience consistent high levels of engagement, thinking and achievement.*

### Finding: Meets

<u>Element</u>	<u>Indicators</u>
1. <i>Curriculum</i>	<ul style="list-style-type: none"> <li>a. The school has a documented curriculum that is aligned to the NYSL.</li> <li>b. Teachers use unit and lesson plans that introduce complex materials, stimulate higher order thinking, and build deep conceptual understanding and knowledge around specific content.</li> <li>c. The curriculum is aligned horizontally across classrooms at the same grade level and vertically between grades.</li> <li>d. The curriculum is differentiated to provide opportunities for all students to master grade-level skills and concepts.</li> </ul>
2. <i>Instruction</i>	<ul style="list-style-type: none"> <li>a. The school staff has a common understanding of high-quality instruction, and observed instructional practices align to this understanding.</li> <li>b. Instructional delivery fosters engagement with all students.</li> </ul>
3. <i>Assessment and Program Evaluation</i>	<ul style="list-style-type: none"> <li>a. The school uses a balanced system of formative, diagnostic and summative assessments.</li> <li>b. The school uses qualitative and quantitative data to inform instruction and improve student outcomes.</li> <li>c. The school uses qualitative and quantitative data to evaluate the quality and effectiveness of the academic program, and modifies the program accordingly.</li> </ul>
4. <i>Supports for Diverse Learners</i>	<ul style="list-style-type: none"> <li>a. The school provides supports to meet the academic needs for all students, including but not limited to: students with disabilities, English language learners, and economically disadvantaged students.</li> <li>b. The school has systems to monitor the progress of individual students and facilitate communication between interventionists and classroom teachers regarding the needs of individual students.</li> </ul>

### Summative Evidence for Benchmark 2:

BCCSB has adopted a rigorous curriculum in ELA and mathematics aligned with the NYSL and has established instructional practices and routines that engage students in learning activities that reflect the school's expectations for high achievement. The school has systems in place to address the needs of its population of SWDs and ELLs.

BCCSB school leaders reported in the focus group that teachers implement the Engage NY modules as the curriculum for ELA and math. School leaders explained that they have established routines for specific

modes of instructional practice based on the element of the curriculum to be addressed. The daily schedule provided to the team includes four ELA components – ELA, writing, guided reading, and text analysis. Students in kindergarten and in Grades 1 and 2 participate in a listening comprehension lesson in addition to their reading lesson. In Grades 3, 4, and 5, the day includes one session for math instruction and a guided math class, during which teachers apply strategies similar to those used in guided reading to provide small group targeted instruction and independent practice. According to school leaders, the extension class allows teachers the flexibility to reteach concepts or reinforce skills identified through exit tickets and other data sources. Grade 4 students have a dedicated science class and Grade 5 students take social studies. In other grades, the Engage NY modules incorporate the NYSLS science and social studies standards.

Across the 18 classes visited during the renewal site visit, team members observed classrooms that were uniformly safe and well managed. Students demonstrated awareness of classroom rules and procedures and maintained a positive and productive learning attitude. Instruction generally followed the description provided by school leaders with differentiated small group and independent work in guided reading and math classes, and direct whole class instruction in some ELA and math classes. Students were engaged and participating in their lessons. Teachers set a brisk but appropriate pace to the lesson, maximizing learning time.

According to documents provided by the school, BCCSB administers formative, diagnostic, and summative assessments to identify students in need of support and to track progress toward curriculum goals. During the focus group and class observation visits, school leaders explained that teachers use classroom-based assessments, such as tests, quizzes, and exit tickets, to determine what to reteach during the extension period. The STEP program is used to determine guided reading groups. AIMSweb and STEP assessments provide evidence of progress toward grade level proficiency. According to school leaders, teachers use released items from the New York State tests to develop interim assessments, which are administered two to three times per year in order to provide students with experience in the format and design of the state tests and to assess mastery. School leaders explained that they continue to be challenged to find internal assessments that more accurately predict performance on state assessments.

In the special student populations focus group, school staff described their role in implementing the school's RTI process to provide additional support to students struggling to meet grade level targets. Three teaching assistants and one building substitute teacher provide in-class support, with one assistant assigned to Grade 2 classes and two providing in class support in Grade 1 in the morning and Grade 5 in the afternoon. The school upgraded the part-time ESL position to full-time this year. The full time ESL teacher confers with classroom teachers to modify curriculum materials for the 14 ELLs at BCCSB, and works with her students both in class and in small group pull-out sessions.

**Benchmark 3: Culture, Climate and Family Engagement**

*The school has systems in place to support students’ social and emotional health and to provide for a safe and respectful learning environment. Families, community members and school staff work together to share in the responsibility for student academic progress and social-emotional growth and well-being. Families and students are satisfied with the school’s academics and the overall leadership and management of the school.*

**Finding: Meets**

<u>Element</u>	<u>Indicators</u>
1. <i>Behavior Management and Safety</i>	<ul style="list-style-type: none"> <li>a. The school has a clear approach to behavioral management, including a written discipline policy.</li> <li>b. The school appears safe and all school constituents are able to articulate how the school community maintains a safe environment.</li> <li>c. The school has systems in place to ensure that the environment is free from harassment and discrimination.</li> <li>d. Classroom environments are conducive to learning and generally free from disruption.</li> </ul>
2. <i>Family Engagement and Communication</i>	<ul style="list-style-type: none"> <li>a. Teachers communicate with parents to discuss students’ strengths and needs.</li> <li>b. The school assesses family and student satisfaction using strategies such as surveys, feedback sessions, community forums, or participation logs, and considers results when making schoolwide decisions.</li> <li>c. The school has a systematic process for responding to parent or community concerns.</li> <li>d. The school shares school-level academic data with the broader school community to promote transparency and accountability among parents, students and school constituents.</li> </ul>
3. <i>Social-Emotional Supports</i>	<ul style="list-style-type: none"> <li>a. School leaders collect and use data to track the socio-emotional needs of students.</li> <li>b. School leaders collect and use data regarding the impact of programs designed to support students’ social and emotional health.</li> </ul>

**Summative Evidence for Benchmark 3:**

BCCSB implements a comprehensive program of behavior management and character education that creates a safe and respectful learning environment. In interviews with parents and the fall 2017 family survey, families express high levels of satisfaction with the school’s support of their children’s academic success and social and emotional well-being.

BCCSB implements a comprehensive “Scholar Motivation System” based on principles of positive reinforcement, remediation, and restoration to help students recognize and regulate their own behavior. As noted in classroom visits by the team, teachers and staff establish consistent classroom and school-wide expectations which are understood by the students and confirmed by the parents in the focus group. School leaders described several methods to establish frequent, regular communication between the school and families, including strategies such as Class Dojo (an app-based communication tool), daily and weekly behavior and academic reports, phone calls, and email and text messages. Parents in the focus

group felt fully informed about their child's school experiences. They explained that regular communication enabled them to be active contributors to their child's success.

As described by participants in the special populations focus group, the school uses a 7-step discipline process. The dean of discipline receives students who have not been able to recover and rejoin their class in the "Inspiration Room" where discussions and reflection identify reasons for student misbehavior. The staff person works with the student to devise strategies to remedy mistakes and avoid future infractions. Student support staff track student referrals and develop behavior intervention plans as needed to address persistent misbehavior in consultation with teachers and parents. The school uses an array of incentives to celebrate progress and reward positive contributions to the school community.

Families in the focus group and on the fall 2017 family survey administered by the school were enthusiastic in their agreement that they are fully informed of their child's performance and progress, both academically and socially. Parents in the focus group praised the prompt response of school leaders, teachers, and staff to parent concerns. Daily reports sent home in the students' folders ensure that parents are aware of the child's performance, and Class Dojo offers instantaneous contact between home and school.

In the focus group, school leaders explained that staff tracks student behavior and reviews student progress during regular meetings of the student support team. In their focus group, the student support team reported that they established a goal for 2017-2018 to reduce referrals for misbehavior by 25% over 2016-2017. BCCSB staff shared their data showing an average decrease of 48% across all grade levels for the first two months of the current school year.

## Benchmark 4: Financial Condition

*The school is in sound and stable financial condition as evidenced by performance on key financial indicators.*

### Finding: Approaches

#### Important Notes:

- The key financial indicators used to evaluate this benchmark will be presented within a separate fiscal dashboard instrument that will provide context for the school's performance on each of the metrics, outline the specific targets for each metric, and also provide additional subsidiary detail on each calculation.
- Unless otherwise indicated, financial data is derived from the school's annual independently audited financial statements.

<b>1. Near-Term Indicators:</b>	
1a.	Current Ratio
1b.	Unrestricted Days Cash
1c.	Enrollment Variance
1d.	Composite Score
<b>2. Sustainability Indicators:</b>	
2a.	Total Margin
2b.	Debt to Asset Ratio
2c.	Debt Service Coverage Ratio

### Summative Evidence for Benchmark 4: Financial Condition

BCCSB appears to be in weak, but improving, financial condition as evidenced by performance on key indicators derived from the school's independently audited financial statements.

The CSO reviews the financial performance and management of charter schools using quantitative and qualitative methods. Near-term indicators, such as the current ratio and unrestricted days cash, are measures of liquidity and of the charter school's capacity to maintain operations. Long-term indicators, such as total margin and debt-to-asset ratio, are measures of the charter school's capacity to remain viable and to meet financial obligations.

### Overall Financial Outlook

A *composite score* is an overall measure of financial health calculated by the Department's Office of Audit Services. This score is based on a weighting of primary reserves, equity, and net income. A charter school with a score between 1.5 and 3.0 is considered to be in strong financial health. BCCSB's composite score for 2016-2017 is 0.0. The table below shows the school's composite scores from 2013-2014 to 2016-2017.

**Brighter Choice Charter School for Boys’s Composite Scores  
2013-2014 to 2016-2017**

<i>Year</i>	<i>Composite Score</i>
2016-2017	0.0
2015-2016	-0.2
2014-2015	-1.0
2013-2014	-0.8

Source: NYSED Office of Audit Services

**Near-Term Indicators**

Near-term indicators of financial health are used to understand the current financial performance and viability of the school. The CSO uses three measures:

The *current ratio* is a financial ratio that measures whether or not a charter school has enough resources to pay its debts over the next 12 months. The ratio is mainly used to give an idea of the school's ability to pay back its short-term liabilities (debt and payables) with its short-term assets (cash, inventory, receivables). The higher the current ratio, the more capable the school is of paying its obligations, with a ratio under 1.0 indicating concern. For 2016-2017, BCCSB had a current ratio of 0.0.

*Unrestricted cash* measures, in days, whether the charter school can meet operating expenses without receiving new income. Charter schools typically strive to maintain at least 90 days of cash on hand. For fiscal year 2016-2017, BCCSB operated with 58 days of unrestricted cash.

*Enrollment maximization* measures whether or not a charter school is meeting its enrollment projections, thereby generating sufficient revenue to fund ongoing operations. Actual enrollment that is over 85 percent is considered reasonable. BCCSB’s enrollment maximization for 2016-2017 was at 96 percent.

**Long-Term Indicators**

A charter school’s *debt to asset ratio* measures the extent to which the school relies on borrowed funds to finance its operations. It is calculated as total liabilities divided by total assets. A ratio of 0.9 or less meets a standard of low risk. For 2016-2017, BCCSB’s debt to asset ratio was 1.1.

*Total margin* measures the deficit or surplus a charter school yields out of its total revenues; in other words, whether or not the school is living within its available resources. Total margin is calculated as net income divided by total revenue. A total margin that is positive indicates low risk. For 2016-2017, BCCSB’s total margin was 17 percent.

### **Benchmark 5: Financial Management**

*The school operates in a fiscally sound manner with realistic budgets pursuant to a long-range financial plan, appropriate internal controls and procedures, and in accordance with state law and generally accepted accounting practices.*

#### **Finding: Meets**

Renewal is based on evidence that the following indicators are generally present:

1. The school has an accurate and functional accounting system that includes monthly budgets.
2. The school sets budget objectives and regularly analyzes its budget in relation to those objectives.
3. The school has allocated budget surpluses in a manner that is fiscally sound and directly attends to the social and academic needs of the students attending the school.
4. The school has and follows a written set of fiscal policies.
5. The school has complied with state and federal financial reporting requirements.
6. The school has and is maintaining appropriate internal controls and procedures.
7. The school follows generally accepted accounting principles as evidenced by independent financial audits with an unqualified audit opinion, a limited number of findings that are quickly corrected, and the absence of a going concern disclosure.

#### **Summative Evidence for Benchmark 5:**

The CSO reviewed BCCSB's 2016-17 audited financial statements to determine whether the independent auditor observed sufficient internal controls over financial reporting. The auditor did not identify any deficiencies in internal controls that could be considered material weaknesses.

## Benchmark 6: Board Oversight and Governance

*The board of trustees provides competent stewardship and oversight of the school while maintaining policies, establishing performance goals, and implementing systems to ensure academic success, organizational viability, board effectiveness and faithfulness to the terms of its charter.*

### Finding: Approaches

<u>Element</u>	<u>Indicators</u>
1. <i>Board Oversight and Governance</i>	<ul style="list-style-type: none"><li>a. The board recruits and selects board members with skills and expertise that meet the needs of the school.</li><li>b. The board engages in strategic and continuous improvement planning by setting priorities and goals that are aligned with the school’s mission and educational philosophy.</li><li>c. The board demonstrates active oversight of the charter school management, fiscal operations and progress toward meeting academic and other school goals.</li><li>d. The board regularly updates school policies.</li><li>e. The board utilizes a performance-based evaluation process for evaluating school leadership, itself and providers.</li><li>f. The board demonstrates full awareness of its legal obligations to the school and stakeholders.</li></ul>

### Summative Evidence for Benchmark 6:

The BCECS Board of Trustees have some dedicated board members but lack the systems to ensure effective governance, particularly with respect to its compliance with board by-laws and adherence to charter school regulations. While the board has corrected errors identified by the authorizer, it has not established procedures to maintain awareness of and to ensure adherence to its own commitments and obligations as a charter school governing body.

The BCECS Board of Trustees continues to struggle to recruit members to the board with a broad range of expertise who are representative of the school community, findings also reported in the 2015 renewal site visit report. On their spring 2017 self-evaluation survey, board members cited the inadequate numbers of board members and their lack of success recruiting new members as key weaknesses. During the focus group interview, the board acknowledged a need for legal expertise on the board and for a current parent representative. On the board survey, four members disagreed that the board has a plan for recruiting new members and one member didn’t know if there was a plan. The board explained they continue to recruit within their existing networks of personal and professional contacts as they have done in the past without a strategic design or plan to change the outcome of those strategies.

In contrast to the findings cited in the 2015 renewal site visit report, the board has not set explicit short and long-term academic goals beyond those defined by the Board of Regents in the *Charter School Performance Framework*. In the site visit interview, the board confirmed the statements in the renewal application and annual report that the board aligns its goals with those in the *Performance Framework*. In the interview, board members did cite a short-term goal of adding members to the board including someone with legal expertise and a parent representative. The board does not have its own strategic plan

for managing its fiscal and governance responsibilities, instead adopting the standards in the Charter School Performance Framework as stated in the renewal application. However, the board reported it has not established a process to regularly review each school's performance against each of the Performance Framework standards outside of the cycle of external reviews by SED. In the board self-evaluation survey, three members acknowledged that there is no succession plan in place for board members or school leaders.

To exercise its oversight of the two schools, the board receives monthly reports from school leaders including enrollment, attendance, and assessment data as available. During the focus group, board members expressed confidence that they have a clear understanding of each school's academic status in surpassing the district but not yet meeting state averages. Board members emphasized that they refrain from advising on specific programs or practices, delegating that responsibility to school leaders.

The board appears to have made substantial progress in resolving issues related to the school's financial management cited during the previous charter renewal process. They report doing this by adjusting staff and contracting with an accounting service that provides comprehensive budgets for each monthly board meeting. Benchmarks 4 and 5 provide extended discussion of the school's current financial status.

In the focus group interview, the board described plans to institute periodic reviews of board and school policies, something not currently happening. Recently, the board began the process to update its admission policy to incorporate preferences for SWDs and ELLs, two populations that have been consistently under-enrolled at the BCCS, and update its discipline policy. SED is working with the board on final approval of these policies.

When the BCECS board received approval to merge board operations for BCCSB and BCCSG, the board attorney prepared a revised set of by-laws to reflect the merged organization. The board has not consistently followed its by-laws in the number of members, remote participation, executive session documentation, and committee minutes. The board corrected the number of members after it was notified by SED that it was out of compliance but, according to meeting minutes posted and shared with the team, it was unclear which meeting was the Annual Meeting. In the board focus group, members reported believing they had held an Annual Meeting in either June or July, as required in Article V of its by-laws. While there were minutes for two meetings that were conducted in June, neither meeting indicated it was an Annual Meeting, and one of the two did not achieve quorum. If the July meeting had been considered the Annual Meeting, it would be out of compliance with Article V of the school's by-laws. In the focus group, board members indicated the governance committee would have responsibility for ensuring compliance with the by-laws and other policies, but the committees were designated only recently and have not established a plan to address that responsibility.

The team was unable to determine if the board was in compliance with the terms of office described in the by-laws because the school provided conflicting board rosters with different starting and ending dates of each board member's term of office

The board's revised by-laws include a commitment to comply with OML. While the board corrected errors in its compliance with the noticing requirements of OML when it was alerted by SED, it remains out of compliance with other components of the law. Full discussion of the board's noncompliance is presented under Benchmark 10.

**Benchmark 7: Organizational Capacity**

*The school has established a well-functioning organizational structure, clearly delineated roles for staff, management, and board members. The school has systems and protocols that allow for the successful implementation, evaluation, and improvement of its academic program and operations.*

**Finding: Meets**

<u>Element</u>	<u>Indicators</u>
<p>1. <i>School Leadership</i></p>	<p>a. The school has an effective school leadership team that obtains staff commitment to a clearly defined mission and set of goals, allowing for continual improvement in student learning.</p> <p>b. Roles and responsibilities for leaders, staff, management, and board members are clearly defined. Members of the school community adhere to defined roles and responsibilities.</p> <p>c. The school has clear and well-established communication systems and decision-making processes in place which ensure effective communication across the school.</p> <p>d. The school successfully recruits, hires, and retains key personnel, and makes decisions – when warranted – to remove ineffective staff members.</p>
<p>2. <i>Professional Climate</i></p>	<p>a. The school is fully staffed with high quality personnel to meet all educational and operational needs, including finance, human resources, and communication.</p> <p>b. The school has established structures for frequent collaboration among teachers.</p> <p>c. The school ensures that staff has requisite skills, expertise, and professional development necessary to meet students’ needs.</p> <p>d. The school has systems to monitor and maintain organizational and instructional quality—which includes a formal process for teacher evaluation geared toward improving instructional practice.</p> <p>e. The school has mechanisms to solicit teacher feedback and gauge teacher satisfaction.</p>
<p>3. <i>Contractual Relationships</i>  <input type="checkbox"/> N/A</p>	<p>a. The board of trustees and school leadership establish effective working relationships with the management company or comprehensive service provider.</p> <p>b. Changes in the school’s charter management or comprehensive service provider contract comply with required charter amendment procedures.</p> <p>c. The school monitors the efficacy of contracted service providers or partners.</p>

**Summative Evidence for Benchmark 7:**

BCCSB has a coordinated leadership and staffing structure that distributes responsibility for the three core areas of its mission, ensuring academic success and developing essential social, behavioral and organizational skills as well as the operational aspects of the organization. Structures in place allow frequent, regular communication across the school. Instructional support staff provide targeted professional development for teachers, who feel supported professionally.

The director of school quality oversees both BCCSB and BCCSG, by handling facilities, operations, and the management of the principals (although the principal and the director of school quality are currently being handled by the same person for BCCSG). The BCCSB principal manages the school and oversees both the academic and behavioral activities of the school, including the evaluation of teachers, counselors, deans, and coordinators. The assistant principal has the role of director of curriculum, instruction and assessment; and in collaboration with the instructional coach and principal, visits classrooms to ensure high quality teaching and productive learning. Each of the three instructional leaders focus on specific areas of the academic program aligned with their areas of expertise and experience. The assistant principal monitors guided reading, Tier II/III interventions, and 504 plans. The instructional coach focuses on mathematics. The principal concentrates on special education services and ELA instruction. While each member of the instructional leadership team focuses on a different component of the academic program, they reported that they meet regularly to coordinate and align their work to ensure consistent expectations.

According to a calendar provided by school leadership, BCCSB conducts eight days of professional development for returning teachers in August before school opens, with an additional two half days for teachers new to the school. During the school year, the calendar lists four professional development days. The instructional leadership team explained that the primary method for improving teaching is through one-on-one coaching and mentoring following classroom observations. In this way, instructional leaders can target their guidance and training specifically to the needs of each teacher.

The principal also oversees the behavioral support activities at the school. The student support team, consisting of the counselor, dean of students, and student success coordinator, implements a comprehensive behavior management system, described in detail under Benchmark 3. Consistent and coordinated implementation of the character education curriculum and behavior management system contributes to the orderly and productive learning environment observed by the team during the site visit.

In both the NYSED-administered teacher survey and school-administered family survey, teachers and parents (respectively) expressed confidence in their understanding of the areas of responsibility of members of the leadership team across the school. In the NYSED survey of teachers, all 23 teachers agreed or strongly agreed that leadership at the school demonstrates accountability and takes responsibility for outcomes. Most (21 of 23) agreed they have the resources and support to do their job well. Many (20 of 23) agreed that the school is a long-term option for them, with concerns noted over benefits and salary. The school has faced high teacher turnover across its charter term, with the school's 2016-2017 Annual Report listing 8 of 17 teachers departing in 2016-2017. However, the renewal site visit workbook revised by the school on October 12, 2017 listed 19 of 24 teachers returning (5 departing). During the BCECS Board focus group, board members expressed concern about teacher attrition and explained that they added longevity bonuses and merit pay in 2016-2017 in an effort to retain staff.

## Benchmark 8: Mission and Key Design Elements

*The school is faithful to its mission and has implemented the key design elements included in its charter.*

### Finding: Meets

#### Element

#### Indicators

1. *Mission and Key Design Elements*

- a. School stakeholders share a common and consistent understanding of the school’s mission and key design elements outlined in the charter.
- b. The school has fully implemented the key design elements in the approved charter and in any subsequently approved revisions.

### Summative Evidence for Benchmark 8:

The academic, social-emotional, and operational programs established by BCCSB described under Benchmarks 2, 3, and 7 of this report are strategies that foster progress toward the school’s mission to provide scholars opportunities for future success.

Academic systems and professional support for teachers move the school toward the “exemplary instruction” described in the mission. As described under Benchmark 7, the school conducts professional development for educators before the school year begins and continues during the year, complemented by frequent mentoring and coaching to ensure high quality instruction. Across the 18 classes visited by the team, students were engaged and actively participating in their lessons.

The scholar motivation system and social emotional learning curriculum adopted by the school contribute to the development of students’ social, behavioral, and organizational skills and character needed for future success, the second component of the school’s mission. Data provided by the school shows a significant decrease in the number of students removed from class for disciplinary reasons compared to last year.

The BCCSB mission promises an education “beyond the basics” to include arts, science, and history. The ELA curriculum implemented by the school, the Engage NY ELA modules, integrates NYSLS science and history standards into the ELA lessons and student schedules include arts classes as part of their weekly routine. In their respective surveys, parents and teachers cited the school’s success in achieving its aim to provide an education equal to the best public schools in the region as one reason for their high degree of satisfaction.

In addition to fulfilling the commitments in its mission, BCCSB has adopted practices and established procedures to implement the key design elements submitted as a revision request with the school’s renewal that was approved in 2015. The key design elements include:

- High Impact Professional Development for Educators
- Engaging Academic Program
- Integrated Studies
- Data Driven Instructions
- Focus on Character Development and Problem Solving Skills
- Parent and Community Partnerships
- More Time on Task

While school leadership and the board appeared unaware that the mission and key design elements submitted with the renewal application were not the ones submitted to and approved by the Board of Regents with its last renewal in 2014, the school had been adhering to these design changes as a part of the school’s normal operations. The mission and key design elements were reflected in the team’s meetings with stakeholders and can be evidenced in the other benchmarks. After the site visit, the school submitted a letter to the CSO clarifying the mission and key design elements the school recognized as being effective for the current and any future charter term.

**Benchmark 9: Enrollment, Recruitment, and Retention**

*The school is meeting or making annual progress toward meeting the enrollment plan outlined in its charter and its enrollment and retention targets for students with disabilities, English language learners, and students who are eligible applicants for the free and reduced priced lunch program; or has demonstrated that it has made extensive good faith efforts to attract, recruit, and retain such students.*

**Finding: Approaches**

<u>Element</u>	<u>Indicators</u>
1. <i>Targets are met</i>	a. The school maintains sufficient enrollment demand for the school to meet or come close to meeting the enrollment plan outlined in the charter.
2. <i>Targets are not met</i>	a. The school is making regular and significant annual progress toward meeting the targets. b. The school has implemented extensive recruitment strategies and program services to attract and retain students with disabilities, English language learners, and students who are eligible for free and reduced priced lunch. Strategies include, but are not limited to: outreach to parents and families in the surrounding communities, widely publicizing the lottery for such school, efforts to academically support these students, and enrollment policy revisions, such as employing a weighted lottery or enrollment preference, to increase the proportion of enrolled students from the three priority populations. c. The school has implemented a systematic process for evaluating recruitment and outreach strategies and program services for each of the three categories of students, and makes strategic improvements as needed.

**Summative Evidence for Benchmark 9:**

As shown in Table 8, while BCCSB enrolls a higher percentage of ED students than the district, it consistently enrolls fewer SWDs and ELLs than ACSD. As a result, the school is not meeting its enrollment targets across two of the special student populations. According to board interviews and documents submitted with the renewal application, the school’s recruiting strategies are similar to those used in the past with few revisions and do not represent “extensive good faith efforts” as defined in this benchmark. The school has not established a systematic strategy for evaluating its recruitment or retention efforts resulting in the enrollment of SWDs and ELLs that continues to be well below the district.

BCCSB appears to have enrolled a high percentage of ED students over the sixteen years of its operation including the current charter term. Data reporting errors make the 2014-2015 and 2015-2016 academic

years difficult to report on reliably. Strategies to recruit ED students listed on the school's website and in documents submitted with the renewal application, include providing free uniforms, meals, and transportation.

ELL student enrollment has been below the district of location over the current charter term. According to school reported data, BCCSB enrolled more ELLs for 2017-2018 than previously. During the focus group, board members speculated that word of mouth was the primary reason more families chose to apply, but they do not have a process for collecting data to identify the reasons for the increase in applications. Enrollment efforts have not varied much since the mid-term site visit in the previous year. The school cited similar strategies with its renewal application with the exception of increasing the ENL teacher from a part-time to a full-time position, which the school believes will improve retention. The school also began the process of adding an ELL preference to the lottery, but that has not yet been finalized with SED, and the school had no need to employ a lottery in the 2016-2017 school year. The board also reported that they directed the school leader to contract with a community liaison to build a relationship with the Arabic speaking community to encourage families interested in single-gender education to apply, and the school leader indicated that the selection of an individual to fill the position has not been finalized at the time of the site visit. During the focus group, board members speculated that word of mouth was the primary reason more families chose to apply but they do not have a process for collecting data to identify the reasons for the increase in applications.

The enrollment of SWDs at BCCSB falls below district averages, resulting in a student population that differs from the district. School leaders and staff stated in focus groups that SWDs are difficult to recruit and retain because the school does not provide the specialized settings required in some IEPs, and when informed of the school's program, parents elect to enroll their child where those supports are offered. The school plans to initiate an enrollment preference for SWDs but, as noted above, BCCSG did not hold a lottery for 2017-2018, so the inclusion of a lottery and its effect on recruitment of this population in the future is unclear. The board also noted in the focus group that they increased the ELL position from a part-time to a full-time position this year, as mentioned earlier in this report.

Without a systematic process to collect data on which recruitment strategies have resulted in applications from target populations, the school generally continues to use the same strategies it has used in the past. The school continues its practice of adding a note on its website that it serves SWDs and ELLs and participates in the free and reduced-price lunch program. School materials are translated into languages other than English to inform newcomers of the school's programs. In the document, "Efforts toward Recruitment and Retention," submitted as part of the renewal application, and also on its website, the school cites free uniforms and transportation as offerings that encourage economically disadvantaged families to enroll. Efforts to recruit ELL and SWD students are not as comprehensive.

In the focus group interview, board members and school leaders mentioned other strategies which are under consideration for future action. The board and school leaders expressed an intention to strengthen the relationship with a refugee agency in the city and are considering the feasibility of initiating a developmental kindergarten in 2018-2019. In the focus group interview, board members expressed the hope that a new partnership with a family mental health clinic to be launched this year will have a positive impact on recruitment and retention of SWDs and ELLs. At the time of the site visit, these initiatives were not in place and their impact on the recruitment and retention of ELLs and SWDs are uncertain and will not be known until 2018-2019.

The school indicated that it measures parent/family satisfaction with the school’s programs by the percentage who re-enroll each year, and for 2017-2018, the school reports in the Renewal Site Visit Workbook that 81% of its EDs returned for the 2017-2018 school year, and all seven of its ELLs (100%) re-enrolled. In contrast, only two of the six SWDs returned to the school (33%).

Table 8: Student Demographics – Brighter Choice Charter School for Boys Compared to Albany City School District

	2015-2016			2016-2017			2017-2018 <sup>3</sup>
	BCCSB	ACSD	Variance	BCCSB	ACSD	Variance	BCCSB
SWD	7%	12%	-5	4%	13%	-9	3%
ELLs	3%	10%	-7	3%	12%	-9	4%
ED	71%	64%	+7	91%	57%	+34	85%

As shown in Table 9, in the 2016-2017 school year, 74% of students were retained from the 2015-2016 school year in the BCCSB compared with 66% in the district of location. The school’s rate of retention for ELLs, however, is below that of the district by 5%. It should be noted that the small number of SWD and ELL students at BCCSB may skew the statistical comparisons to the district.

Table 9: Student Persistence – % of Students Who Enrolled in 2015-16 and Remained Enrolled in 2016-2017

	2015-2016		
	BCCSB	ACSD	Variance
All Students	74%	61%	+13
SWDs	54%	47%	+7
ELLs	50%	55%	-5
EDs	74%	60%	+14

<sup>3</sup> Numbers listed are self-reported by the school in the Renewal Site Visit Workbook that accompanied the site visit.

**Benchmark 10: Legal Compliance**

*The school complies with applicable laws, regulations, and the provisions of its charter.*

**Finding: Falls Far Below**

<i>Element</i>	<i>Indicators</i>
1. <i>Legal Compliance</i>	<ul style="list-style-type: none"> <li>a. The school has compiled a record of substantial compliance with applicable state and federal laws and the provisions of its charter including, but not limited to: those related to student admissions and enrollment; FOIL and Open Meetings Law; protecting the rights of students and employees; financial management and oversight; governance and reporting; and health and safety requirements.</li> <li>b. The school has undertaken appropriate corrective action when needed, and has implemented necessary safeguards to maintain compliance with all legal requirements.</li> <li>c. The school has sought Board of Regents and/or Charter School Office approval for significant revisions.</li> </ul>

**Summative Evidence for Benchmark 10:**

The BCECS board has been responsive when they are alerted to instances of non-compliance with charter requirements or state and federal laws. However, they have not taken proactive steps to ensure their awareness of and compliance with the full range of their legal and regulatory obligations. The BCECS board remains out of compliance in several areas related to board by-laws, charter regulations, and OML. The school has displayed persistent inaccuracies in documenting and reporting school information and has not implemented adequate safeguards to ensure compliance with all legal requirements.

In addition to the instances of noncompliance with board by-laws discussed in Benchmark 6, BCECS has not followed charter regulations around procedures for revisions to the charter, timely submission of accurate data, and implementation of the Dignity for All Students Act (DASA). In their respective focus groups, school leaders and board members described their decision to amend their admissions policy to add a preference to applications from SWDs and ELLs as advised by the CSO. While the school submitted a draft version of the revised policy to SED for approval, it has not yet submitted a finalized document that reflects additional corrections noted by SED. Board minutes for July 2017 record a vote to approve the admissions policy but as of the time of the site visit, the school has not taken the required steps to finalize the changes so they can be implemented for the upcoming enrollment cycle.

BCCSB has also changed the goals outlined in the original charter starting with the 2015-2016 school year. The 2015-2016 and 2016-2017 Annual Reports reflect a different academic goal than the ones outlined with the school’s last charter renewal in 2015. Any changes to goals outlined in the school’s charter are material revision requests which require NYSED approval. These did not go through the revision process.

The school submitted incomplete or inaccurate information as part of the renewal process, some of which were corrected. Errors were noted on the board roster, student enrollment, staff retention, and after school tuition, among others. For example, the board roster was incomplete, failing to list the number and dates of terms for each member. The Renewal Site Visit Workbook contained mistakes in staffing

information that the school identified and revised. Differences in the data provided on the school's annual report and those submitted for the renewal application were noted by the team. The cost of the after-school program is listed differently on the website and on flyers sent to families and provided for review by the team. In the focus group interview, the board confirmed that there is not a system in place to ensure the accuracy and alignment of information across all submissions.

The school has also had errors in the submission of data to NYSED. In the school's renewal application, it notes that there were errors in reporting the number of ED students in both the 2014-2015 and 2015-2016 academic years to SIRS.

Since 2012, schools in New York State have been obligated to incorporate provisions of DASA into their codes of conduct and disciplinary policies. The discipline policy submitted with the BCCSB renewal application omits reference to DASA and does not include the required provisions to protect the safety of all classes of students. The BCCSB Discipline Policy submitted with the renewal application is an edited version showing changes made by the school's attorney. According to minutes from September 2017, the board approved the revised discipline policy but there is no record of the document receiving SED approval.

The BCECS Board corrected errors identified by SED staff during a previous site visit regarding postings of public meetings. However, the board remains out of compliance with additional obligations of OML regarding quorum, remote participation, documentation and posting of committee meetings, and contents of board minutes. The BCECS board incorporated the key requirements of OML into their revised by-laws, and committed to holding themselves accountable for meeting OML regulations. The by-laws included in the renewal application have not yet been approved by SED.

Based on a review of board minutes, BCECS submitted in preparation for the renewal site visit is out of compliance with these specific provisions of OML:

- A quorum includes half the members of the board: In four meetings over the previous year, fewer than four members of the BCCS board were present. While no substantive motions were made or voted on, the meetings were recorded as official despite the absence of a quorum.
- Votes on motions are valid when a quorum of members are physically present: The board regularly records members participating by phone. Minutes do not indicate the number of votes for or against motions made at those meetings and it is unclear if the votes of remote participants are counted when they should not be included.
- Committee meetings open to the public: When reviewed prior to the site visit, the BCCSB website stated that committee meetings were "closed to the public." This was corrected when alerted by the renewal site visit team and the BCCS website no longer indicates that committee meetings are closed.
- Minutes shall be taken at all open meetings: While minutes of board meetings are posted on the website and were provided to the team for review, no minutes of committee meetings are recorded or posted, although board minutes mention committee meeting discussions.
- Minutes shall consist of a record of motions, proposals and resolution, as well as the vote thereon: BCECS board minutes provide scant information about the motion to be voted and do not document votes for or against the motion.
- Motions to enter executive session that specify the general areas or subjects to be considered, and minutes of any action taken by formal votes in executive sessions: At several times across the

charter term, the board has entered executive session without documenting the purpose or topic to be considered and without listing the vote on actions taken.

As noted in Benchmark 6, the board does not have a member with specific expertise in the legal requirements of school boards and has sought to acquire that expertise by contracting with consultants but has not participated in training. During the focus group interview, the board acknowledged that they previously relied on the Brighter Choice Foundation to monitor compliance, and when that relationship was dissolved in 2014, they experienced a gap in procedures for ensuring adherence to legal requirements. The board delegates responsibility for accurate and timely reporting of school information in compliance with SED requirements to the director of school quality and do not have procedures in place to verify the submissions. As noted previously, the school corrected documents when inconsistencies and inaccuracies were pointed out but has not established affirmative internal procedures to ensure accurate reporting.