



# Authorizer Issue Brief

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Renewal  
Decisionmaking

## When It Really Matters: Charter Renewal Decisions at the State University of New York

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### Introduction

The charter renewal decision is one of the most significant high stakes decision in public education. It determines the continuing existence or termination of a school. It has the potential to be a celebration of the accomplishments and success of a school—and its students—that was built from the ground up a few years earlier. On the other hand, it may be the public declaration that a school did not live up to its promises to the public or to the parents and students that chose to attend.

In some sense, the renewal decision happens on an ongoing basis as the authorizer evaluates a school's performance from year to year. But revocations of a charter in midstream are typically the result only of dramatic failure, mismanagement, or malfeasance. It is the renewal decision, at the end of the charter's term, in which the authorizer must confront the grey areas of charter school performance and accountability. At this point, the authorizer must navigate complex and often cloudy

evidence to reach transparent, merit-based renewal decisions.

Upon passage of New York's Charter Schools Act, The State University of New York Board of Trustees (SUNY or Board of Trustees) established the Charter Schools Institute (CSI) to administer its authorizing responsibilities and, through CSI, currently oversees 24

This inaugural *Authorizer Issue Brief* addresses three recent charter school renewal decisions of the State University of New York (SUNY). Renewal may be, literally, the ultimate decision an authorizer makes regarding a charter school. SUNY's renewal findings and conclusions for the first schools chartered in New York State illustrate the complexity of the decision and the full range of outcomes.

Future *Issue Briefs* will work back from renewal to explore the range of critical issues that precede this "life or death" authorizing decision. They will consider specific authorizing issues, challenges, practices, and strategies that illustrate and instruct the theory and practice of charter school authorizing. Structured around six core authorizing priorities (Roles and Responsibilities, Agency Capacity and Infrastructure, Application Process, Charter Contract/Performance Agreement, Ongoing Oversight, and Renewal Process), each *Issue Brief* will address a topic of importance to charter school authorizers and others interested in authorizing issues. NACSA will enlist a variety of authors and contributors to ensure that we address each topic expertly and maintain a practitioner focus.

The *Issue Briefs* are part of a federally funded project and are a natural outgrowth of work that NACSA recently completed under a previous federal grant. In October 2003 NACSA published *Critical Design Issues, Illustrations, and Case Studies* for charter school authorizers. The *Issue Briefs* will suggest answers and options for some of the important questions that the *Critical Design Issues* publication raises.

charter schools. The first three of these schools opened in the fall of 1999 and each applied for renewal of its five year charter. On January 27, 2004, the Board of Trustees met to consider CSI's Findings & Recommendations for the three schools. The Board adopted CSI's recommendations for two schools and postponed action on the third. CSI's Findings & Recommendations are the subject of this NACSA Authorizer Issue Brief.<sup>1</sup>

Taken together, CSI's Findings & Recommendations cover a spectrum of renewal possibilities and are particularly instructive regarding charter school accountability. For the New Covenant Charter School, (New Covenant) CSI recommended renewal (5-year) with conditions. For Sisulu Children's Academy Harlem Public Charter School (Sisulu), CSI recommended probationary status (2-year renewal), and for John A. Reisenbach Charter School CSI recommended non-renewal.<sup>2</sup> The recommended fates of the three schools are clear cut and starkly contrasting. Two will continue to exist and one may not. Of the two that continue, Sisulu will have a relatively precarious existence with another high stakes decision on the immediate horizon while New Covenant would appear to have a relatively secure future from the authorizer's perspective.

## SUNY's Renewal Process

To reach these recommendations the threshold task for CSI was to collect, verify and document relevant evidence about school performance.<sup>3</sup> Under SUNY's renewal process, the charter school sets these procedural wheels in motion by submitting its application for charter renewal by the start of its fifth year. Submission of this renewal

application initiates a rigorous multi-stage evidence gathering, verification, and reporting process that includes the following steps:

- *Desk Audit*—To verify evidence that the school submits and gather additional evidence as needed.
- *Multi-day Site Visit*—To gather observable evidence by attending classes, observing lessons, examining student work, attending school meetings, interviewing staff, speaking informally with students, and interviewing administrators and school board members.
- *Draft Report*—To present preliminary findings and discuss evidence supporting the findings without making a recommendation. The school has the opportunity to comment on the draft report.
- *Final Report*—To present findings and final recommendation. The report includes draft revisions based on additional evidence and/or the school's comments and presents CSI's recommendation to the SUNY Board of Trustees regarding renewal or nonrenewal.

SUNY's process compiles a host of relevant school performance information. This Issue Brief is about translating that information into charter renewal decisions. It focuses on CSI's findings and conclusions for the three schools in order to identify the *decisive factors* that shaped an authorizer's recommendations regarding whether to renew three charters.

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The **Authorizer Issue Briefs** are a publication of the National Association of Charter School Authorizers, a non-profit, non-partisan membership organization that promotes the establishment and operation of quality charter schools through responsible oversight in the public interest. They are supported by and are one product of a three-year grant from the U.S. Department of Education for *Building Excellence in Charter School Authorizing: Ensuring Accountability at Scale (BECSA II)*. NACSA broadly disseminates each Issue Brief in print and electronic forms. Additional print copies are available by request.

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## SUNY's Renewal Decisions

SUNY has a range of options at the expiration of a school's charter. At one end of the range, it can decide not to renew the charter, and the school will cease to exist. At the other end, SUNY can renew the charter for a five-year term.<sup>4</sup> Intermediate options include renewal with conditions for schools that have a strong record of success but also deficiencies that cannot practically be corrected by the time of renewal, and short-term renewal (probation) for schools that "present an ambiguous or mixed record of educational achievement, but that have taken concrete steps to correct those deficiencies."<sup>5</sup>

*Authorizers must paint a high stakes decision in black and white. Yet such bold strokes typically represent a distillation of a muddled, polychromatic array of facts, figures, observations, raw scores, percentiles, problems, and successes that rarely, if ever, point unambiguously to a single conclusion.*

The clarity of the outcomes can mask the difficulty of the decisions. Authorizers must paint a high stakes decision in black and white.<sup>6</sup> Yet such bold strokes typically represent a distillation of a muddled, polychromatic array of facts, figures, observations, raw scores, percentiles, problems, and successes that rarely, if ever, point unambiguously to a single conclusion. Thus, there are at least three layers to the substance of CSI's Final Reports. The surface layer or "short answer" consists of the final recommendation; each recommendation must be clear and decisive. The second layer requires the reader to take a closer look at the evidence that CSI weighed in developing its recommendations; this evidence can be conflicting

CSI's renewal recommendations are based on its answers to four essential questions about each school:

- Is the school an academic success?
- Is the school a viable and effective organization?
- Is the school fiscally sound?
- If the school's charter is renewed, what are its future plans?

and sometimes raises as many questions as it answers about what the outcome should be. The third layer might be called the "heart of the matter"; it consists of what appear to be the decisive factors for CSI in cutting through a mixed record to reach a final decision in each case.

### The Short Answer

Following are CSI's recommendations for the three schools up for renewal.

**New Covenant Charter School.** Renewal with conditions. The renewal is for a five-year term. The primary conditions are that New Covenant may operate as a K-6 school with a cap on maximum enrollment and that it must submit timely annual audits going forward.<sup>7</sup> New Covenant demonstrated strong academic gains in the elementary program and "an overall upward trajectory in such achievement in grades K-4" during the charter's term.<sup>8</sup> SUNY's Board of Trustees adopted this recommendation on January 27, 2004.

**Sisulu Children's Academy Harlem Public Charter School.** Two-year (short-term or probationary) renewal. CSI found that the school had made measurable performance gains but that these gains did not bridge the substantial distance between where students started and where the school aimed to help them reach during the first charter's term. In addition, CSI found inconsistent levels of rigor in classroom instruction. The two-year renewal is designed to allow Sisulu to "stabilize its teaching staff, instructional delivery, and allow it to gather and report additional evidence that [Sisulu] continues to build a record of improving student learning and achievement."<sup>9</sup> SUNY's Board of Trustees adopted this recommendation on January 27, 2004.

**John A. Reisenbach Charter School.** Non renewal. CSI found that John A. Reisenbach had a poor record of educational achievement, had failed to remedy shortcomings in the instructional program, had limited and ineffective board oversight, and lacked a stable or experienced staff.<sup>10</sup> On January 27, 2004, SUNY's Board of Trustees voted to

postpone action regarding the John A. Reisenbach renewal application.

## Taking a Closer Look

Behind the simple “yes” or “no” renewal decision lies a body of factual information and evidence accumulated over the life of each charter school. A review of this evidence makes clear how complex the challenge is to evaluate and ‘judge’ a school’s performance. This part explores apparent similarities and important differences between the performances of the three schools under review.

**Is the school an academic success?** CSI evaluates academic success primarily by reference to state and local standards and to related academic achievement goals set out in a school’s Accountability Plan.<sup>11</sup> At first glance, the schools are all alike in that none met its achievement goals unequivocally. Nevertheless, there are clear distinctions in the academic achievement of students at each of the three schools under review. Student results at John A. Reisenbach generally declined over the years of their attendance, and its eighth grade assessments ranked the school on the lower end of one of the lowest performing districts in New York City.<sup>12</sup> New Covenant and Sisulu, by contrast, each demonstrated notable gains in performance in several assessment categories. At New Covenant, for example, student performance met the accountability plan measure for fourth grade New York State assessments in English Language Arts and Mathematics and the percentage of students meeting the state standards increased dramatically.<sup>13</sup> At Sisulu, students showed dramatic gains in passage rates on state assessments including, for example, going from a four percent to a 41 percent passage rate on the fourth grade mathematics state assessment in one year.<sup>14</sup>

**Is the School a Viable and Effective Organization?** In relation to the question of whether each school was a viable and effective organization, CSI documents significant challenges that each school has confronted regarding **board and school leadership**. CSI reports on high turnover and even “disarray” on the New Covenant board, “undevel-

oped or non-existent” oversight at John A. Reisenbach,<sup>15</sup> and absence of stable, reliable leadership at the principal position at both Sisulu and New Covenant.<sup>16</sup> However, important findings distinguish Sisulu and New Covenant from John A. Reisenbach. Sisulu has a board of trustees that took decisive action in the school’s fourth year to address the school’s inadequate progress towards fulfilling its mission—particularly regarding academic achievement. In addition, CSI found that the board articulates “a unified and consistent commitment to the mission of the school.”<sup>17</sup> Stability and clear direction in current leadership also distinguishes New Covenant which CSI observed had appointed a highly experienced educator as board chair and hired a similarly experienced school leader to address its recognized need for stronger oversight.<sup>18</sup> By contrast, John A. Reisenbach’s board members reported that, until recently, they did not see the point in having an evaluation system in place for the school program and they have never conducted an evaluation of the school leader. CSI found Reisenbach’s board still lacked “a unified and consistent sense of [the school’s] mission, were not readily familiar with the school’s basic academic goals, and were not familiar with the design elements related to achieving those goals thus making effective oversight of the academic program virtually impossible.”<sup>19</sup>

CSI’s findings in the area of **enrollment and parental support** are particularly noteworthy because they run somewhat *counter to the ultimate recommendations*. Here, John A. Reisenbach—recommended for nonrenewal—showed strong parent satisfaction, full enrollment, relatively stable student retention, and a waiting list.<sup>20</sup> New Covenant, on the other hand, received a renewal recommendation despite the fact that it has shown declining parent satisfaction and student retention over the term of the charter, and has struggled to meet enrollment targets.<sup>21</sup>

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Unlike the parent satisfaction and enrollment data, CSI's Findings related to the **instructional staff** at each school seem clearly aligned with the authorizer's renewal recommendations.<sup>22</sup> At Sisulu, the instructional staff "display a real commitment to ensuring student academic success through their words and actions."<sup>23</sup> Similarly, at New Covenant the K-6 program includes a "seamless" professional development program and a collaborative effort at the school level to implement this program effectively.<sup>24</sup> The same cannot be said for John A. Reisenbach where CSI observed chronic discipline problems, absence of high expectations for student performance or urgency to improve that performance, and continued high turnover.<sup>25</sup>

**Is the School Fiscally Sound?** Fiscal soundness, or lack thereof, may be the organizational area for which the three schools have the most in common—each is struggling mightily. CSI determined that John A. Reisenbach and Sisulu are both "marginally viable" from a fiscal standpoint.<sup>26</sup> Meanwhile, New Covenant, which received the strongest overall recommendation operated at a deficit in three of its first four years of operation.<sup>27</sup> It should not surprise any authorizer or other observers of the charter movement that the financial struggles of each school are largely attributable to the cost of financing a facility.<sup>28</sup>

**If the school's charter is renewed, what are its future plans?** CSI's Findings & Recommendations indicate that all three schools have specific plans for strengthening their

programs and addressing weaknesses. The primary distinction between the plan for John A. Reisenbach—the school subject to nonrenewal—and those for Sisulu and New Covenant is what might be called *demonstrated seriousness of intent*. New Covenant has already shown promise for improving academic achievement. Its financial plan, while uncertain, depends in large part on parties that are already invested in the school and have demonstrated their commitment to

the school's success.<sup>29</sup> Similarly, Sisulu's future plans depend largely on continued success of a plan that the board had already developed and begun to implement prior to commencement of the renewal process. In other words, the school board and leaders had already taken the initiative, prior to renewal, to identify and address the school's shortcomings, particularly related to academic achievement.<sup>30</sup> By contrast, John A. Reisenbach proposed a dramatic plan for renewal that appears to be a reactive, last-ditch effort to avoid non-renewal rather than a self-directed effort to strengthen the school. CSI found no assurance that the proposed plan for John A. Reisenbach would be implemented effectively, if at all.<sup>31</sup>

## The Short Answer Revisited: What Really Matters

The evidence for each of New York's first charter schools is mixed. All can point to some academic progress but none has achieved all of its academic goals. All have faced governance challenges related to the board, the school leader, and the relationship between the two. Two have strong support from parents (John A. Reisenbach and Sisulu) while the third (New Covenant) has perhaps the strongest infrastructure for staff training and development. Complex and mixed performance data, like that for Sisulu, New Covenant, and John A. Reisenbach, will be the norm rather than the exception when authorizers are faced with renewal decisions.

Thus, the question, "What really matters?" The details of CSI's findings suggest several answers:

**Academic Achievement is Vital.** New Covenant and Sisulu, for all of their struggles, will continue to exist because they have demonstrated substantial, measurable performance gains measured in both "absolute" terms and in relation to comparable public schools. John A. Reisenbach students, on the whole, appeared to regress more than progress academically. Authorizers are charged with holding charter schools accountable, above all, for outcomes, and these outcomes are measured most directly by student performance.

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### **Multiple Measures Illustrate Achievement.**

None of the school Accountability Plans relies on a single test or a single static number to evaluate academic performance. Rather, they consider multiple assessments, change in performance over time, and school performance in relation to comparable populations. These and other multiple measures—including ones that may not even be standardized test-based—can give a more comprehensive, accurate picture of the degree to which a school is attaining its mission and fulfilling the terms of its charter.<sup>32</sup>

### **Qualitative Evidence Clarifies the**

**Quantitative.** By law, SUNY is required to consider whether a school is likely to continue to improve student learning and achievement and will be operated in an educationally sound manner.<sup>33</sup> Such determinations about future performance require reference to more than mere numbers because, in investing parlance, past performance is no assurance of future returns. Here, the authorizer can and, perhaps, must turn to qualitative data to tease out the significance of ambiguous or mixed quantitative data. To this end, CSI's Findings & Recommendations give substantial weight to considerations like the quality of school leadership, teaching staff competence, and professional development programs. Positive qualitative indicators such as stable, effective leadership at the board, administrative, and classroom levels may be a priority, if not a prerequisite, for charter renewal.

### **Future Plans Must Have a Present Reality.**

The "improvement plan" has become a staple of public education. Yet it is all too common for such plans to be eternally receding into the future with little present impact. John A. Reisenbach's future plans appeared to be of that ilk with promises of dramatic change for the future without any present indication of seriousness of intent or likelihood of impact. By contrast, Sisulu and New Covenant had developed future plans that were either already under implementation or demonstrated a seriousness of intent that gave CSI some assurance regarding the prospects for their realization. If an authorizer is to consider future plans in evaluating charter

schools, it should do so with an eye constantly fixed to the present reality.

**Financial Struggles are the Norm.** Each of the schools is struggling to survive financially. This struggle is typical of most small startup organizations and is particularly true of charter schools that routinely have to devote a substantial portion of their limited budgets to pay for facility costs. The fact that a charter school is in precarious financial circumstances is not, alone, a basis not to renew a school provided that there is proper accounting for use of funds and a reasonable financial plan in place.

### **Authorizers Must**

#### **Exercise**

#### **Independent**

#### **Judgment.**

New Covenant, the school with the greatest struggles for student enrollment and parent satisfaction, received a five-year renewal. CSI recommended non-renewal or probationary renewal for the other two schools, despite high parent satisfaction, because the authorizer exercises *independent judgment* about the school's

viability. These findings indicate that enrollment and parent support may carry less weight for the authorizer than other aspects of school performance. That is, the authorizer must determine, independent of parents' perceptions, whether a school is meeting its commitments under the charter. Parents exercise their judgment about a school's effectiveness on an ongoing, individual basis by deciding whether to enroll their children. The authorizer has reference to different and perhaps more information by which to assess governance, leadership, overall academic performance, etc. Both parents (at least some minimal number) *and* the authorizer need to be persuaded of a school's viability for it to continue operating under a charter.

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## Conclusion

For charter schools and authorizers, the renewal process is an opportunity to assess whether a school has lived up to the public promises made in its charter. It is also an opportunity to bring a level of integrity to educational accountability that is typically

absent from traditional public school oversight. The authorizer's renewal assessment will inevitably be complex and challenging. However, an analysis that focuses on clearly defined educational and organizational performance outcomes can help authorizers fulfill their responsibility to make transparent, merit-based renewal decisions. ■

NACSA wants to hear from you! If you have questions, comments, or recommendations for future Issue Brief topics, please contact us at [info@charterauthorizers.org](mailto:info@charterauthorizers.org).

## Endnotes

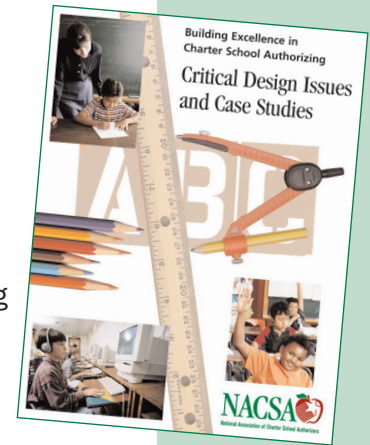
- 1 Information about SUNY's charter renewal process as well as complete text of the renewal reports discussed here are available through the Charter School Institute's homepage, <http://www.newyorkcharters.org>. CSI staff commented on a draft of this Issue Brief. However, the views expressed are those of NACSA and the author and do not necessarily reflect those of the SUNY Board of Trustees.
- 2 On January 27, 2004, SUNY's Board of Trustees adopted CSI's recommendations for New Covenant and Sisulu. It postponed a decision on John A. Reisenbach.
- 3 It would be difficult to overstate the importance of the *process* to generating sound information and legitimacy for the *substance* of an authorizer's decisions. Although beyond the scope of this Issue Brief, several future Briefs will focus on processes for carrying out various authorizer responsibilities.
- 4 In fact, SUNY will consider early renewal in the fourth year of the charter for schools that "have already made a compelling and unambiguous case for renewal."
- 5 Charter Renewal Report, at 6 (Reader's Guide).
- 6 In SUNY's case there are at least a couple of shades of grey including "short-term renewal" (as Sisulu received) and "renewal with conditions" (as New Covenant received).
- 7 CSI recommends that New Covenant's renewal be limited to grades K-6 and that, consequently, the 7-8 program be terminated. For convenience and clarity in comparison to the other schools, this Issue Brief discusses only the findings and recommendations related to New Covenant's K-6 performance.
- 8 New Covenant Findings & Recommendations, at 19.
- 9 Sisulu Findings & Recommendations, at 17.
- 10 John A. Reisenbach Findings & Recommendations, at 20.
- 11 The Reader's Guide section of each CSI Renewal Report states that "renewal...is primarily based on a school's progress towards performance-based goals that the charter school and the Institute agreed to in the school's Accountability Plan." See, e.g., Sisulu Renewal Report, at 5.
- 12 John A. Reisenbach Findings & Recommendations, at 8-9.
- 13 New Covenant Findings & Recommendations, at 8.
- 14 Sisulu Findings & Recommendations, at 8.
- 15 John A. Reisenbach Findings & Recommendations, at 14.
- 16 Sisulu has had three school principals during the term of its charter. Sisulu Findings & Recommendations, at 11. New Covenant has had nine different people serve in the director position. New Covenant Findings & Recommendations, at 13.
- 17 Sisulu Findings & Recommendations, at 13.
- 18 New Covenant Findings & Recommendations, at 13-14.
- 19 John A. Reisenbach Findings & Recommendations, at 14-15.
- 20 *Id.* at 14. Parent support for John A. Reisenbach was the focus of much testimony at the Board's January 27 meeting and was undoubtedly the primary reason for postponement of the Board's final decision.
- 21 New Covenant Findings & Recommendations, at 14.
- 22 CSI's Findings address staff training and effectiveness issues in both the Academic Success and Effective, Viable Organization sections. For convenience, this Issue Brief considers this aspect of school performance under the latter category.
- 23 Sisulu Findings & Recommendations, at 11.
- 24 New Covenant Findings & Recommendations, at 11-12.
- 25 John A. Reisenbach Findings & Recommendations, at 11-12.
- 26 *Id.* at 16; Sisulu Findings & Recommendations, at 14.
- 27 New Covenant Findings & Recommendations, at 16.
- 28 John A. Reisenbach Findings & Recommendations, at 16; New Covenant Findings & Recommendations, at 16-17; Sisulu Findings & Recommendations, at 14.
- 29 New Covenant Findings & Recommendations, at 16-18.
- 30 Sisulu Findings & Recommendations, at 15-16.
- 31 John A. Reisenbach Findings & Recommendations, at 17-19.
- 32 For a good resource on the challenges and possibilities for development of school-specific accountability measures, see Margaret Lin, *Measuring Up: How Chicago's Public Schools Make Their Missions Count* (Leadership for Quality Education 2001) (describing development of school-specific accountability measures for charter school accountability plans in schools chartered by Chicago Public Schools).

## Your “Go To” Resource for the Charter School Authorizer Community

[www.charterauthorizers.org](http://www.charterauthorizers.org)

### **Critical Design Issues for Charter School Authorizers**

Check out this valuable resource, made possible through the federally-funded *Building Excellence* project. This publication highlights a core set of activities and practical choice options for developing a comprehensive charter school authorizing program. Each authorizing program component is examined through a series of planning questions accompanied by illustrations, case studies and sample resources that document the methods employed by experienced authorizers.



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