



New York State Education Department

***Monitoring Plan for New York State Charter Schools
Authorized by the Board of Regents***

January 2021

Updated October 2021

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Overview

The purpose of the Monitoring Plan is to provide internal and external stakeholders with a snapshot of monitoring activities performed by the New York State Education Department (NYSED) Charter School Office (CSO) over the course of a school's charter term. Such activities will support comprehensive oversight of charter schools authorized by the Board of Regents. In accordance with the Board of Regents' Oversight Plan¹, CSO is authorized to oversee all school operations, including (but not limited to) inspecting school functions via site visits, records review, and evaluation.

On behalf of the Board of Regents, CSO will evaluate schools against performance benchmarks presented in the [Charter School Performance Framework](#).² The priorities that will be considered by the CSO and the Board of Regents during the renewal process are set forth in the Renewal Policy³ authorized by the Board of Regents and Section 119.7 of the Regulations of the Commissioner. Evidence collected throughout the charter term—such as annual reports, independent financial audits, state testing data, and all site visit reports—will be used by the CSO to make decisions about the frequency and type of site visits to each school and will be also used to directly inform renewal decisions.

The events outlined in this Monitoring Plan allow the CSO to collect evidence on the school's performance in three areas:

1. The school's academic success and ability to operate in an educationally sound manner;
2. The school's organizational viability and its ability to operate in a fiscally sound manner; and
3. The school's faithfulness to the terms of its charter and adherence to the applicable laws and regulations.

The CSO documents all evaluative findings related to school performance. All documentation contributes to the school's record of performance, which will, in turn, be used to support renewal decision-making.

The goal of the CSO Monitoring plan is to enable the review of Board of Regents-authorized charter school performance as required by statute and to identify high-quality authorizing practices to promote educational excellence in New York State. CSO authorizing objectives include:

1. Setting clear expectations between authorizers and schools regarding performance;
2. Ensuring school and authorizer accountability and the fulfillment of the Education Law and charter contract;
3. Promoting high-quality charter schools and authorizer excellence; and
4. Evaluating school and authorizer performance through a lens of continuous improvement.

Detailed information on CSO oversight and monitoring of Board of Regents-authorized charter schools, including authorizer policies and procedures, can be found on the [CSO website](#).

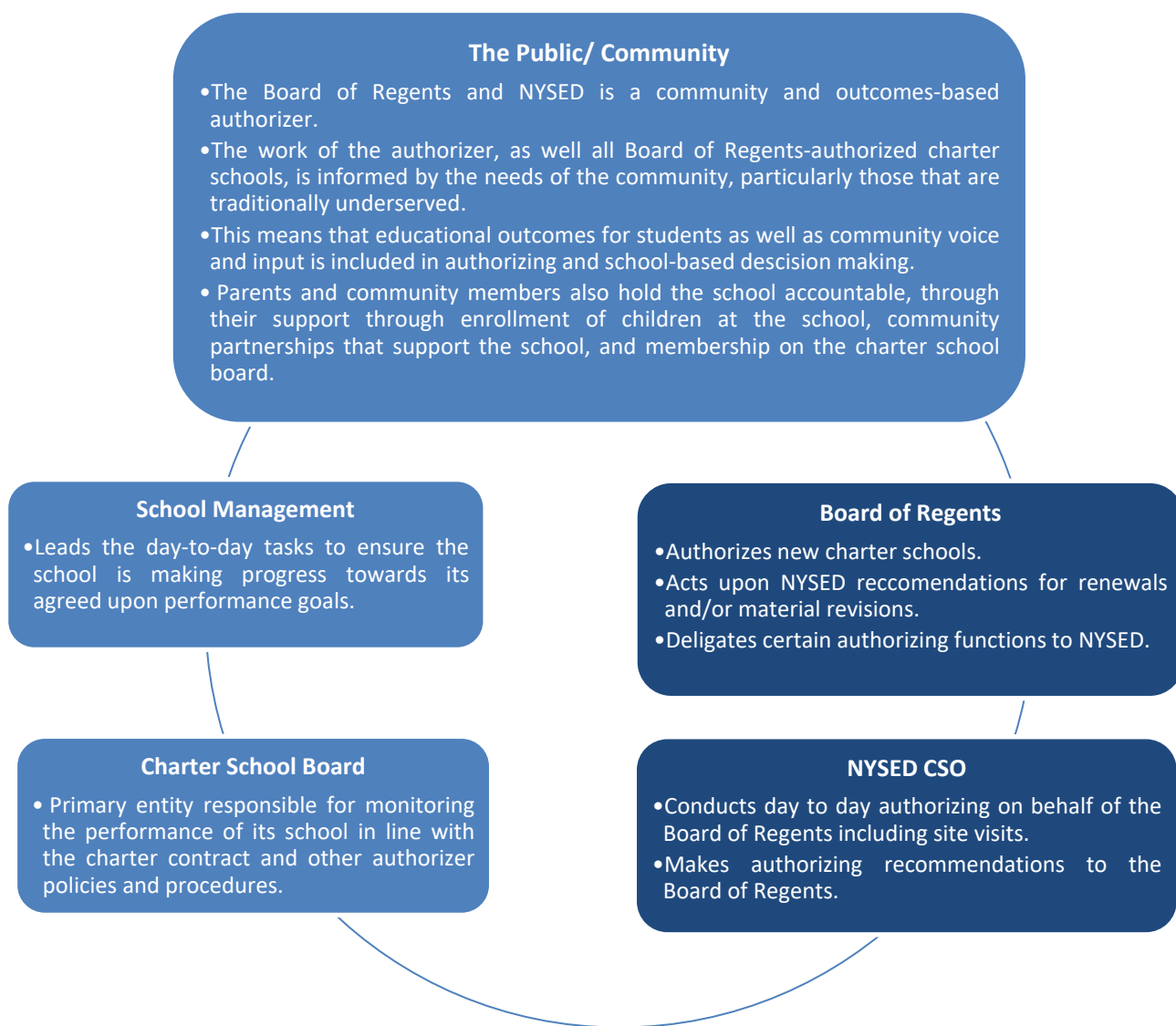
¹ The Board of Regents Oversight Plan is described at <http://www.nysed.gov/charter-schools/oversight-plan-board-regents-authorized-charter-schools>

² Charter schools authorized or renewed beginning in the 2019-2020 school year and thereafter use the 2019 Charter School Performance Framework, and all other charter schools use the 2015 Charter School Performance Framework until renewal. Refer to the appropriate framework for the applicable benchmark standards.

³ The Board of Regents Renewal Policy may be viewed at <http://www.regents.nysed.gov/common/regents/files/documents/meetings/2012Meetings/November2012/1112p12a1.pdf>

Understanding Charter School Oversight

This chart seeks to clarify the roles and responsibilities of key charter school stakeholders. The oversight structure of charter schools loosely parallels that of traditional public schools: ongoing oversight, monitoring, and technical support provided by the CSO; key policy-setting, performance goal setting/monitoring, and decision making by charter school boards; and day-to-day operations managed by charter school leaders or through contracted entities that provide comprehensive management services⁴.



⁴ See the definition of entities that provide comprehensive management services at <http://www.nysed.gov/common/nysed/files/programs/charter-schools/definecmo.pdf>.

Site Visits

The timing and scope of on site or remote site visits conducted by the CSO and others will depend on a school's track record in meeting Performance Framework benchmarks and other academic, operational, and compliance-related objectives outlined in the charter agreement. In a typical five-year charter term, the CSO will conduct a combination of check-in visits and full site visits. While the CSO will typically visit each school at least once per year, schools may receive fewer site visits or site visits of shorter duration. Additional site visits may be scheduled at CSO discretion and may be unannounced if deemed appropriate.

Full site visits are conducted as a mid-term visit (generally year 3) and a renewal site visit in year 5. However, for those charter schools having short-term renewals, the mid-term site visit may occur in any year of the charter term or may not occur at all depending on the recency of the last renewal visit and the proximity of the upcoming renewal. These visits are generally one to two days in length and are performed by a team of three or more evaluators, who may be internal CSO staff, other NYSED staff, and/or external expert school evaluators. During the site visit, the CSO team may interview school stakeholders, observe classroom instruction, review documents, and evaluate other aspects of the school's operations. All site visits will result in a comprehensive report that summarizes the site visit team's observations and analyses of evidence gathered prior and on site. The site visit report will outline the school's academic and organizational performance relative to Performance Framework benchmarks and indicators.

Prior to the renewal or mid-term site visit, the school will have the opportunity to complete a self-evaluation regarding each of the 10 Performance Framework benchmarks, by rating each benchmark and outlining the school's strengths and challenges. The self-evaluation information will be discussed during the site visit. Following the mid-term and the renewal site visits, the CSO team will send the school its site visit report and an action plan to complete. The action plan will serve as a tool for the school and the CSO to understand the actions that each school will take toward these aims or in the maintenance of effective practices. This action plan will assist the CSO in providing supports to the school as well as connect them with educators across the state who are working on similar problems of practice.

Check-in visits will provide a means for CSO staff to meet with schools and ensure the school is progressing toward meeting Performance Framework benchmarks. Check-in site visits typically occur in years 1, 2, and 4 of a school's five-year charter term, or at the discretion of CSO for schools in shorter charter terms; and will result in a letter or summary memo to the school. Baseline check-in site visits are conducted during year 1 of the school's operation to focus on challenges and progress made toward implementing the school's charter and its alignment to the Performance Framework benchmarks.

All information gathered through site visits, whether full site or check-in, will be compiled into a school's record of performance and used to inform renewal decisions at the end of a school's charter term.

Desk Audits

In addition to site visits, the Monitoring Plan includes desk auditing of documentation and data collected by schools, including records pertaining to students, staff, financials, and general operations. The Board of Regents requires that schools engage in transparent record-keeping practices, and the CSO and other SED staff will monitor and review such documentation throughout the life of a school's charter term.⁵ Similar to the site visit protocols referenced above, the timing and scope of desk audits will depend on federal and state statute, as well as a school's track record and ability to meet goals and objectives outlined in its charter contract.

Notices of Concern and/or Deficiency

The CSO strives to ensure that authorizing standards, as set forth in the NYSED Charter School Performance Framework, are transparent. As such, the CSO utilizes a system of formative notifications to convey to Board of Regents-authorized charter schools that are falling short of one or more of the NYSED Charter School Performance Framework standards or are at risk of doing so. The purpose of these notices is to provide schools with information needed to commence school improvement efforts

Notices of Concern are issued when a school begins to, or is at risk of, failing to meet one or more Performance Framework standards. Notices of Concern are generally issued as an initial formal step of conveying a deficiency and are usually preceded by informal communication through the school's CSO liaison. The development of a formal Corrective Action Plan is not required upon receipt of a Notice of Concern, but the CSO strongly urges that a school receiving such notice takes urgent and immediate steps to address the concerns by engaging in school improvement and avoiding further authorizing action.

Notices of Deficiency are issued when a school's deficiency is more serious in nature; and/or, although not exclusively, when a school repeatedly fails to meet NYSED Charter School Performance Framework standards that may result in a short-term or non-renewal recommendation. Therefore, the CSO issues such notices to spur immediate and urgent school improvement strategies that will improve outcomes for students and compliance with applicable laws, regulations, and policies. Often, Notices of Deficiency are issued after earlier informal and formal conversations with the charter school regarding such deficiencies. The issuance of a Notice of Deficiency requires the charter school to develop a Corrective Action Plan (CAP) using the CSO template and to submit it to the CSO for approval.

Charter Revisions

All Board of Regents-authorized charter schools should refer to NYSED's Charter Revision Guidance for Board of Regents-Authorized Charter Schools regarding the timeline, required materials, and review process for considering both material and non-material revisions. The revision guidance can be found at <http://www.nysed.gov/charter-schools/bor-authorized-charter-school-policies-procedures-resources>.

Revisions to a charter may require the approval of either the Board of Regents (for material revisions) or the Commissioner of Education (for non-material revisions), before the school can implement the change. As a first step in the revision process, please contact your CSO liaison as early as possible for assistance in determining whether a revision is material or non-material, and to determine whether other processes are required at the start of this process.

⁵ See Appendix A for a list of records that must be maintained by schools for inspection by the Regents and/or their agents.

A Note about Charter Term Lengths

For charter schools with terms that are not a full five years, the CSO will work with each school to modify the typical Monitoring Plan outlined below. Generally, schools should expect a full program evaluation sometime during the middle of the charter term, a renewal site visit prior to the end of the charter term, and check-in visits as appropriate.

Monitoring Plan for Charter Schools Authorized by the Board of Regents

Year of Charter Term	Charter Term ⁶	On-Site or Remote Site Visit Type	Purpose	Approximate On-Site or Remote Site Visit Length ⁷	On-Site or Remote Site Visit Deliverable
Pre-Opening	First	Visit will occur prior to school opening	Ensure completion of all SED-required Prior Actions	Half day prior to school opening	Consent to Open letter to school board outlining key findings and school's status regarding final authorization to open
1	First	Baseline Check-in ⁸	Assess progress toward meeting criteria outlined in Performance Framework	Half day	Check-in report to school board outlining key observations
2	First and subsequent	Check-in	Assess progress toward meeting criteria outlined in Performance Framework	Half day	Check-in report to school board outlining key observations
3	First and subsequent	Mid-term site visit	Assess progress toward criteria outlined in Performance Framework	One to two full days	Full site visit report to school board, including all key findings and analysis
4	First and subsequent	Check-in	Assess progress toward criteria outlined in Performance Framework	Half day	Check-in report to school board outlining key observations
5	First and Subsequent	Renewal	Assess attainment of criteria outlined in Performance Framework	One to two full days	Full site visit report to school board, including all key findings and analysis
New Facilities Prior Action Visit: Additionally, a site visit may be conducted when a school moves to a new facility, to verify compliance with all applicable facility-related requirements.					

⁶ For charter schools on a shorter term, CSO will typically conduct a full site visit mid-term.

⁷ Check-in visits are conducted at the discretion of CSO staff.

⁸ Site visit lengths are approximate and will depend on school performance and CSO resources.

Evidence Gathered through Monitoring Process⁹

Area of Performance Framework	Sources of Evidence
Educational Success	<ul style="list-style-type: none"> • CSO analysis of state assessment results¹⁰ • Site visit materials¹¹ and reports • Renewal application (during final year of charter) • Surveys • Focus Groups • Public comments
Organizational Soundness	<ul style="list-style-type: none"> • Pre-opening requirements (during pre-opening year) • Board-approved budget • Quarterly reports and quarterly cash flow statements (pre-opening year) • Annual Reports (year 2 and subsequent years) • Annual audits (year 2 and subsequent years) • Renewal application (during final year of charter) • Board meeting minutes • Public comments • Focus Groups
Faithfulness to Charter and Law	<ul style="list-style-type: none"> • Site visit materials and reports • Annual Reports (year 2 and subsequent years) • Renewal application (during final year of charter) • Public comments • Focus Groups • Notices of Concern/Deficiency • School complaints

⁹ This list is not an exhaustive list of all evidence gathered through the monitoring process. Additional sources of evidence may be requested or obtained by the CSO.

¹⁰ Analysis is performed according to Benchmark 1 of the Performance Framework.

¹¹ CSO will request desk audit materials prior to each site visit. Further requests may be made while on site or throughout the year based on CSO discretion.

Appendix A

Additional Monitoring and Reporting Requirements

Board of Regents-authorized charter schools must ensure a timely response to all NYSED and CSO requests. The charter school's failure to do so will be grounds for action under §2855 of the Education Law.

Further, all Regents-authorized charter schools are required to maintain the following records for inspection by the Regents and/or their agents, including but not limited to CSO staff, throughout a school's charter term:

1. Records concerning the enrollment and admissions process including recruitment and outreach activities, all applications received, and documents concerning the [lottery process](#), if conducted;
2. Student academic and health records;
3. Attendance records for students including withdrawals of students from the school;
4. Individualized Education Programs (IEPs) for students with disabilities enrolled in the school;
5. Staff rosters, including records of hiring and termination of employees of the school;
6. Evidence of credentials for all [teachers including certifications](#);
7. NYSED TEACH fingerprint clearances for all relevant personnel (see the memo at <http://www.nysed.gov/common/nysed/files/programs/charter-schools/employeefingerprintoct19.pdf>);
8. Certificates of occupancy; (see more information located online at http://www.p12.nysed.gov/facplan/articles/B08_certificate_of_occupancy_referen.html);
9. Other facility-related certifications, reports, or permits;
10. Lease agreements;
11. Deeds;
12. Loan documents;
13. Records pertaining to the receipt and expenditure of all grants;
14. Contracts in excess of \$1,000;
15. School policies in areas such as financial management, personnel, student discipline (including suspension and expulsion), health and safety, student records access, enrollment, and transportation;

16. Complaints and/or grievances received by the school, including but not limited to, complaints received by the board of trustees pursuant to §2855(4) of Education Law, together with all documentation of all actions taken in response (see more information online at <http://www.nysed.gov/charter-schools/complaint-process>);
17. Inventory of all assets of the school;
18. Minutes of each meeting of the board of trustees and documentation of [public notifications of such meetings](#); and
19. All records regarding the following events and occurrences:
 - The charter school shall provide a **revision request to NYSED by December 1st** of the year prior to the anticipated implementation of any change to the approved charter, including but not limited to:
 - a change in the school's mission or key design elements;
 - significant changes to the governance or leadership structure;
 - hiring or termination of the management company;
 - a change to school name;
 - a change in district of location; and
 - a change in maximum enrollment or grades served.
 - The charter school shall provide written notice to NYSED within five (5) business days of the occurrence of any of the following:
 - any change of the director/principal of the school;
 - a change in the school's by-laws or code of ethics;
 - execution of contracts or incurring of debt in excess of \$25,000;
 - receipt of a summons and/or complaint in which either the school or any member of the board of trustees (acting in his or her capacity as a member of the board of trustees) is named a party to the action; and
 - termination, resignation, or removal of a member of the board of trustees.¹²

Note: Additional information and memos can be found on the Charter School Office website: <http://www.nysed.gov/charter-schools/law-regulations-memos> .

¹² Schools must follow the required procedure to add a new member to the board of trustees. The requirements are located on the following website: <http://www.nysed.gov/charter-schools/bor-authorized-charter-school-policies-procedures-resources>