



Charter Schools Institute
The State University of New York

Renewal Report

Buffalo United Charter School

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The final version of Institute renewal reports should be broadly shared by the school with the entire school community. This report will be posted on the Institute's website at: www.newyorkcharters.org/pubsReportsRenewals.htm.

REPORT INTRODUCTION

This report is the primary vehicle by which the Charter Schools Institute (the “Institute”) transmits to the Board of Trustees of the State University of New York (the “State University Trustees”) its findings and recommendations regarding a school’s Application for Renewal, and more broadly, details the merits of a school’s case for renewal. This report has been created and issued pursuant to the *Practices, Policies and Procedures for the Renewal of Charter Schools Authorized by the State University Board of Trustees* (the “State University Renewal Practices”).¹

Information about the State University’s renewal process, as well as an overview of the requirements for renewal under the New York Charter Schools Act of 1998 (the “Act”), are available in the [Appendix](#) of this report. Note too that the Institute’s website provides additional details and resources regarding renewal, including: the Institute’s comprehensive *Charter Renewal Handbook* at: www.newyorkcharters.org/schoolsRenewOverview.htm.

RECOMMENDATION AND EXECUTIVE SUMMARY

Recommendation

Short-Term Renewal

The Charter Schools Institute recommends that the State University Trustees approve the Application for Renewal of the Buffalo United Charter School, renewing the charter for a period of three years with authority to provide instruction to students in kindergarten through 8th grade, with a maximum projected enrollment of 650 students, and consistent with the other terms set forth in its Application for Renewal.

Required Findings

Based on all the evidence submitted in its past record and as described in the Application for Renewal, the Institute makes the following findings required by the Charter Schools Act. The Buffalo United Charter School, as described in the renewal application, meets the requirements of the Act and all other applicable laws, rules and regulations. The school is an educationally sound entity and has demonstrated the ability to operate in an educationally and fiscally sound manner in the next charter period. Finally, given the programs it will offer, its structure and its purpose, approving the school to operate for another three years is likely to improve student learning and achievement in the next charter period and materially further the purposes set out in Education Law subdivision 2850(2).

Buffalo United Charter School has compiled an ambiguous or mixed record of educational achievement as measured by the school’s progress toward meeting its Accountability Plan academic goals, but had in place and in operation at the time of the renewal inspection review an academic program of sufficient strength and effectiveness, as assessed by a subset of the State

¹The *Practices, Policies and Procedures for the Renewal of Charter Schools Authorized by the State University Board of Trustees* (revised December 13, 2005) are available at www.newyorkcharters.org.

University of New York Charter Renewal Benchmarks known as the Qualitative Education Benchmarks, that will likely result in the school's being able to meet or come close to meeting those goals with the additional time that a Short-Term Renewal would permit. Accordingly, and pursuant to the State University Renewal Practices, the Institute recommends the charter be renewed for a term of three years.

Consideration of School District Comments

In accordance with the Act, the Institute notified the school district in which the charter school is located regarding the school's Application for Renewal. No comments were received in response.

Summary Discussion

Academic Success

During the charter period, Buffalo United Charter School has compiled a mixed record of educational achievement as measured by its progress toward meeting its key Accountability Plan academic goals. Over the last three years, Buffalo United has generally come close to meeting its Accountability Plan mathematics goal and did in fact meet them in 2007. Over the same period, however, with the exception of 2005, the school has not come close to meeting its English language arts goal.

More specifically, in mathematics, Buffalo United met its absolute measure in 2007 with more than 80 percent of the students scoring at the proficient level and with the school outperforming the Buffalo school district and demographically similar schools state-wide. On the other hand, in English language arts, Buffalo United did not meet its absolute measure in 2007 with less than half of the students scoring at the proficient level. In addition, while the school did outperform the Buffalo district schools, it did not perform as well as predicted in comparison to demographically similar schools state-wide. The mixed record is also demonstrated by differences in the year-to-year growth of cohorts of students in mathematics and English language arts. Grade level cohorts of students generally met their mathematics targets; however, there were more limited gains in English language arts, especially in the 6th and 7th grades.

Buffalo United did meet its Accountability Plan goals in both science and social studies in 2007. The school is deemed to be in Good Standing under the state's No Child Left Behind accountability system.

Buffalo United Charter School has a system to gather assessment data from multiple sources and disseminate it among its teachers, and the school has used this information to make school-wide changes to its academic program. At the time of the renewal inspection visit, Buffalo United Charter School was at the beginning stages of training its teachers to use this information to improve instructional effectiveness. For the majority of the term of its charter, Buffalo United has used textbooks and other materials selected by its education service provider as its curriculum; however, the school has made a purposeful decision, driven by student assessment data, to move toward state performance indicators as the basis for its curriculum, and utilize a variety of pre-packaged curricular materials as tools to support the delivery of instruction.

The school's leadership team, in partnership with the school's board of trustees and education service provider, has identified a set of school priorities, and has taken action in line with those

priorities. The school's principal, assistant principal, instructional coach, and director of instruction, with their focus on these priorities, have the potential to support the effective delivery of the instructional program.

At the time of the visit, the quality of instruction varied throughout the school, with of the most effective instruction occurring in kindergarten through 6th grades. In the upper grades, the quality of instruction was affected by the lack of a scholarly culture, and teachers at those grade levels were unable to engage their students in focused, purposeful activities.

Buffalo United Charter School has implemented various supports for at-risk students over the term of its charter, including ability-grouped mathematics and reading instruction as well as paraprofessionals in the classroom. Currently, the school has in place some programs to support students who are struggling academically, most notably Corrective Reading. In addition, the school has hired paraprofessionals to assist classroom teachers in meeting the needs of struggling learners.

Buffalo United Charter School has a documented discipline policy and a defined approach to classroom management. At the time of the renewal visit, the classroom management system was implemented with mixed success throughout the school, and teachers' implementation in the upper grades was least effective. As a result, some teachers, especially those in the upper grades, tolerated low level misbehavior and student engagement was not maximized.

Buffalo United Charter School has invested significant resources and time in the school's professional development activities, which are aligned with school-wide priorities and the school's improvement plan. The current professional development approach, with its focus on school-wide priorities such as English language arts, supporting new teachers, and ongoing analysis of student performance data, is a significant and promising change for the school.

Organizational Effectiveness and Viability

After inconsistent commitment to the school's key design elements over the life of its charter, the school's leadership and the school board are reviving the vision contemplated in the school's original charter application. In particular, Buffalo United Charter School has reinvested in its commitment to parental involvement and its moral focus program.

The school board has worked effectively to achieve the school's mission and specific goals, and its recent actions have been in strong alignment with, and for the express purpose of, meeting the school's Accountability Plan goals. Most notably, where there have been demonstrable deficiencies in the school's academic performance, the school board has taken action to correct them.

With certain exceptions, the school appeared to be in general and substantial compliance with applicable law, rules and regulations and the terms of its charter at the time of the renewal inspection visit and during the term of its initial charter. With a few exceptions, the school has implemented effective policies and procedures to ensure compliance with applicable laws, serve the needs of parents and students and provide compliance controls.

Fiscal Soundness

The school is a financially stable organization. Although the nature of the school's contract with its management company, National Heritage Academies, Inc. (NHA), does not allow the school to accumulate significant assets, continuation under this model does not necessitate such accumulation. Except for an allowance for school board funds, NHA retains all revenue received as compensation for the variety of educational and management services provided. As a result, the school has no capital assets and unrestricted net assets of only \$22,121. However, based on observations at the school and interviews with school staff, Buffalo United Charter School has ample resources to carry out its program. During its first year of operation, NHA contributed \$557,892 to offset an excess of expenses over revenues. These funds were contributed to the school and are not a loan to be repaid.

Buffalo United has complied with financial reporting requirements and submitted annual financial statement audit reports with unqualified opinions indicating that the school's financial statements fairly represent its financial position. The school has established and maintained appropriate internal controls. The board's oversight of its agreement with its management partner has been earnest and has helped to further the achievement of the school's goals. Financial oversight by the board has generally been effective.

Plans for the Next Charter Period

The school has successfully operated in a fiscally sound manner and is likely to continue to do so at the projected enrollment of 650 students. Buffalo United's fiscal plan is reasonable and appropriate given the management company model under which it intends to continue to operate. There are no facility issues, as the school intends to remain at its current location which is suitable to support its program. The school may find it challenging to fully achieve its planned enrollment goals, although a significant enrollment shortfall is not anticipated.

To the extent that Buffalo United Charter School has come close to meeting or has made progress toward its key academic goals, continues to implement an educational program that supports achieving those goals, operates an effective and viable organization, and is fiscally sound, its plans to continue to implement the educational program as described within its Application for Renewal for the next charter period are reasonable, feasible and achievable.

SCHOOL DESCRIPTION

The State University Trustees approved the Buffalo United Charter School on June 25, 2002 and its charter (certificate of incorporation) was subsequently issued by the Board of Regents on September 13, 2002. The school was originally named Libertas Charter School with the school's board of trustees adopting the current name in March of 2003. Following a planning year, Buffalo United opened in September of 2003 with 240 students in kindergarten through 4th grades and added one grade each year thereafter.

Buffalo United contracts with National Heritage Academies, Inc. for educational management services including the implementation of its educational program and curriculum, academic support, professional development, and business services. The school is located at 325 Manhattan Avenue in Buffalo in a facility leased from a subsidiary of NHA. A facility addition was completed in 2006 in order to accommodate the planned expansion of the school through 8th grade scheduled for the 2007-08 school year. The school facility includes a school library, gymnasium, technology center and parent room, in addition to ample classroom space and administrative offices.

The school submitted an Application for a Short-Term Planning Year Renewal on November 15, 2006 requesting an extension of its original charter for one year to compensate for the planning year; as part of the renewal, the school requested authorization to add 8th grade. The State University Trustees approved the charter extension on March 20, 2007, and it was subsequently approved by the Board of Regents on May 22, 2007.

Buffalo United Charter School submitted an Application for Renewal (initial) on August 15, 2007. According to its Application for Renewal, the school proposes maintaining its original mission statement:

Buffalo United Charter School will offer families and students a public charter school which focuses on high academic achievement and instills a sense of family, community and leadership within all our students.

Key design elements would be modified slightly from those outlined in the school's Initial Application and Application for Short-Term Planning Year:

- providing each students with an academic program based on a strong, balanced curriculum that is aligned with New York State's learning standards;
- fostering parental involvement through three parent-teacher committees – School Improvement Committee, Curriculum Committee, and a Parent Involvement Committee;
- encouraging strong relationships between families and teachers through monthly newsletters to keep parents updated on their child's academic progress, assignments, and school events, formal parent satisfaction surveys, and by providing a room designated exclusively for parents;
- monitoring student performance and identifying learning gaps through daily learning exercises, classroom assessments, group and individual projects, nationally referenced standardized test (NWEA MAP), and required New York State assessments;

- providing a complete wrap-around program for students through the school's partnership with the Boys & Girls Clubs of Buffalo;
- implementing a code of conduct designed to provide students with a safe and orderly school environment; and
- focusing on leadership development of all students by emphasizing a different character quality each month.

According to the Application for Renewal, in the next charter period, the school would rely on the NHA Exemplars as the basis of its curriculum, supported by programs such as Open Court, Corrective Reading, Lucy Calkins Units of Study for Teaching Writing, McDougall Littell Reading and Language Arts, Saxon Math, Scott Foresman social studies, and the Full Option Science System by Delta Education. Buffalo United would also continue to provide Spanish instruction for students in 7th and 8th grades.

School Year (2007-08)

190 Instructional Days

School Day (2007-08)

8:00 a.m. to 3:15 p.m.

Enrollment

	Original Chartered Enrollment	Revised Chartered Enrollment	Actual Enrollment²	Original Chartered Grades	Revised Grades Served	Actual Grades Served	Complying
2002-03	Planning Year	Planning Year	Planning Year	Planning Year	Planning Year	Planning Year	
2003-04	240	240	240	K-4	K-4	K-4	YES
2004-05	400	405	396	K-5	K-5	K-5	YES
2005-06	480	480	430	K-6	K-6	K-6	YES
2006-07	555	555	484	K-7	K-7	K-7	YES
2007-08	650	650	574	K-8	K-8	K-8	YES

² Enrollment figures per the Institute's official enrollment table, which are reported by the school. Figures used to calculate students populations may differ depending on the date of data collection.

	2004-2005		2005-2006		2006-2007	
Race/Ethnicity	% of Enroll. Buffalo United	% of Enroll. Buffalo City District	% of Enroll. Buffalo United	% of Enroll. Buffalo City District	% of Enroll. Buffalo United	% of Enroll. Buffalo City District
American Indian or Alaska Native	0 %	2 %	0 %	1 %	NA	NA
Black or African American	95 %	58 %	96 %	57%	NA	NA
Hispanic	2 %	14 %	2 %	14%	NA	NA
Asian, Native Hawaiian, or Pacific Islander	0 %	1 %	0 %	1 %	NA	NA
White	3 %	26 %	3 %	26 %	NA	NA

Source: 2004-05, 2005-06: School Report Card (New York State Education Department); 2006-07: New York State Education Department Database.

	2004-2005		2005-2006		2006-2007	
Special Populations	% of Enroll. Buffalo United	% of Enroll. Buffalo City District	% of Enroll. Buffalo United	% of Enroll. Buffalo City District	% of Enroll. Buffalo United	% of Enroll. Buffalo City District
Students with Disabilities	16.2 %	NA	13.1 %	NA	9.2 %	20.0 %
Limited English Proficient	0 %	7 %	0 %	7 %	0.0 %	6.5 %

Source: Students with Disabilities: Renewal Application - Statistical Overview (2004-05, 2005-06); New York State Education Department Database (2006-07). Limited English Proficient: 2005-2006 New York State Education Department School Report Card (2004-05, 2005-06); New York State Education Department Database (2006-07).

	2004-2005		2005-2006		2006-2007	
Free/Reduced Lunch	% of Enroll. Buffalo United	% of Enroll. Buffalo City District	% of Enroll. Buffalo United	% of Enroll. Buffalo City District	% of Enroll. Buffalo United	% of Enroll. Buffalo City District
Eligible for Free Lunch	78 %	67 %	77 %	67 %	78.7 %	65.4 %
Eligible for Reduced Lunch	13 %	10 %	14 %	10 %	12.9 %	7.6 %

Source: 2005-06 New York State Education Department School Report Card (2004-05, 2005-06); New York State Education Department Database (2006-07).

School Charter History

Charter Year	School Year	Year of Operation	Evaluation Visit	Feedback to School	Other Actions Taken
1 st Charter – 1 st Year	2002-03	Planning Year	NO	None	Name of school changed
1 st Charter – 2 nd Year	2003-04	1 st	YES	Prior Action Letter; End of Year Evaluation Letter	
1 st Charter – 3 rd Year	2004-05	2 nd	YES	End of Year Evaluation Report	
1 st Charter – 4 th Year	2005-06	3 rd	YES	End of Year Evaluation Report	
1 st Charter – 5 th Year	2006-07	4 th	YES	End of Year Evaluation Letter	Short-Term Planning Year Renewal granted for a period of one year
2 nd Charter – 1 st Year	2007-08	5 th	YES	Initial Renewal Report	Recommended for Short-Term Renewal of three years

RENEWAL BENCHMARKS AND DISCUSSION

Evidence Category	Benchmarks
	Renewal Question 1 Is the School an Academic Success?
Benchmark 1A Academic Attainment & Improvement	<p>1A.1 English Language Arts: The school meets or has come close to meeting the English Language Arts goal in its Accountability Plan over the term of its charter.</p> <p>1A.2 Mathematics: The school meets or has come close to meeting the mathematics goal contained in its Accountability Plan over the term of its charter.</p> <p>1A.3 Science: The school meets or has come close to meeting the science goal contained in its Accountability Plan over the term of its charter.</p> <p>1A.4 Social Studies: The school meets or has come close to meeting the social studies goal contained in its Accountability Plan over the term of its charter.</p> <p>1A.5 NCLB: The school has made adequate yearly progress as required by NCLB.</p>

At the beginning of the charter period the school developed and adopted an Accountability Plan that set academic goals in the key subjects of English language arts and mathematics, as well as science and social studies. For each goal, specific outcome measures define the level of performance necessary to meet that goal. These outcome measures include the following three types: 1) the absolute level of student performance on state examinations; 2) the comparative level of student performance on state examinations; and 3) individual student growth based on year-to-year comparisons of grade level cohorts. The following table summarizes the outcome measures currently required by the Institute for each subject area goal, as well as a measure for NCLB. Schools may have also elected to include additional optional measures for these goals in their Accountability Plan.

Summary of Required Outcome Measures in Elementary/Middle School (K-8) Accountability Plans					
GOAL	Required Outcome Measures				
	Absolute		Comparative		Value Added
	75 percent proficient on state exam	Performance Index (PI) meets Annual Measurable Objective (AMO)	Percent proficient greater than local school district	School exceeds its predicted level of performance compared to similar public schools by a small Effect Size	Grade-level cohorts reduce by half the gap between the previous year's percent proficient and 75 percent
English language arts	♦	♦	♦	♦	♦
Mathematics	♦	♦	♦	♦	♦
Science	♦		♦		
Social Studies	♦		♦		
NCLB	School is deemed in "Good Standing" under state's NCLB accountability system				

The following data and discussion address the outcome measures under each of these five goals. As the basis for determining if a school has met the goals, the results of the various required and optional outcome measures provide the framework for evaluating the school's academic success under this renewal benchmark. If the school's Accountability Plan did not include measures similar to those currently required by the Institute, outcomes related to those additional measures are presented as well. Bold numbers appearing in the tables are the critical values for determining if a measure was met in a given year.

English Language Arts

Accountability Plan Goal: *Students will be proficient in language arts.*

Accountability Plan Measures: While more than 70 percent of students were proficient on the state's 4th grade English language arts exam in 2004-05, less than 50 percent of students were proficient in the other three years of operation. Students in 6th and 7th grades have scored particularly low with less than 30 percent proficient in each of the last two years. Over the four years the school has consistently achieved the Annual Measurable Objective set by the state's NCLB accountability system, and outperformed the Buffalo city school district, which has a low level of performance. In comparison to similar schools state-wide, while the school performed better than predicted in 2004-05, it performed worse than predicted in each of the following two years. In examining student growth based on New York State exams, data are only available for 2006-07; while overall the school made some progress, only one of the four grade-level cohorts met its target.

Absolute Measures				
Each year, seventy-five percent (75%) of 3 rd through 8 th graders who are enrolled in at least their second year will perform at or above Level 3 on the New York State Testing Program (NYSTP) ELA assessment.				
Results (in percents)				
Grade	School Year			
	2003-04 (N=49)	2004-05 (N=42)	2005-06 ³ (N=146)	2006-07 (N=187)
3	-	-	37.5 ⁴	42.0
4	40.8	71.4	49.2	55.0
5	-	-	44.4	71.9
6	-	-	22.4	29.0
7	-	-	-	29.4
8	-	-	-	-
All	40.8 ⁵	71.4	41.1	45.5
Each year, the school's aggregate Performance Index on the NYSTP ELA assessment will meet the Annual Measurable Objective set forth in the state's NCLB accountability system.				
Results (in percents)				
Index	School Year			
	2003-04 (N=)	2004-05 (N=50)	2005-06 (N=219)	2006-07 (N=278)
PI	133	166	122	137
AMO	123	131	122	122

Comparative Measures				
Each year, the percent of all tested students who are enrolled in at least their second year and performing at or above Level 3 on the State exam will be greater than that of all students in the same tested grades in the local school district.				
Results (in percents)				
Comparison	School Year			
	2003-04 (Grade 4)	2004-05 (Grade 4)	2005-06 (Grades 3-6)	2006-07 (Grades 3-7)
School	40.8	71.4	41.1	45.5
District	34.3	39.2	35.0	34.7

³ In 2005-06 New York State implemented English language arts and mathematics exams in 3rd through 8th grade. Prior to that, exams in these subjects were administered only in 4th and 8th grade.

⁴ Grade level results for students in their second year were unavailable, so results for all students are presented for this particular year. The overall result is for students enrolled in their second year.

⁵ This was the school's first year of operation, so this is the percentage of all tested students.

Each year, the school will exceed its predicted level of performance on the State exam by at least a small Effect Size (performing higher than expected to a small degree)⁶ according to a regression analysis controlling for students eligible for free lunch among all public schools in New York State.

Results (in percents)				
Index	School Year			
	2003-04	2004-05⁷ (Grade 4) (N=50)	2005-06 (Grades 3-6) (N=219)	2006-07 (Grades 3-7) (N=279)
Predicted	-	59.5	47.1	46.5
Actual	-	68.0	38.8	44.1
Effect Size	-	0.48	-0.44	-0.14

Value-Added Measures				
Each year, each grade-level cohort of students will reduce by one-half the gap between the percent at or above Level 3 on the previous year's State ELA exam and seventy-five percent (75%) at or above Level 3 on the current year's State ELA exam. If a grade-level cohort exceeds seventy-five percent (75%) at or above Level 3 in the previous year, the cohort is expected to show at least an increase in the current year.				
Results (in percents)				
Percent Level 3 & 4 on NYSTP	School Year			
	2003-04	2004-05	2005-06	2006-07⁸ (Grades 4-7) (N=142)
Baseline	-	-	-	36.6
Target	-	-	-	55.8
Actual	-	-	-	45.1
Cohorts Made Target	-	-	-	(1 of 4)

Additional Evidence: While performance on the Northwest Evaluation Association Measures of Academic Progress (NWEA MAP) is not part of the school's current Accountability Plan, the school has reported results from this assessment which provides information about students' year-to-year growth. In 2004-05 and 2005-06 no cohorts achieved their target, and overall performance declined each year. In neither year did the school achieve the national norm.

⁶ The Institute defines performing higher than expect to a small degree as an Effect Size equal to or greater than 0.3.

⁷ The Institute began conducting the regression analysis in 2004-05.

⁸ New York State did not start administering exams in 3rd through 8th grade until 2005-06, thus year-to-year cohort comparisons were not possible until 2006-07.

Value-Added Measures				
Each year, each grade-level cohort of students will reduce by one-half the gap between the average NCE on the previous year's NWEA MAP and 50 NCE on the current year's test. If a grade-level cohort exceeds 50 NCE in the previous year, the cohort is expected to show at least an increase in the current year.				
Results (in percents)				
Percent Level 3 & 4 on NYSTP	School Year			
	2003-04	2004-05 (Grades 2-5) (N=129)	2005-06 (Grades 3-6) (N=88)	2006-07
	Baseline	-	47.1	41.5
	Target	-	48.6	45.8
	Actual	-	41.2	39.8
Cohorts Made Target	-	(0 of 4)	(0 of 4)	-

Mathematics

Accountability Plan Goal: *Students will be proficient in mathematics.*

Accountability Plan Measures: The school has at least come close to meeting its mathematics goal in each of the last four years; in the last year, it met the goal. Except for one year, the school exceeded its absolute target of 75 percent proficiency on the state mathematics exam. In 2005-06, the first year the state began testing students in 3rd through 8th grade, only 54 percent of students scored at the proficient level. In each of the four years, the school achieved the Annual Measurable Objective set by the state's NCLB accountability system and outperformed the Buffalo city school district. In comparison to similar schools state-wide, the school did not perform as well as predicted in 2004-05, performed about the same as predicted in 2005-06, and last year exceeded the predicted performance level by a wide margin. In examining growth based on the New York State exams, data are only available for 2006-07. The school far exceeded its overall target with three of the four grade-level cohorts meeting their respective targets.

Absolute Measures				
Each year, seventy-five percent (75%) of 3 rd through 8 th graders who are enrolled in at least their second year will perform at or above Level 3 on the New York State Testing Program (NYSTP) Mathematics assessment.				
Results (in percents)				
Grade	School Year			
	2003-04 (N=50)	2004-05 (N=41)	2005-06⁹ (N=142)	2006-07 (N=188)
3	-	-	67.7 ¹⁰	96.0
4	76.0	75.6	83.0	95.1
5	-	-	24.4	81.3
6	-	-	39.6	90.3
7	-	-	-	73.5
8	-	-	-	-
All	76.0¹¹	75.6	53.5	88.3
Each year, the school's aggregate Performance Index on the NYSTP Mathematics assessment will meet the Annual Measurable Objective set forth in the state's NCLB accountability system.				
Results (in percents)				
Index	School Year			
	2003-04 (N=50)	2004-05 (N=41)	2005-06 (N=209)	2006-07 (N=275)
PI	174	172	142	181
AMO	136	142	86	86

Comparative Measures				
Each year, the percent of all tested students who are enrolled in at least their second year and performing at or above Level 3 on the State exam will be greater than that of all students in the same tested grades in the local school district.				
Results (in percents)				
Comparison	School Year			
	2003-04 (Grade 4)	2004-05 (Grade 4)	2005-06 (Grades 3-6)	2006-07 (Grades 3-7)
School	76.0	75.6	53.5	88.3
District	62.5	66.5	35.2	37.9

⁹ In 2005-06 New York State implemented English language arts and mathematics exams in the 3rd through 8th grades. Prior to that, exams in these subjects were administered only in 4th and 8th grade.

¹⁰ Grade level results for students in their second year were unavailable, so results for all students are presented for this particular year. The overall result is for student enrolled in their second year.

¹¹ This was the school's first year of operation, so this is the percentage of all tested students.

Each year, the school will exceed its predicted level of performance on the State exam by at least a small Effect Size (performing higher than expected to a small degree) according to a regression analysis controlling for students eligible for free lunch among all public schools in New York State.

Results (in percents)				
Index	School Year			
	2003-04	2004-05 (Grade 4) (N= 50)	2005-06 (Grades 3-6) (N= 209)	2006-07 (Grades 3-7) (N=275)
Predicted	-	79.1	55.8	62.8
Actual	-	74.0	56.0	84.7
Effect Size	-	-0.38	0.06	1.20

Value-Added Measures				
Each year, each grade-level cohort of students will reduce by one-half the gap between the percent at or above Level 3 on the previous year's State mathematics exam and seventy-five percent (75%) at or above Level 3 on the current year's State mathematics exam. If a grade-level cohort exceeds seventy-five percent (75%) at or above Level 3 in the previous year, the cohort is expected to show at least an increase in the current year.				
Results (in percents)				
Percent Level 3 & 4 on NYSTP	School Year			
	2003-04	2004-05	2005-06	2006-07 (Grades 4-7) (N=140)
Baseline	-	-	-	55.7
Target	-	-	-	65.4
Actual	-	-	-	84.3
Cohorts Made Target	-	-	-	(3 of 4)

Additional Evidence: On the Northwest Evaluation Association Measures of Academic Progress assessment, one out of four cohorts achieved their target in 2004-05 and 2005-06, the two years for which data are available. Overall performance increased slightly in 2004-05 and declined in 2005-06. In neither year did the school perform at the level of the national norm.

Value-Added Measures				
Each year, each grade-level cohort of students will reduce by one-half the gap between the average NCE on the previous year's NWEA MAP and 50 NCE on the current year's test. If a grade-level cohort exceeds 50 NCE in the previous year, the cohort is expected to show at least an increase in the current year.				
Results (in percents)				
Percent Level 3 & 4 on NYSTP	School Year			
	2003-04	2004-05 (Grades 2-5) (N=131)	2005-06 (Grades 3-6) (N=87)	2006-07
Baseline	-	42.9	44.4	-
Target	-	46.9	47.2	-
Actual	-	43.8	41.2	-
Cohorts Made Target	-	(1 of 4)	(1 of 4)	-

Science

Accountability Plan Goal: *Students will be proficient in science.*

Accountability Plan Measures: The school has consistently achieved its science goal during its first four years of operation. In each of the last three years at least 90 percent of students scored at the proficient level on the State's science assessment; last year 98 percent were proficient. Moreover, the school outperformed the Buffalo city school district every year for which data are available.

Absolute Measures				
Each year, seventy-five percent (75%) of students in each grade tested, who are enrolled in at least their second year, will perform at or above Level 3 on the New York State science assessment.				
Results (in percents)				
Grade	School Year			
	2003-04 (N=49)	2004-05 (N=38)	2005-06 (N=34)	2006-07 (N=41)
4	73 ¹²	89.5	91.2	97.6
8	-	-	-	-

Comparative Measures				
Each year in each grade tested, the percent of students who are enrolled in at least their second year and performing at or above Level 3 on the State exam will be greater than that of students in the respective grade in the local school district.				
Results (in percents)				
Comparison	School Year			
	2003-04 (Grade 4)	2004-05 (Grade 4)	2005-06 (Grade 4)	2006-07 (Grade 4)
School	73	89.5	91.2	97.6
District	59	64.0	68.0	NA

Social Studies

Accountability Plan Goal: *Students will be proficient in social studies.*

Accountability Plan Measures: The school has achieved its social studies goal. As state testing in social studies does not begin until 5th grade, the school's Accountability Plan measures did not apply until 2004-05 when the school enrolled its first 5th grade class. In that year 68 percent of students scored at the proficient level, rising to 83 percent the following year and then settling to 76 percent last year. The school has consistently outperformed the Buffalo city school district in this subject.

¹² This was the school's first year of operation, so this is the percentage of all tested students.

Absolute Measures				
Each year, seventy-five percent (75%) of students in each grade tested, who are enrolled in at least their second year, will perform at or above Level 3 on the New York State Testing Program (NYSTP) social studies assessment.				
Results (in percents)				
Grade	School Year			
	2003-04 (N=0)	2004-05 (N=31)	2005-06 (N=29)	2006-07 (N=33)
5	-	67.7	82.8	75.8
8	-	-	-	-

Comparative Measures				
Each year in each grade tested, the percent of students who are enrolled in at least their second year and performing at or above Level 3 on the State exam will be greater than that of students in the respective grade in the local school district.				
Results (in percents)				
Comparison	School Year			
	2003-04	2004-05 (Grade 5)	2005-06 (Grade 5)	2006-07 (Grade 5)
School	-	67.7	82.8	75.8
District	-	47.0	57.0	NA

NCLB

In addition to meeting its specific subject area goals, the school is expected under No Child Left Behind to make adequate yearly progress toward enabling all students to score at the proficient level on the state's English language arts and mathematics exams. In holding charter schools to the same standards as other public schools, the State issues an annual school accountability report that indicates the school's status each year.

Accountability Plan Measures: The school has achieved its NCLB goal by maintaining its status of "in good standing" according to the State's NCLB accountability system.

Absolute Measures				
Under the State's NCLB Accountability system, the school's Accountability Status will be "Good Standing" each year.				
Results (in percents)				
Status	School Year			
	2003-04	2004-05	2005-06	2006-07
Good Standing	Yes	Yes	Yes	Yes

<p>Benchmark 1B</p> <p>Use of Assessment Data</p>	<p>1B</p> <p>The school has a system to gather assessment and evaluation data and to use it to improve instructional effectiveness and student learning.</p>
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Buffalo United Charter School has a system to gather assessment data from multiple sources and disseminate it among its teachers, and the school has used this information to make school-wide changes to its academic program. At the time of the renewal inspection visit, Buffalo United Charter School was at the beginning stages of training its teachers to use this information to improve instructional effectiveness.

Over its charter term, Buffalo United Charter School has collected student performance data. Its use of the Northwest Evaluation Association Measures of Academic Progress (NWEA MAP) has been consistent, while other assessments, such as the STAR Early Literacy assessment for kindergarten and 1st grade, and Baldrige binders, have been implemented at various points in the school's history. In the past, the Institute found evidence that data from the New York State Testing Program had not been systematically used to evaluate the effectiveness of the overall education program. However, the school now has in place an intentional system to collect and use data to assist the school in meeting its Accountability Plan goals.

Currently, Buffalo United Charter School regularly collects student performance data primarily from three sources: the New York State Testing Program (NYSTP), Northwest Evaluation Association's Measures of Academic Progress, and classroom-based assessments. The school's board of trustees, representatives from the school's education service provider, all school leaders, and most teachers, pointed directly to the NYSTP and NWEA MAP as key sources of data that guide their work in the school. The school's principal also indicated that data from each of these assessments is utilized for a particular purpose. For example, results from the NYSTP are used for charter accountability purposes as well as to inform programmatic and instructional decisions. Results from the NWEA MAP are used by school administrators and teachers to make adjustments to curriculum and instruction, and classroom assessments are primarily used to determine students' grades.

Although the school is clearly committed to the NWEA MAP data as a measure of the effectiveness of its academic program, the school has begun to shift its attention to results on the NYSTP as a critical measure. This fall, Buffalo United administered for the first time an assessment modeled on the NYSTP (referred to as a "mock" state assessment) to collect student performance data for the students they currently serve. This step provides evidence of the school's effort to ensure that their assessment system is aligned with and predictive of the results on the NYSTP. Teachers and administrators have used this data to identify individual student needs, further demonstrating the school's focus on New York State performance standards. The school continues to administer the NWEA MAP three times annually and base instructional decisions on those results, and while the school provided examples at the time of the renewal inspection visit of NWEA MAP reports that match student results with the four performance levels in the NYSTP, there was not sufficient evidence available to determine the extent to which the performance bands on the NWEA MAP are accurately correlated to the NYSTP performance scale.

Buffalo United Charter School has utilized information gleaned from the NWEA MAP and NYSTP assessments to make school-wide changes to its academic program. As described by the school

board and the school's education service provider, both programmatic and scheduling changes were made at the school in response to the results of NYSTP and NWEA MAP. Further, evidence collected at the time of the renewal inspection visit suggests that the school has begun to increase its reliance on information from the NYSTP to make adjustments to its academic program. In addition, the school has made other changes to its academic program based on student performance data, including the ongoing revision of its curriculum at each grade level and content area for greater alignment with the New York State performance standards, the adoption of the Full Option Science System (FOSS) by Delta Education, and the dedication of additional support and training for teachers.

At the time of the renewal visit, the use of assessment data to improve student learning appeared to be at the beginning stages of implementation, meaning that members of the school's leadership team possessed the knowledge and skill related to this practice, and had just begun to transfer them to the school's teaching staff. School leaders have collected a wealth of assessment data and have made much of it available to teachers in the school; additionally, the school principal articulated specific expectations he holds for teachers to use this data. The school's principal was observed throughout the course of the renewal inspection visit introducing data reports to groups of teachers at grade level meetings. Given the additional time that a Short-Term Renewal will permit, it is likely that the ongoing discussion of student achievement data between and among the school's principal and teachers at the school will translate into significantly improved student attainment on NYSTP assessments, as well as additional progress toward the school's academic Accountability Plan goals.

<p>Benchmark 1C</p> <p>Curriculum</p>	<p>1C</p> <p>The school has a clearly defined and aligned curriculum and uses it to prepare students to meet state performance standards.</p>
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In its fifth year of instruction, Buffalo United Charter School has shifted away from using Core Knowledge and pre-packaged curricular materials as the foundation of its curriculum. The school has made a purposeful decision, driven by student assessment data, to move toward state performance indicators as the basis for its curriculum, and relies upon a variety of pre-packaged curricular tools to support the delivery of instruction.

Buffalo United Charter School, in partnership with National Heritage Academies, has refined its curriculum to more closely align with state performance standards. These are referred to as the “NHA Exemplars.” After disappointing results on the NYSTP assessments, the school’s education service provider initiated a refinement of Buffalo United Charter School’s curriculum. Once guided by the principles of E.D. Hirsch’s Core Knowledge sequence, Buffalo United Charter School had previously identified pre-packaged curricular materials as the foundation of its curriculum, many of which were not fully aligned with New York State’s performance standards. This issue is clearly articulated in the Institute’s Third-Year Inspection Report, “Buffalo United’s curriculum consists principally of the NHA curriculum for each grade level...the school is investing significant effort in developing a clear alignment between the school’s curriculum and the New York State standards, an issue noted in the Institute’s Second-Year Report; however the school has not yet succeeded in doing so.” According to the chief executive officer of National Heritage Academies, the education service provider also received this feedback regarding lack of alignment of the school’s curriculum with New York State performance standards from teachers, school administrators, and other authorizers, and took action to revise its curriculum. He reported, “We went from a tool-centered approach to an objective and performance indicator and assessment-based approach. We need to supplement and supplant those curricular tools as appropriate.” In addition, representatives from NHA stated that “adjustments in the curriculum will continue to be made as student learning data indicates that they need an adjustment.”

Indeed, the school principal noted, “there seems to be a mindset that the Open Court is a curriculum. Open Court, Saxon Math isn’t a curriculum.” Weekly grade level meetings with teachers conducted by the principal are vehicles for the consistent message that the New York state standards are the curriculum, and programs like DesCartes are tools. The principal, in a meeting with the 7th and 8th grade faculty, stressed the importance of understanding assessments as “data points,” not curriculum. The principal said, “NWEA, state mock assessments, and staff assessments are all used as data points along the way to making curricular decisions; they are program tools just like DesCartes is a program tool. DesCartes is not curriculum.” This stance appears to have taken hold throughout the school, as evidenced by 5th and 6th grade teachers reporting to an inspector that they use the New York State learning standards and performance indicators as their curricular framework, and use pre-packaged materials as “resources and tools.” This consistently stated approach of using materials, such as Open Court, Saxon Math, Prentice Hall, etc. as “tools,” appears to reflect a deliberate shift away from total reliance on the pre-packaged materials. Given this shift in mindset, the school’s curriculum has the potential to better-prepare students to meet state performance standards than in previous years.

Benchmark 1D	1D.1 The school has strong instructional leadership.
Pedagogy	1D.2 High quality instruction is evident throughout the school.
	1D.3 The school has programs that are demonstrably effective in helping students who are struggling academically to meet the school's academic Accountability Plan goals, including programs for students who require additional academic supports, programs for English Language Learners and programs for students eligible to receive special education.

The school's leadership team, in partnership with the school's board of trustees and education service provider, has identified a set of school priorities, and has taken action in line with those priorities. Across the school community, all parties unanimously agreed that the school's first priority was to improve the effectiveness of the school's English language arts program. These actions are included in the school's English language arts action plan, which was consistently referred to by school leaders, the board, and representatives from National Heritage Academies. They include:

- allocating instructional time in its schedule for “reading workshop” and “writing workshop” in kindergarten through 6th grade, whereas in the past the school had only “workshop” time in its schedule;
- adopting SRA's Corrective Reading program in the 3rd through 6th grade;
- adopting the Lucy Calkins Units of Study writing program in kindergarten through 5th grade;
- revising the school's Open Court assessments to better reflect the content and format of the NYSTP's English language arts assessment;
- developing school-wide writing rubrics through the 8th grade;
- adopting Scott Foresman as a curricular tool for social studies, based partly on the strength of the text's non-fiction reading selections;
- writing across the content areas, including:
 - incorporating Document Based Question assessments beginning in the 1st grade;
 - introducing “math journals” in mathematics classes, to give students opportunities to explain their thinking in mathematics, as well as rubrics to grade short-answer problem solving responses;
- providing additional on-site professional development for teachers, particularly in the implementation of the school's new writing program (Lucy Calkins Units of Study) and remedial reading instruction (SRA's Corrective Reading);

- providing a director of instruction, with expertise in English language arts instruction, to the school on a part-time basis;
- creating a school bookstore, where students can buy books for \$1.00; and
- creating a “Principal’s Reading Club” for kindergarten and 1st grade students.

Teachers across the school also reported that the English language arts program is a primary area of focus for the school, and that it has been supported by professional development, such as the week-long training before school began as well as throughout the year in weekly meetings with the principal. Many teachers also identified differentiation of instruction and development of student’s higher order thinking skills as school priorities. When asked for examples of the implementation of this priority, they reported the selection of readers’ and writers’ workshop and the Corrective Reading program as well as using the anticipatory set portion of the lesson plan template to identify higher order questions. Teachers are aware and supportive of these priorities and demonstrated knowledge and understanding of the data from state and other tests that identified these priorities. Thus, the priorities set by the entire school community are responsive to and consistent with achieving the school’s academic Accountability Plan goals. Furthermore, these priorities are communicated to, and understood by the school’s community: the board of trustees, education service provider, school leadership, and teachers.

The school’s principal, assistant principal, instructional coach and director of instruction, with their focus on these priorities, have the potential to support the effective delivery of the instructional program. Over the term of its charter, Buffalo United has experienced instability in school leadership. However, at the time of the renewal inspection visit, the school had recruited and hired a school principal, assistant principal, and instructional coach that are poised to provide ongoing coaching and feedback at the school. The school’s principal, hired in February of the school’s fourth year of operation, noted that he had been hired by the school board “to bring stability to the school, create a professional learning community, and establish [himself] as the instructional leader.” As a first step toward that goal, the principal restructured the school’s leadership team, hiring two additional individuals to serve as the school’s assistant principal and instructional coach, respectively.¹³

In addition, the school’s education service provider had assigned a director of instruction to the school, whose responsibilities include teaching demonstration lessons and providing additional coaching and feedback to teachers as needed. Teachers at Buffalo United Charter School consistently identified the principal as the instructional leader of the school and were able to identify grade-specific school leaders who work most closely with them. All teachers also reported that any one of these individuals may visit their classrooms and provide general feedback. Teachers also stated that if they reported to their leadership that they had needs, either in terms of materials or support, their requests were met almost immediately. In its common grade-level planning periods, which include a weekly grade-level meeting with school leaders, the school and its instructional leaders have the potential to support the effective delivery of the instructional program and drive teachers toward a deeper understanding of how to improve their craft.

¹³ As part of the restructuring of the school’s leadership team, the school also established and hired a dean of students.

The school has invested significant resources to provide ongoing coaching and feedback to teachers at the school. Teachers at several grade levels valued and were grateful for the support and feedback provided by the director of instruction. At the time of the renewal visit, the director of instruction was observed by one renewal inspector modeling a reading lesson for a beginning 1st grade teacher and debriefing with him at the end of the day. Pedagogical coaching such as this that focuses on the individual needs of teachers, if replicated in a systematic manner, has the potential to improve the quality of instruction throughout the school.

In addition to the opportunity to receive pedagogical coaching from the director of instruction, teachers at Buffalo United Charter School are observed both formally and informally by other members of the school's instructional leadership team. At the time of the renewal visit, the school presented documentary evidence that the school's principal, assistant principal and instructional coach regularly visit classrooms throughout the school and that they provide written feedback to teachers using a common format. In addition, just seven weeks into the academic year, the school's leadership team had already begun to conduct a first round of formal teacher observations, which will be used as part of teachers' formal end-of-year evaluation. The school also provided renewal inspectors with a complete description and examples of its formal system of teacher evaluation, as well as evidence that teacher evaluations had been conducted in the previous charter years. Buffalo United Charter School has in place a comprehensive and on-going system for evaluating teachers' effectiveness and quality, and uses this system to make staffing decisions, for the purposes of both pursuing contract non-renewal and offering teacher-retention bonuses.

The quality of instruction varied throughout the school during the renewal inspection visit, with the most effective instruction occurring in kindergarten through 6th grade. For example, a 1st grade writing workshop began with the teacher giving a mini-lesson at the easel to students seated on the floor. After stating the writing assignment, providing clear expectations for the quality of work and for the process of writing workshop, the students quickly and quietly transitioned to their desks and began writing. As the room filled with a purposeful buzz, there was strong evidence of routines, high expectations, and student learning. In the 4th and 5th grade, inspectors observed effective English language arts lessons with two teachers in particular who have mastered the effective use of the Open Court methods and materials. These two teachers were observed using routines and transitions that resulted in almost 100 percent of classroom time being used in an efficient manner. The teachers combined this efficiency with skills that allowed them to both present the materials in an engaging manner and encouraged students to enthusiastically participate in the lesson.

Students in most 5th and 6th grade classrooms were engaged in purposeful, focused activities but they rarely extended beyond basic information, with few opportunities for students to engage in cooperative learning activities and practice higher order thinking skills. However, classrooms in these grade levels were orderly and respectful, with a significant amount of engaged and on-task students in some classrooms. In these classrooms students answered questions as requested, followed directions, and completed the tasks they were asked to do. Teachers referenced topics and skills learned in previous days and there appeared to be day-to-day instructional continuity, also evidenced by student demonstration of previously learned material. Teachers in these classrooms generally maximized their time with structured lessons that included efficiently planned transitions. Inspectors did observe limited instances in which students were engaged in thought provoking and challenging lessons.

In contrast to the evidence of effective instruction in grades kindergarten through 6th grade, in the newly added upper grades, the quality of instruction was affected by the lack of a scholarly culture,

and teachers at those grade levels were unable to engage their students in focused, purposeful activities. The dominant model of instruction included a basic “Do Now” and/or review of the previous day’s assignment, guided lecture/note-taking with little discussion, followed by individual work and/or a homework assignment. As was observed by the Institute in the school’s fourth year of operation, task-oriented instruction, comprised of teacher directed workbook assignments that included some transitions to other tasks continued to be the norm in these grades. The writing assigned was almost exclusively “fill in the blank” type work written into a variety of workbooks or readers. A significant amount of instructional time in these classrooms was spent on attempting to maintain student attention, with some simple transitions taking in excess of five minutes. Some students in these classrooms were compliant to basic activities, such as note-taking, but did not fully engage with the material. Several students who appeared to be interested with the content of the lesson were negatively affected by the teacher’s inability to control the off-task behavior of other students.

The school has programs in place to support students who are struggling academically, most notably Corrective Reading. This program, administered to students in the 3rd through 6th grades, focuses on improving students’ vocabulary, fluency, and comprehension, and was selected for implementation because of its “proven track record” in other schools, according to the school’s director of instruction. Teachers reported the use of ongoing teacher assessments, state testing results, NWEA MAP assessments, and a screening conducted by the school’s special education coordinator to determine ability grouping for the Corrective Reading program. Observation of Corrective Reading instruction at the time of the renewal inspection visit revealed that teachers generally implemented the scripted program as designed, and student work folders contained evidence of regularly administered assessments.

At the time of the renewal inspection visit, classrooms were staffed by a lead teacher and supported by paraprofessionals shared among grade level teachers. During classroom observations it did not appear to the renewal inspection team that the use of paraprofessionals throughout the school has a positive impact on the school’s academic program. Although Buffalo United Charter School uses its Title I funds to provide paraprofessionals in classrooms across the school, school leaders have not outlined a clear vision for their deployment; thus, there is significant range in the paraprofessionals’ effectiveness within classrooms, with the majority of them currently underutilized. The assistant principal, who is responsible for supervising the school’s paraprofessionals, acknowledged that “things that are happening well are more happenstance than strategy at this point.”

The school has in place a special education program to provide services to eligible students. According the school’s special education teacher, Buffalo United provided services/programs to 73 students at the time of the renewal inspection visit. Of those students, 34 received services from a consultant teacher in a push-in/pull-out model, and the remaining students received related services, such as occupational, physical, or speech therapy. The school also offers services to one student who has a 504 plan. In addition to the special education coordinator, the school employs two special education teachers who modify general education teachers’ lesson plans to provide appropriate accommodations to the students they serve. Buffalo United also has an Intervention Assistance Team (IAT) to support regular education teachers in providing academic and other interventions for struggling students within the regular education classroom prior to pursuing identification and/or classification as a special education student. According to the special education coordinator, students could receive up to nine weeks of interventions before a special education referral is pursued.

All teachers interviewed reported receiving copies of Individualized Education Programs (IEPs) for students within their respective classrooms that were identified as requiring special education services. They also reported receiving assistance from the special education coordinator in both understanding the needs of these students and meeting their needs. Teachers were able to identify the specific number of students in their class that had existing IEPs and that inclusion is the predominant model for meeting the needs of students with disabilities, with pull-out and push-in services provided as needed. There appears to be a seamless movement of students with IEPs in and out of the core classes as provided for in their IEPs. The classroom teachers are well aware of which students need to go where and when and for what purpose. Teachers reported that their participation in the IEP meeting and their subsequent communication with special education teachers provided them with all that they needed to provide appropriate accommodations in the regular classroom.

Benchmark 1E	
Student Order & Discipline	1E The school’s culture allows and promotes a culture of learning.

Buffalo United Charter School has a documented school-wide discipline policy and a defined approach to classroom management that it began to develop in its second year. The classroom management system at Buffalo United provides teachers and students with several opportunities to de-escalate student misbehavior. The dean of students described the student behavior management system as one that includes verbal warnings, buddy rooms, a behavior think sheet, home contact, and alternative learning environments, as well as a structure designed to allow students to monitor their own behavior. The school’s dean of students stated that in order to familiarize teachers with the process, he led a professional development session for all teachers prior to the start of school. In particular, he described an exercise that he designed, based on Lee Cantor’s *How to Work with Difficult Children*, in which grade level teams of teachers developed strategies for how to deal with specific types of students who exhibit misbehaviors.

At the time of the visit, the classroom management system described above was implemented with greatest success in kindergarten through 6th grades, while its implementation in the recently created middle school grades (7th and 8th) was least effective. As a result, some teachers, especially those in the upper grades, tolerated low level misbehavior and student engagement was not maximized.

In the lower grades, students’ behavior was not a major impediment to learning, as teachers interspersed classroom management techniques throughout their instruction. However, the majority of classrooms in the school’s upper grades (7th, 8th, and to some extent, 6th) lacked rigor and included many off-task and unengaged students, suggesting that instructional time was not maximized. Within these classes, students were observed in low-level talking with one another while instruction was being delivered and without regard for the teacher’s behavioral cues or content delivery. Inspectors observed classes in the upper grades in which the majority of students were disengaged, including one class period in which 11 students were observed using the restroom within a 45 minute period and another class in which the teacher spent the first 15 minutes of class attempting to get enough students’ attention to begin instruction. Further, in one 8th grade class, a student was observed sleeping in excess of 15 minutes with neither the classroom teacher nor the paraprofessional attempting to intervene.

Despite the fact that a strong culture of teaching and learning was absent in the 7th and 8th grades, there was a lack of urgency among the school’s leadership team about establishing a scholarly culture within the upper grades. The school’s dean of students did not exhibit an immediate awareness of this challenge. However, when asked to specifically react to inspectors’ observations in the upper grades, he stated, “[the culture at the upper grades] is a five on a scale of ten.” Several school leaders, including the principal and assistant principal, stated that the middle school culture was not where they wanted it to be, but did not articulate a specific plan to achieve their vision. Actions taken by school leaders to address this issue include stationing the assistant principal’s office in close proximity to the upper grade classrooms, having the new teacher coach work with new teachers, asking parent volunteers to “help with hallway transitions,” and implementing a “behavior journal” for students who have chronically misbehaved. The assistant principal, the

“point person” for 6th - 8th grades, has met with teachers to develop a common signal to quiet the students, but when pressed regarding her work with teachers’ behavioral expectations, she stated that “ultimately, teachers are going to make decisions” about classroom management strategies. This approach does not reflect a sense of urgency about establishing a focused learning environment in the upper grades.

Notwithstanding the challenges described above, the school has generally established a safe, orderly, and caring environment. Faculty, staff, and students of Buffalo United enjoy being at the school. In fact, a staff satisfaction survey completed by teachers at the school placed the school sixth among the more than 50 National Heritage Academies schools. The school’s director of instruction stated, “There’s a sense of community and family [here], people really like each other. People come in on weekends, put in time and effort to be up-to-date.” The special education coordinator reported, “There’s a good ‘pull up your boot straps’ atmosphere here now. People see [the school principal] serving lunch, [the assistant principal] teaching a reading enrichment group. They never saw [the former principal] doing that. We are in this together; let’s do the best for these students. I’m real happy here.” This team spirit and caring environment is evident in the personal greeting for students by several administrators and teachers in the morning, the cheerful and efficient delivery of hundreds of meals each day, and the friendly conversations among teachers, students, and families at dismissal.

<p>Benchmark 1F</p> <p>Professional Development</p>	<p>1F</p> <p>The school’s professional development program assists teachers in meeting student academic needs and school goals, by addressing identified shortcomings in student learning and teacher pedagogical skill and content knowledge.</p>
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Buffalo United Charter School has invested significant resources and time in the school’s professional development activities, which are aligned with school-wide priorities and the school’s improvement plan. Teachers at Buffalo United Charter School are provided with significant professional development experiences prior to the start of the school year and through scheduled grade-level and faculty meetings thereafter.

Buffalo United provides opportunities for teachers to participate in workshops or opportunities through National Heritage Academies. Teachers new to the school as well as some “veterans” reported participating in a week-long professional development experience provided by National Heritage Academies in Grand Rapids, Michigan. In general, teachers who attended this professional development opportunity found it quite valuable. One new teacher stated that the week she spent in Grand Rapids was “the best professional development I ever had.” Additionally, teachers reported receiving professional development on general instructional strategies and the National Heritage Academies’ curriculum during the week, as well as trainings from vendors of resources they would be using within their classrooms.

All teachers at Buffalo United Charter School participate in a school-based week-long professional development experience during the week prior to the commencement of instruction. Examples of activities include training from vendors of products used to deliver instruction, classroom management, general instructional strategies, the development of learning objectives, and the school’s newly adopted writing program. Teachers generally expressed gratitude for the support in this area and stated that the experience was helpful in implementing their classroom routines and instructional programs.

During the school year, the schedule allows for teachers to participate in facilitated grade-level meetings once weekly, and provides for bi-weekly staff meetings, during which some professional activities are conducted. For example, some teachers reported that the analysis of student assessment data—and implications for the results of these analyses for informing subsequent instruction—was the most common function for grade level meetings. The principal reported that the upcoming faculty meeting would be focused on looking at student work. There is also some evidence of ongoing coaching provided to individual teachers, e.g., several teachers described the value of visits to their classrooms by the instructional coach and director of instruction and the follow-up support provided by these two instructional support personnel. Other activities identified on the school’s professional development calendar include professional development in the school’s writing program, remedial reading program, and new curricular resources in science, among others. The school community, including the school’s education service provider and new leadership team, has been responsive to providing opportunities to teachers to improve pedagogical skill and knowledge.

To its credit, the school has a formalized teacher induction program for novice teachers and teachers new to the school. Buffalo United has invested resources in providing ongoing mentoring

for teachers in their first and second year by hiring a new teacher coach. The school's new teacher coach received training at the New Teacher Center at the University of California at Santa Cruz. Working with a cohort of 18 teachers in the school's fifth year of operation, the new teacher coach conducts a monthly induction meeting with the cohort and attempts to meet with each teacher during a prep period weekly. She reported that she also attempts to observe each teacher once a week. Members of the renewal inspection team attended the monthly induction meeting that took place during the renewal visit, and while the meeting was planned and organized, it was not clear to the inspectors that the substance of the meeting provided effective support to new teachers. Since high quality mentoring and induction programs improve teacher quality and retention, it is notable that the school and National Heritage Academies have implemented this program.

Evidence Category	Benchmarks
	<p style="text-align: center;">Renewal Question 2 Is the School an Effective, Viable Organization?</p>
<p style="text-align: center;">Benchmark 2A School Specific Non-Academic Goals</p>	<p style="text-align: center;">2A The school meets or has come close to meeting the Unique Measures of non-academic student outcomes that are contained in its Accountability Plan over the life of the charter (if any).</p>

Buffalo Charter School has no school-specific non-academic goals in effect in its Accountability Plan during this charter period.

<p>Benchmark 2B</p> <p>Mission & Design Elements</p>	<p>2B</p> <p>The school is faithful to its mission and has implemented the key design elements included in its charter.</p>
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The mission statement for Buffalo United Charter School is as follows:

Buffalo United Charter School will offer families and students a public charter school which focuses on high academic achievement and instills a sense of family, community and leadership within all of our students.

The school continues to work toward its mission of high academic achievement, as demonstrated by its mixed record of success in meeting its academic Accountability Plan goals. As described throughout the report, the school has established a sense of family and community among its stakeholders; insofar as the school is implementing its moral focus program, it is working on developing a sense of leadership within its students.

Key design elements as detailed in the school’s original charter application include:

- a traditional, classical education, implementing the *Effective Schools Research* design;
- implementation of the NHA educational program, a “back-to-basics” structured curriculum;
- alignment of the curriculum to New York Learning Standards and the Hirsch Core Knowledge Sequence;
- fostering parental involvement through six parent-teacher committees – Curriculum, Technology, Leadership Development, Library, Grounds and Facility, and Boosters;
- encouraging strong relationships between families and teachers;
- monitoring student performance and identifying learning gaps;
- implementing a code of conduct designed to provide students with a safe, and orderly school environment; and
- focusing on leadership development of all students by emphasizing a different character quality each month.

After an inconsistent commitment to the school’s key design elements over the life of its charter, the school’s leadership and the board of trustees are reviving the vision contemplated in the school’s original charter application. In particular, Buffalo United Charter School has reinvested in its commitment to parental involvement and its moral focus program. Programmatic evidence for the school’s commitment to parental involvement is its re-establishing a Parent/Teacher Organization, inviting parents to be on two other school-based committees (curriculum and school improvement), instituting monthly parent nights, and generating monthly classroom newsletters. The dean of students is the key school leader for parent involvement and began the Parent/Teacher Organization at the beginning of this school year. Attendance increased from the first to second meeting from 20 to 30 parents, and both the dean and parents interviewed by the renewal inspection team reported they were pleased with the organization’s progress thus far and expected the group to continue to grow and strengthen.

The school guidance counseling program at Buffalo United Charter School is another component of its efforts to maintain a positive relationship with families and to provide outreach to parents and students as needed. The school employs a full-time guidance counselor, responsible for individual counseling, family outreach, and in-class lessons on violence prevention for the entire kindergarten through 8th grade program. The counselor has also coordinated and begun to implement a “parent night” program at Buffalo United Charter School, which occurs monthly.

Teachers in all grade levels at Buffalo United Charter School regularly send classroom newsletters home to parents and post the most recent version of these in or around their classrooms. Review of these documents revealed examples of parent outreach efforts, including invitations for parents to volunteer at the school and/or in classrooms, updates on skills and content currently being taught, upcoming events and tests/standardized assessments, and the school’s virtue of the month.

With regard to the moral focus program, school leaders described it as an important component of the school’s overall program. Each month, the entire school focuses on a virtue, and it is posted on the board in each classroom. The principal stated that teachers are expected to work it into their lessons, and teachers reported doing so. There was also evidence that the school was focused on using teachable moments to weave in the moral focus throughout the day, as inspectors heard teachers and staff using virtues-based language such as this example: “You are showing respect for the school by taking off your hat when you walk in the building.” School leaders stated that writing prompts in social studies had a character education focus, and members of the inspection team saw evidence of these prompts both in public displays and in classroom observations. School leaders also described assemblies during which students who display the month’s virtue are recognized.

Although not all key design elements had not been fully implemented or maximized at Buffalo United Charter School, there was evidence that the school’s administration was making a deliberate effort to incorporate every key design element into the school’s program.

Benchmark 2C Governance	2C.1 The school board has worked effectively to achieve the school's mission and specific goals.
	2C.2 The board has implemented and maintained appropriate policies, systems and processes and has abided by them.

The school board has worked effectively to achieve the school's mission and specific goals, and its recent actions have been in strong alignment with and for the express purpose of meeting the school's Accountability Plan goals. Most notably, where there have been demonstrable deficiencies in the school's academic performance, the school board has taken action to correct them. Over the term of the charter, Buffalo United Charter School has experienced a range of deficiencies in the academic program and the school's organizational viability. The school board has made a deliberate effort to address these deficiencies, showing tenacity in its support for the school mission and its goals. Once the school board recognized the significant deficiencies in the academic program as measured in the school's Accountability Plan, it has held the school's education service provider accountable by demanding additional resources and support to improve the quality and effectiveness of the school's program. In turn, National Heritage Academies has responded by providing a director of instruction, a new director of school quality, a program for remedial reading instruction, additional local professional development in support of the school's writing program, and other supports. Representatives from National Heritage Academies and the board chair reported frequent, ongoing, and productive dialog between them as they work together to meet the school's Accountability Plan.

With regard to organizational viability, the school board took decisive action when previous school leadership did not meet standards, and has, as a result, put in place a detailed hiring process that requires school board approval of all school-based hires. As a result, the school board has provided sufficient oversight over school quality and operations.

With certain exceptions, the school's board of trustees have instituted and maintained appropriate policies, systems and processes by working with NHA, and the school appears to have abided by them.

- National Heritage Academies supplies the school with a comprehensive set of policies, some of which have been updated over time. More recently, the board and its counsel have focused more on policies.¹⁴ The school also produces a Parent Handbook that is updated annually.
- At the time of the renewal visit inspection, the school's Freedom of Information Law (FOIL) policy (or procedures) needed to be updated to add the two required statutory lists and to make certain that the required FOIL notice is posted. The complaint policy was on file in the school office.

¹⁴ The evolution of the updates of the fingerprint policy and alternative instruction portion of the discipline policy is detailed under Benchmark 2E, as the changes came about as a result of the school's probationary status.

- The school's Family Educational Rights and Privacy Act (FERPA) policy and procedures did not include an access log that should be kept with each student's folder to detail access by such persons as Institute staff. The FERPA policy also did not let parents know if copies of student records would be available and if so, any associated reproduction costs.
- The school board has an adequate code of ethics from its original charter that prohibits actual or potential conflicts of interest and directs employees, trustees and officers to disclose any not-for-profit transactions with the school to the school board, which has avoided creating conflicts of interest. One provision in the code of ethics needs to be updated as it is in conflict with the school's current charter agreement resulting from its Short-Term Planning Year Renewal. Specifically, the percentage of trustees that may be affiliated with another entity (other than a charter school) is 40 percent per Paragraph 2.10(d) of the charter agreement while the code of ethics states 49 percent.

Over the term of the school's charter, the school board generally appeared to be abiding by the provisions in its by-laws. However, one minor by-laws deficiency was that the document does not specify that an executive committee must consist of at least five members. In addition, the provision related to the removal of officers (with or without cause at any time) is not in compliance with subdivision 226(8) of the Education Law, which specifies procedures for such removal. A positive attribute of the by-laws is the inclusion of a self-dealing transactions provision, with which the board appeared to be in compliance. Lastly, the by-laws would benefit if the amendment section referenced the Institute's approval of material changes as set forth in the school's charter agreement.

Benchmark 2D	2D	Parents/guardians and students are satisfied with the school.
Parents & Students		

Parents/guardians and students appear satisfied with the school. Evidence of their satisfaction is based on information in the school’s Application for Renewal and the parent focus group conducted at the time of the visit. Results of an annual parent satisfaction survey indicate that those parents who complete the survey are very satisfied, with at least 90 percent reporting overall satisfaction with the school. However, 50 percent or less of all families completed the survey in each of the last three years. Due to the small response rate of parents to the survey, it is uncertain that this perspective is representative of all parents.

Buffalo United Charter School views enrollment—including retention, admissions waiting list numbers, and attendance rate—as a measure of families’ satisfaction with the school. Currently, the school is under-enrolled, most notably in kindergarten according to school leaders and members of the school’s board, and its waiting list does not meet its goal of 15 percent of the total average enrollment. The school has recently hired an “admissions specialist” to grow enrollment levels and, as stated in the renewal application, “increase the visibility of Buffalo United in the community.” Members of the school’s board of trustees remain confident, stating that “as our reputation grows, we’ll get more kids.”

This perspective appears to be supported by the overwhelmingly positive feedback expressed by the parents who participated in the renewal focus group. The parents who attended the focus group with renewal inspection team member were extremely positive about the school, its leadership and teachers, the academic and moral focus programs, and the overall school community. Parents were particularly positive about how welcome and included they felt in the school and their students’ education. One parent said that, “being able to be involved in my student’s school was what brought me here.” Further evidence to this point were multiple statements in support of the school’s “open door policy” that encouraged their participation in the life of the school as well as frequent informal communication with teachers and school leaders. Families were pleased that school leaders and teachers were present and available at drop off and dismissal times, and several parents described teachers effectively using those times as opportunities to discuss their student’s progress. Additionally, parents appreciated phone and e-mail contact with teachers as well as access to electronic support for their students through Study Island and @School. However, families were not aware of Buffalo United’s performance on the New York State standardized assessments and were surprised to learn that the school’s English language arts scores were not sufficient to meet the school’s Accountability Plan. However, they were upbeat and sure that the school was on the right track to meet its goals. Several parents in the focus group are part of the newly revived Parent/Teacher Organization and expressed optimism about its role at the school. Overall, the families interviewed indicated strong support for Buffalo United Charter School.

<p>Benchmark 2E</p> <p>Legal Requirements</p>	<p>2E</p> <p>The school has substantially complied with applicable laws, rules and regulations and the provisions of its charter.</p>
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As part of the Institute’s legal review, materials in the Institute’s files related to Buffalo United Charter School were reviewed, including State Education Department correspondence. The historical material and the evidence gathered during the renewal visit inspection paint an interesting compliance portrait—a school that was twice placed on probation earlier in its charter term, underwent a post-probation reformation and then brought itself to the compliance level of a standard school coming to initial renewal. That turnaround was fueled by a demanding school board and a responsive management company working together to resolve compliance issues.

A fingerprinting policy based on National Heritage Academies’ model for Michigan-based schools that had not been fully adapted to New York law, and that was implemented poorly formed the basis for SED to twice place the school on probation during 2005 and 2006, including once at the direction of the Institute, which worked jointly with SED on the second probation. At the time of the renewal visit inspection, no deficiencies in criminal background checks were noted, with the only defect being the school’s lack of a working supervision policy for those appointed on an emergency conditional basis in contravention of Education Law subdivision 2854(3)(a-2)(iv).

The school’s initial probation was also based on failure to provide alternative instruction for suspended students, which is part of the State’s compulsory education law. SED found that the school had not properly provided alternative instruction since 2003. As part of its remedial action plan, the school was directed to improve such policies and procedures, which it had done by the time of the renewal visit.

As part of its 2005 monitoring visit, SED noted some defects in the school board’s compliance with the New York Open Meeting Law in terms of notice and media notification, which appeared to be fully remedied at the time of the renewal visit inspection.

The school appeared to be in substantial compliance with the teacher certification provisions of the Charter Schools Act with only one non-certified teacher who did not meet the requirements of the Act, but was highly qualified under the federal No Child Left Behind Act, and one non-certified teacher who met the Act’s requirements but was not NCLB highly qualified.

One employment law deficiency noted was the lack of an Occupational Safety and Health Administration (OSHA) notice or state equivalent among the other employment notices informing employees of the OSHA protections.

The school uses the law firm of Hiscock and Barclay as its general counsel and maintains an active relationship with outside counsel regarding charter amendments, personnel and other matters.

With the exceptions noted above and under Benchmark 2C.2, at the time of the renewal inspection visit, the school appeared to be in, and to have compiled a record of, general and substantial compliance with applicable state and federal laws, rules and regulations and the terms of its initial and Short-Term Planning Year Renewal charters. Also, the school generally has maintained effective systems and controls for legal compliance.

Evidence Category	Benchmarks
	<p style="text-align: center;">Renewal Question 3 Is the School Fiscally Sound?</p>
<p style="text-align: center;">Benchmark 3A Budgeting and Long Range Planning</p>	<p style="text-align: center;">3A</p> <p>The school has operated pursuant to a long-range financial plan. The school has created realistic budgets that are monitored and adjusted when appropriate. Actual expenses have been equal to or less than actual revenue with no material exceptions.</p>

For the term of its charter, Buffalo United Charter School has operated pursuant to long range plans. The school's annual budgets have provided a realistic framework for the school's spending activities and monitoring procedures are in place. The school relies on National Heritage Academies to develop its annual budget and to provide the monitoring tools to oversee actual results. NHA prepares quarterly financials for review by the school's board of trustees that include budget to actual expenditure comparisons and analysis. Formal approval of the budget by the board is documented in the board minutes. The budget may be amended as needed to adjust revenues and expenditures and to ensure school priorities are adequately funded.

The risk of budget overruns is born by National Heritage Academies, due to the nature of its contract with the school. The arrangement provides a financial incentive to NHA to closely monitor the budget. During its first year of operation, NHA contributed \$557,892 to offset an excess of expenses over revenues. These funds were contributed to the school and are not a loan to be repaid. While not bearing the risk of budget overruns is an obvious advantage to the school, the arrangement does not allow the school to accumulate significant reserves or other assets.

<p>Benchmark 3B</p> <p>Internal Controls</p>	<p>3B</p> <p>The school has maintained appropriate internal controls and procedures. Transactions have been accurately recorded and appropriately documented in accordance with management's direction and laws, regulations, grants and contracts. Assets have been and are safeguarded. Any deficiencies or audit findings have been corrected in a timely manner.</p>
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The school's annual audit reports on internal control over financial reporting and compliance with laws, regulations and grants did not disclose any material weaknesses, or instances of non-compliance. The lack of deficiencies in these independent reports provides some, but certainly not absolute, assurance that the school has maintained adequate internal controls and procedures. The purposes of the reports are not to provide assurance on internal control over financial reporting or an opinion on compliance. Internal controls can be expected to provide only reasonable, not absolute, assurance to the school's management and board that objectives will be achieved.

Buffalo United's independent certified public accountant (CPA) has not issued written management letters in conjunction with the annual financial statement audit of the school. Since the school has not had material weaknesses or significant deficiencies, recommendations from its CPA have been verbally communicated. All recommendations were reportedly implemented.

The school relies on NHA to maintain all accounting records and oversee financial matters. Through National Heritage Academies, the school has established appropriate processes and controls related to grant reporting, receipts, payroll, procurement and safeguarding of assets. Back-office activities for the school are performed at NHA's headquarters in Michigan.

The board's oversight of its agreement with its management partner has been earnest and has helped to further the achievement of the school's goals. Financial oversight by the board has generally been effective. The board's oversight procedures have included a review of financial reports, approval of budgets and revisions, approval of the audit contract and authorization of the use of school board funds.

<p>Benchmark 3C</p> <p>Financial Reporting</p>	<p>3C</p> <p>The school has complied with financial reporting requirements. The school has provided the State University Board of Trustees and the State Education Department with required financial reports on time, and such reports have been complete and have followed generally accepted accounting principles.</p>
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Financial reporting is most useful for the school's board of trustees and the Institute when it is timely. The school has met its financial reporting requirements without exception. The annual budget and quarterly financial reports and audited financial statement were all filed on time.

The audit report opinion in each of school's first four operating years was unqualified, indicating the financial statements were fairly presented, in all material respects, in accordance with generally accepted accounting principles. The audit was conducted in accordance with generally accepted auditing standards and Government Auditing Standards as required.

As a recipient of federal funds, the school is required to ensure that the audit required by the Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, are properly performed and submitted when it expends more than \$500,000 in federal awards. The school properly had federal audits conducted for FY 2005 and 2007 and no findings or questioned costs were disclosed.

<p>Benchmark 3D</p> <p>Financial Condition</p>	<p>3D</p> <p>The school has maintained adequate financial resources to ensure stable operations and has monitored and successfully managed cash flow. Critical financial needs of the school are not dependent on variable income (grants, donations and fundraising).</p>
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The school's financial condition is to a large extent dependent on the financial viability of its education service provider and a continuance of the relationship. National Heritage Academies, founded in 1995, is a private for-profit operator of charter schools. NHA operates 55 schools in six states. Currently it operates two other charter schools in New York State in addition to the Buffalo United Charter School. As a profitable private sector company, NHA has access to funds in the capital markets that dwarf the availability of philanthropic funds upon which many non-profits rely. National Heritage Academies' overall financial strength contributes to the financial stability of the school.

Under the terms of its agreement with the school, NHA receives as remuneration for its services of an amount equal to the total revenue received by the school from all revenue sources. NHA provides a spending account to the school's board for discretionary expenditures on an annual basis. NHA provides administration, strategic planning and all labor, materials, equipment and supervision necessary for the provision of educational services to students. A subsidiary of National Heritage Academies also provides the facility in which the school resides and leases it to the school.

The school completed the 2006-07 school year in stable financial condition. Although the nature of the management contract does not allow the school to accumulate significant assets, continuation under this model does not necessitate such accumulation. As a result, the school has no capital assets and unrestricted net assets of only \$22,121. However, based on observations at the school and interviews with school staff, the school has ample resources to carry out its program.

The board's decision to partner with NHA provided access to start-up capital and some overall stability. During its first year of operation, National Heritage Academies contributed \$557,892 to offset an excess of expenses over revenues. By partnering with NHA, the school is able to benefit from economies of scale related to some purchases and was able to secure a suitable facility.

The school leases its facility from the subsidiary of NHA on an annual basis with the right to renew in one-year terms. This facility arrangement provides the school with a clean modern facility that accommodates its program needs. However, the school must devote significant resources to pay for the facility. In FY 2007, the school paid \$1.3 million in occupancy costs or 24 percent of total expenses. The school's lease does not contain an escalation clause, so that over time occupancy costs will be a smaller percentage of the school's budget. While schools that spend more than 25 percent on facilities often must sacrifice many elements of a quality educational program, there was no indication observed or indicated in interviews with school staff that the school does not have sufficient resources to operate its program.

Spending per student (total expenses, including grant related, divided by full-time equivalent enrollment) in each year was as follows:

2004	2005	2006	2007
\$12,112	\$9,856	\$10,434	\$11,224

The decline in per pupil spending from 2004 to 2005 can be attributed to a combination of efficiencies related to a large (69 percent) increase in enrollment and reduced start-up expenses.

Evidence Category	Benchmarks
	<p style="text-align: center;">Renewal Question 4 Should the School's Charter Be Renewed, What Are Its Plans for the Term of a Future Charter?</p>
<p style="text-align: center;">Benchmark 4A</p> <p>Plans for the School Structure (mission, enrollment, schedule)</p>	<p>4A Key structural elements of the school's plans for the next charter period are reasonable, feasible and achievable.</p>

In its Application for Renewal, Buffalo United Charter School states that it generally intends to maintain its current school structure over the next charter period.

The school will maintain its mission statement:

Buffalo United Charter School will offer families and students a public charter school which focuses on high academic achievement and instills a sense of family, community, and leadership within all of our students.

Given the school's performance in relation to its academic Accountability Plan goals, and the qualitative indicators regarding implementation of the school's program at the time of the renewal visit, there is sufficient evidence to suggest that the school will be able to fulfill its mission statement.

Should the school's charter be renewed, Buffalo United Charter School would offer 186 instructional days for students, which is consistent with the terms of its current charter. The school's daily schedule will also remain the same.

Buffalo United does not plan to vary its grade structure, and would continue to enroll students in kindergarten through 8th grade. However, in its Application for Renewal, the school did propose to increase its enrollment from its previous charter term from 650 students to 680 students. Based upon the fact that the school currently has not met its enrollment target, the Institute recommends that the school amend its application for renewal to maintain its current maximum enrollment of 650 students through the proposed renewal term, or until such time as the school is able to demonstrate increased demand for enrollment at the school. The school board has expressed agreement, and has amended its Application for Renewal to reflect a maximum total enrollment of 650 students.

As such, the structural elements of the school's plans for the future charter term are reasonable, feasible, and achievable.

<p>Benchmark 4B</p> <p>Plans for the Educational Program</p>	<p>4B</p> <p>The school has clearly laid out its plans for its educational program, shown that it can implement that program and such program will allow the school to meet its Accountability Plan goals.</p>
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According to its Application for Renewal, Buffalo United Charter School seeks to continue its kindergarten through 8th grade education program for the next charter period.

Buffalo United Charter School’s academic program centers on the school’s Four Pillars (Academic Excellence, Moral Focus, Parental Partnerships, and Student Responsibility), which the school asserts makes its educational program unique, desirable, and successful.

Buffalo United’s proposes slightly revised key design elements for the term of its new charter, including:

- providing each students with an academic program based on a strong, balanced curriculum that is aligned with New York State’s learning standards;
- fostering parental involvement through three parent-teacher committees – School Improvement Committee, Curriculum Committee, and a Parent Involvement Committee;
- encouraging strong relationships between families and teachers through monthly newsletters to keep parents updated on their child’s academic progress, assignments, and school events, formal parent satisfaction surveys, and by providing a room designated exclusively for parents;
- monitoring student performance and identifying learning gaps through daily learning exercises, classroom assessments, group and individual projects, nationally referenced standardized test (NWEA MAP), and required New York State assessments;
- providing a complete wrap-around program for students through the school’s partnership with the Boys & Girls Clubs of Buffalo;
- implementing a code of conduct designed to provide students with a safe and orderly school environment; and
- focusing on leadership development of all students by emphasizing a different character quality each month.

Based on the data collected at the time of the initial renewal visit, it appears that the revised key design elements reflect an evolution of the key design elements proposed in the school’s original charter application and consistent with action taken by the school to meet its Accountability Plan goals. Notably, the school has created action plans to increase student achievement in English language arts and mathematics, many elements of which were already in place at the time of the renewal inspection visit to the school. To further support teachers in delivering the educational program and implementing the elements of the action plan, Buffalo United has also hired additional personnel, including a new teacher coach, a reading specialist, and additional paraprofessionals. The school has built a foundation upon which it may implement other critical key design elements successfully, including the application of its code of conduct at the upper grades.

According to the Application for Renewal, in the next charter period, the school would rely on the NHA Exemplars as the basis of its curriculum, supported by programs such as Open Court, Corrective Reading, Lucy Calkins Units of Study for Teaching Writing, McDougall Littell Reading and Language Arts, Saxon Math, Scott Foresman social studies, and the Full Option Science System by Delta Education. Buffalo United would also continue to provide Spanish instruction for students in 7th and 8th grade.

The school has submitted an Accountability Plan that generally follows the guidelines set by the Institute. As with all charters coming to renewal, the Institute will work with Buffalo United Charter School staff to finalize the Accountability Plan for inclusion in a new charter.

Buffalo United Charter School has laid out its plans for its educational program, shown that it can implement that program and that such program will allow the school to meet its Accountability Plan goals with the additional time that a Short-Term Renewal would permit. Therefore, the Institute concludes that the proposed educational program is reasonable, feasible and achievable.

<p>Benchmark 4C</p> <p>Plans for the Governance Structure</p>	<p>4C</p> <p>The school has provided a reasonable, feasible and achievable governance structure for the term of the next charter.</p>
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The school has provided a reasonable, feasible and achievable governance structure for the term of the next charter that does not include any material changes from the present structure. The school provided a set of legally sufficient by-laws and a draft management contract with National Heritage Academies which is very similar to the previous arrangement but subject to minor change (with the approval of the Institute). The school's board of trustees was clear on its duties and responsibility for managing NHA and holding NHA accountable for performance of its contract and related student performance. The school board also acknowledged that the school needs to achieve better student performance going forward. The school has a clear code of ethics that details the expected conduct of school stakeholders and sets a high standard for officers and employees. Responses to interview questions at the time of the renewal inspection visit, including questions regarding school oversight, demonstrate that the school's governance model is sustainable for a Short-Term Renewal period of three years.

<p>Benchmark 4D</p> <p>Fiscal & Facility Plans</p>	<p>4 D</p> <p>The school has provided a reasonable, feasible and achievable appropriate five-year fiscal plan for the term of next charter, including plans for an adequate facility.</p>
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The school's fiscal plan is based on the current budget, taking into account enrollment growth for the duration of the next charter. Overall, the plan is reasonable and appropriate given the management company model under which it intends to continue to operate. There are no new facility issues, as the school intends to remain at its current location. Fiscally, the school plans to continue to contract with NHA to provide all aspects of the education program.

Long-range fiscal projections are more susceptible to error than those for a single year. Such projections are subject to revision due to changes in local conditions, objectives, and laws. The school will be required to develop and adopt annual budgets based on known per pupil amounts.

The school's plan reasonably assumes annual increases in per-pupil aid of 1.5 percent, which is less than half the historical average of 4.4 percent in Buffalo since FY 2001. However, there is no guarantee that future increases will continue at historical levels. Paid enrollment is budgeted at 100 percent of the planned enrollment. This assumption is unrealistic given historical trends at the school, especially the school's failure to fully enroll classes kindergarten and 1st grade classes as planned (currently the school has 20 available seats in kindergarten and 10 in 1st grade). Therefore, the school may find it challenging to achieve its proposed enrollment goal of 630 students in 2008-09 and rising to and stabilizing at 680 students in 2010-11. Current enrollment is 574 students, which is only 88 percent of its approved charter enrollment of 650 students (although within the range allowed by its charter). Failure to achieve the proposed enrollment goals would necessitate a reduction in planned expenses. As a result, the Institute recommends that the school's maximum enrollment remain at 650 students.

APPENDIX

An Overview of Renewal Requirements

The New York State Charter Schools Act of 1998 (as amended) (the “Act”) authorizes the Board of Trustees of the State University of New York to grant charters for the purpose of organizing and operating independent and autonomous public charter schools. Charter schools provide opportunities for teachers, parents, and community members to establish and maintain schools that operate independent of existing schools and school districts in order to accomplish the following objectives:

- improve student learning and achievement;
- increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are at-risk of academic failure;
- provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system;
- create new professional opportunities for teachers, school administrators and other school personnel;
- encourage the use of different and innovative teaching methods; and
- provide schools with a method to change from rule-based to performance based accountability systems by holding the schools accountable for meeting measurable student achievement results.¹

In order to assist them in carrying out their responsibilities under the Act, the State University Trustees authorized the establishment of the Charter Schools Institute of the State University of New York. Among its duties, the Institute is charged with evaluating charter schools’ applications for renewal and providing its resulting findings and recommendations to the State University Trustees.

This report is the primary vehicle by which the Institute transmits to the State University Trustees its findings and recommendations regarding a school’s renewal application, and more broadly, details the merits of a school’s case for renewal. This report has been created and issued pursuant to the *Practices, Policies and Procedures for the Renewal of Charter Schools Authorized by the State University Board of Trustees* (the “State University Renewal Practices”).²

Statutory and Regulatory Considerations

Charters may be renewed, upon application, for a term of up to five years. There is no limitation upon the number of times that a charter may be renewed. The Act prescribes the following requirements for a charter school renewal application, whether such application be for an initial renewal or any subsequent renewal:

¹ See § 2850 of the New York Education Law.

² The *Practices, Policies and Procedures for the Renewal of Charter Schools Authorized by the State University Board of Trustees* (revised December 13, 2005) are available at www.newyorkcharters.org.

- a report of the progress of the charter school in achieving the educational objectives set forth in its charter;
- a detailed financial statement that discloses the cost of administration, instruction and other spending categories for the charter school that will allow a comparison of such costs to other schools, both public and private;
- copies of each of the annual reports of the charter school including the charter school report cards and certified financial statements; and
- indications of parent and student satisfaction.³

The Institute's processes and procedures mirror these requirements and meet the objectives of the Act.⁴

As a charter authorizing entity, the State University Trustees can renew a charter so long as the Trustees can make each of the following findings ("Required Findings"):

- the charter school described in the application meets the requirements of the Act and all other applicable laws, rules and regulations;
- the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner;
- granting the application is likely to improve student learning and achievement and materially further the purposes of the Act; and,
- (if applicable) in a school district where the total enrollment of resident students attending charter schools in the base year is greater than five percent of the total public school enrollment of the school district in the base year: (i) granting the application would have a significant educational benefit to the students expected to attend the proposed charter school; or (ii) the school district in which the charter school will be located consents to such application.⁵

Where the State University Trustees approve a renewal application, they are required under the Act to submit the application and a proposed charter to the Board of Regents for its review.⁶ The Regents may approve the proposed charter or return the proposed charter to the State University Trustees with the Regents' comments and recommendation(s). In the former case, the charter will then issue and become operational on the day the current charter expires. In the latter case (return to the State University Trustees), the State University Trustees must review the returned proposed charter in light of the Regents' comments and respond by resubmitting the charter (with or without modification) to the Regents, or by abandoning the proposed charter. Should the State University Trustees resubmit the charter, the Regents have thirty days to act to approve it. If they do not approve the proposed charter, it will be deemed approved and will issue by operation of law; as above, it will become operational upon expiration of the current charter.⁷

³ Education Law § 2851(4).

⁴ Further explication of these policies and procedures is available on the Charter Schools Institute's website. See www.newyorkcharters.org/schoolsRenewOverview.htm.

⁵ See Education Law § 2852(2).

⁶ See Education Law § 2852(5).

⁷ See Education Law §§ 2852(5-a) and (5-b).

Process for Initial Renewals

While the Initial Renewal process formally commences with submission of a renewal application, a school must work to make the case for renewal from the time it is chartered. From its inception, the school must build its case for renewal by setting educational goals and thereafter implementing a program that will allow them to meet those goals.

Under the State University's accountability cycle, a school that is chartered enters into a plan (the "Accountability Plan")⁸ setting forth the goals for the school's educational program (and other measures if the school desires) in the first year of the charter. Progress toward each goal is determined by specific measures. Both goals and measures, while tailored in part to each school's program, must be consistent with the Institute's written guidelines. When the Accountability Plan is in final form, it receives approval from the Institute.

Thereafter, the charter school is required to provide an annual update on its progress in meeting its Accountability Plan goals and measures (the "Accountability Plan Progress Report").⁹ This permits the school not only the ability to provide all stakeholders with a clear sense of the school's progress, but forces the school to focus on specific academic outcomes. In the same vein, both the Institute and the State Education Department conduct visits to the school on a periodic basis. The main purpose of the Institute's visits is to determine the progress the school is making in implementing successfully a rigorous academic program that will permit the school to meet its Accountability Plan goals and measures and to provide feedback to the school on the Institute's conclusions. Reports and de-briefings for the school's board or leadership team are designed to indicate the school's progress, its strengths and its weaknesses. Where possible, and where it is consistent with its oversight role, the Institute identifies potential avenues for improvement. To further assist the school in this regard, the Institute may contract with third-party, school inspection experts to conduct a school visit to look specifically at the strength of the school's program and the evidence it is accumulating to support the school's case for renewal. The number, breadth and scope of visits that the Institute conducts depend primarily on the school's performance on standardized assessments.

By the start of the last year of a school's charter (as set forth above), the school must submit an application for charter renewal, setting forth the evidence required by law and the State University Trustees. Applicant charter schools are asked to formulate and report evidence of success in answer to four renewal questions:

1. Is the school an academic success?
2. Is the school an effective, viable organization?
3. Is the school fiscally sound?
4. What are the school's plans for the term of the next charter and are they reasonable, feasible and achievable?

The application is reviewed by Institute staff. The staff also conducts a desk audit to both gather additional evidence as well as verify the evidence the school has submitted. This audit includes

⁸ See <http://www.newyorkcharters.org/schoolsAccountability.htm> for detailed information on Accountability Plan guidelines.

⁹ See <http://www.newyorkcharters.org/schoolsAccountability.htm> for a model Accountability Plan Progress Report.

examination of the school's charter, including amendments, Accountability Plan, Accountability Plan Progress Reports, Annual Reports and internal documents (such as school handbooks, policies, memos, newsletters, and board meeting minutes). Institute staff also examines audit reports, budget materials, and reports generated over the term of the school's charter both by the Institute and the State Education Department.

Thereafter, the Institute conducts a multi-day site visit to the school. Based on a review of each school's application for charter renewal, the leader of the Institute's renewal visit team works with the school's leadership to design a visit schedule and request any additional documentation the team may require to ensure that analysis of the school's progress is complete. Renewal visit team members conduct a variety of activities to get a sense of the educational program and determine if there are material deficiencies. These activities include: visiting classes, observing lessons, examining student work and other documents, observing school meetings, interviewing staff members and speaking informally with students. In addition, the team conducts extensive interviews with the school's board of trustees and administrators.

The evidence that the Institute gathers is structured by a set of *Qualitative Education Benchmarks*, often referred to as the "Renewal Benchmarks," that are grouped under the four renewal application questions listed above. These benchmarks are linked to the Accountability Plan structure and the charter renewal requirements in the Act; many are also based on the correlates of effective schools.¹⁰

Following the visit, the Institute's renewal team finalizes the analysis of all evidence generated regarding the school's performance. The Institute's renewal benchmarks are discussed and the lead writer uses the team's evidence and analysis to generate comments under each renewal benchmark. The team members' completed benchmark comments present a focus for discussion and a summary of the findings. The benchmarks are not used as a scorecard, do not have equal weight, and support—but do not individually or in limited combination provide—the aggregate analysis required for the final renewal recommendation. The Institute then prepares a draft report and provides a copy to the school for its review and comment. The draft contains the findings, discussion and the evidence base for those findings, as well as a preliminary recommendation.

The following renewal outcomes are available to schools that are in their first charter period.¹¹ Each outcome contains specific criteria that a school must meet in order to be eligible for that outcome. These criteria are keyed to one or more of the Required Findings. In addition to any specific criteria set forth in a particular outcome, a school, to be eligible for any type of renewal, must be able to provide evidence that permits the State University to make *each* of the Required Findings:

- *Early Renewal*: available to a school that after three years of operation has accumulated three years of data in multiple grades on all or nearly all of the standardized assessment measures set forth in its Accountability Plan and for the last two years has met or come close to meeting its Accountability Plan academic goals based on its performance on those measures. In addition, the State University must find that the educational

¹⁰ See <http://www.effectiveschools.com>.

¹¹ A school that is awarded a short-term planning year renewal is still considered a school in its initial charter period when it comes again to renewal in its fifth full year of operation.

program, as assessed by the Qualitative Education Benchmarks, is sound and effective. Early Renewal will be for a full-term of five years only.

- *Short-Term Planning Year Renewal:* available to a school that has taken one or more planning years and has yet to be renewed. The renewal term will be equal in length to the number of planning years the school has taken. The State University Trustees must be able to determine that the educational program will be sound during the next charter period based on the available outcomes on the standardized assessment measures and any data available as gathered using the Qualitative Education Benchmarks.
- *Full-Term Renewal:* available to a school in its fifth year, Full-Term Renewal is for the maximum term of five years. In order for a school to be eligible for Full-Term Renewal, a school must at the time of renewal either (a) have compiled a strong and compelling record of meeting or coming close to meeting its Accountability Plan academic goals, and have in place at the time of the renewal review an educational program that, as assessed by the Qualitative Education Benchmarks, is effective or (b) made strong overall progress towards meeting its Accountability Plan academic goals and have in place at the time of the renewal review an educational program that, as assessed by the Qualitative Education Benchmarks, is particularly strong and effective.
- *Renewal with Conditions:* available to a school that (a) meets the standards for Full-Term Renewal or Short-Term Renewal as regards its educational program, but that has material legal, fiscal or organizational deficiencies that cannot be fully corrected by the time of renewal — so long as such deficiencies are not fatal to making each and every other required finding, or (b) meets the standards for Full-Term Renewal or Short-Term Renewal as regards some portion of its educational program, but requires conditions to improve the academic program. Such conditions may include, but are not limited to, restrictions on the number of students and grades served. Conditions may also be imposed that are consonant with the requirements of NCLB as to schools requiring corrective action. Where appropriate, conditions may be imposed which if not met by the school shall be deemed a substantial and material violation of the school's charter and therefore expose the school to probation or charter revocation.
- *Short-Term Renewal:* available to a school in its fifth year that (a) has compiled an ambiguous or mixed record of educational achievement as measured by the school's progress toward meeting its Accountability Plan academic goals, but that has in place and in operation at the time of the renewal review an academic program of sufficient strength and effectiveness, as assessed by the Qualitative Education Benchmarks, that will likely result in the school's being able to meet or come close to meeting those goals with the additional time that renewal would permit or (b) has compiled an overall record of meeting or coming close to meeting its Accountability Plan academic goals but that at the time of the renewal visit, has in place an educational program that, based on its assessment pursuant to the Qualitative Education Benchmarks, is inadequate in multiple and material respects. Typically, but not always, Short-Term Renewal will be for two years. Short-Term Renewal may also be coupled with conditions relating to educational, organizational, fiscal or legal deficiencies.

- *Restructuring Renewal:* available to a school that does not meet the standards for any type of renewal but which submits plans to the State University Trustees for a restructuring of the school that legally commits the school to implementing a wholesale restructuring of the education corporation, including, but not necessarily limited to, a new board of trustees, administrative team, academic program, organizational structure, and such plans, if implemented, would lead to the school likely meeting its standardized assessment measures set forth in its Accountability Plan during the next charter period. Whether to permit a school to submit an application for a Restructuring Renewal is at the discretion of the State University.
- *Non-Renewal:* where a school does not present a case for any kind of renewal, the charter will not be renewed and the charter will be terminated upon its expiration.

Upon receiving a school's comments on the draft report, the Institute reviews its draft, makes any changes it determines are necessary and appropriate and renders its findings and recommendations in their final form. The report is then transmitted to the Committee on Charter Schools of the State University Board of Trustees, the other members of the State University Trustees and the school itself. This report is the product of that process.