



Charter Schools Institute
State University of New York

REPORT TO THE BOARD OF TRUSTEES

FINDINGS AND RECOMMENDATIONS OF THE CHARTER SCHOOLS INSTITUTE AS TO THE APPLICATION FOR CHARTER RENEWAL OF THE CARL C. ICAHN CHARTER SCHOOL

FEBRUARY 13, 2006

TABLE OF CONTENTS

Introduction	Page 1
Reader’s Guide	Page 5
School Description and Background History	Page 7
Recommendation and Executive Summary	Page 10
Renewal Benchmarks	Page 13

INTRODUCTION

The Charter Schools Act of 1998 (the “Act”) authorizes the State University of New York Board of Trustees (the “Board of Trustees”) 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 independently 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 the Board of Trustees in their responsibilities under the Act, the Board of Trustees authorized the establishment of the Charter Schools Institute of the State University of New York (the “Institute”). Among its duties, the Institute is charged with evaluating charter schools’ applications for renewal and providing its resulting findings and recommendations to the Board of Trustees.

This report is the primary vehicle by which the Institute transmits to the Board of Trustees its findings and recommendations regarding a school’s renewal application, and more broadly, the merits of a school’s case for renewal. It has been created and issued pursuant to the “Practices, Policies and Procedures for the Renewals of Charters for State University Authorized Charter Schools” (the “State University Renewal Practices”).² More information regarding this report is contained in the “Reader’s Guide” that follows.

¹ See § 2850 of the Charter Schools Act of 1998.

²The *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 former version of those practices, which set the criteria under which the application for renewal at issue here, is available on request at the offices of the Charter Schools Institute.

Statutory and Regulatory Considerations

Charters may be renewed, upon application, for a term of up to five years. The Act prescribes the following requirements for a charter school renewal application:

- 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 Board of Trustees can renew a charter so long as the Trustees can make each of the following 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; and
- granting the application is likely to improve student learning and achievement and materially further the purposes of the Act.⁵

Where the Board of Trustees approves a renewal application, it is 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 Board of Trustees with the Regents' comments and recommendation. In the former case, the charter will then issue and become operational on the day the initial charter expires. In the latter case (return to the Board of Trustees), the Board of 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 Board of 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 § 2851(4) of the Act.

⁴ Further explication of these policies and procedures is available on the Charter Schools Institute's website. See <http://www.newyorkcharters.org/howto/renewal.html>.

⁵ See § 2852(2) of the Act.

⁶ See § 2852(5) of the Act.

⁷ See §§ 2852(5-a) and (5-b) of the Act.

Process for Renewal

While that 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) usually 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 findings. 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 provides general advice as to 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 comprehensive third-year visit to the school and to look specifically at the strength of the school's case for renewal at that point.

By the start of the fifth 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. Applicant charter schools are asked to formulate and report evidence of success in answer to four renewal questions:

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

⁸ See <http://www.newyorkcharters.org/resource/reports.html> for detailed information on Accountability Plan guidelines.

⁹ See <http://www.newyorkcharters.org/resource/Model%20Progress%20Report1.pdf> for a model Accountability Plan Progress Report.

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 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, a lead member 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 (professional development plans, special education plans, school newsletters, *etc.*). Renewal visit team members visit classes, observe lessons, examine student work, sit in on school meetings, interview staff members and speak 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 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 completed benchmarks 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. Upon receiving a school's comments, the Institute reviews its draft, makes any changes it determines are necessary and appropriate and determines its findings and recommendations in their final form. The report is then transmitted to the Committee on Charter Schools of the Board of Trustees, the other members of the Board of Trustees and the school itself. This report is the product of that process.

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

READER'S GUIDE

This renewal report contains the following sections: Introduction, Reader's Guide, School Description and Background History, Recommendations and Executive Summary, and Renewal Benchmarks. As this guide, the Introduction, and School Description and Background History speak for themselves, no guidance is provided for these sections. Guidance as to the remaining sections is set forth below.

Recommendations and Executive Summary

The Institute's Recommendations are the end result of its review process. In this section, the Institute provides not only its recommendation as to whether the charter should be renewed, but the recommended terms of any renewal, *i.e.*, short or long-term, grades and number of students it is recommended the school be authorized to serve, conditions under which the charter is renewed, *etc.* Following the recommendations themselves is a short executive summary that lays out in abbreviated form reasons for the recommendation as well as the findings that support the recommendation.

Pursuant to the State University Renewal Practices, the recommendations made by the Institute can take the following forms.

- *Early renewal*: available to schools in the fourth year of the charter that can at that point make a compelling and unambiguous case for renewal. Schools that gain early renewal will then have five full years of instruction before facing renewal again, thus allowing them to concentrate on instruction and providing them with more ready access to capital markets.
- *Short-term planning year renewal*: available to schools that have taken one or more planning years. These schools will be able with limited review to obtain renewal in order to allow them to gather at least four full years of data before facing a full-blown renewal review.
- *Renewal*: available to schools in their fifth year. Schools that have a compelling and unambiguous case for renewal will be eligible for renewal term of five years.
- *Renewal with conditions*: available to schools that 1) have a compelling and unambiguous educational record of success but that have material legal, fiscal or organizational deficiencies that practically cannot be completely corrected by the time of renewal — so long as such deficiencies are not fatal to a determination that the school is fiscally, legally and organizationally sound, or 2) have demonstrated sufficient academic performance for renewal, but require conditions to improve the academic program. Such conditions may include but are not limited to restrictions on the number of students and grades served.

- *Short-term renewal*: available to schools in their fifth year that present an ambiguous or mixed record of educational achievement, but that have effectively implemented measures to correct those deficiencies and such measures are likely to lead to educational success and students' academic improvement with additional time. Typically, but not always, short-term renewal will be for two years. A short-term renewal may also be coupled with conditions relating to organizational, fiscal or legal deficiencies.
- *Restructuring renewal*: available to schools that have not presented a case for renewal of any kind, but that are voluntarily willing to enter into a restructuring plan whereby the current school would cease instruction at the end of the school's final year of instruction under the current charter and its board of trustees would wind up operations of the school. Thereafter, the school's board would legally commit itself to implementing a wholesale restructuring of the education corporation, including a new board of trustees, administrative team, academic program, enrollment and organizational structure, and potentially a new location, which school then could meet and exceed state standards and all the requirements of the Act. Once restructured, the education corporation would have authority to recommence instruction.
- *Non-renewal*: where a school does not present a case for renewal (short term, conditional, or otherwise), the charter will not be renewed and the charter will be terminated upon its expiration.

In addition to discussing the recommendations themselves (and any conditions made part of those recommendations), the executive summary also discusses the findings required by subdivision 2852(2) of the Education Law, including whether the school, if renewed, is likely to improve student learning and achievement.

Renewal Benchmarks

The Renewal Benchmark section contains each renewal benchmark together with a review of the pertinent evidence gathered during the renewal cycle and incorporates the findings (which are in bold). As noted earlier, the benchmarks are grouped under the four renewal questions.

SCHOOL DESCRIPTION AND BACKGROUND HISTORY

School Description

The Carl C. Icahn Charter School (“Icahn”), located in the Bronx, was approved by the State University Board of Trustees on March 20, 2001 and opened in August of that year. For the 2001-2002 school year, the school enrolled 105 students in the Kindergarten through second grades. Currently, the school enrolls 250 students in grades Kindergarten through six.

The school’s mission is as follows:

The Carl C. Icahn Charter School, using the Core Knowledge curriculum developed by E.D. Hirsch, will provide students in K-4 with a rigorous academic program offered in an extended day/year setting. Students will complete the 4th grade armed with the skills and knowledge to participate successfully in the most rigorous academic environments, and will have a sense of personal and community responsibility.

The founders intended the school to “to break the cycle of poverty by leveling the academic divide,” as stated in the charter’s Mission and Summary. The school anticipated drawing students from Icahn House, a 65-unit homeless shelter, located across the street from the school.

The charter notes that in 1999, 93.4 percent of CSD 9 students qualified for the federal free lunch program: “[T]he Icahn Charter School will be helping to level the playing field with more affluent children by having our students in school for more hours a day and more days a year.” The school also planned early intervention, “with a strong academic program and nurturing school environment...”

The school was designed and maintains its commitment to having only 18 students in each class. The school envisioned using the Core Knowledge Curriculum as the pedagogical framework of its educational program with a high level of accountability not only to students, but to staff as well. The charter states: “Each child’s progress will be compared to a base line assessment administered at the time of enrollment. Teachers who are unable to significantly increase student performance will be provided with additional staff development and mentoring. Failure to demonstrate student improvement will result in the replacement of the teacher. In the event that the Principal is unable to demonstrate continued student success, the Principal will be replaced.”

The charter lists two institutional partners: (1) The Foundation for a Greater Opportunity and (2) the Center for Educational Innovation-Public Education Association (CEI-PEA). The Foundation for a Greater Opportunity is providing educational expertise through its board members who the charter describes as “educational leaders.” The Foundation is also providing financial resources to the school, particularly regarding its facility. The school is located on land leased by the Foundation, which also paid for construction of the school building. The school leases the facility from the Foundation. CEI-PEA serves as a resource for all areas of

operation, curriculum, and accountability. Members of both the Foundation for a Greater Opportunity and CEI-PEA serve on the school's board of trustees. In recent years, the school has also contracted with the Lehman College Institute for Literacy and Mathematics to provide mentoring/staff development in literacy and mathematics via observations, demonstration lessons and workshops.

Prior Observations and History

Though the Carl C. Icahn Charter School has been challenged to provide inexperienced teachers with sufficient training and support, on state tests its students have far outpaced their peers in Community School District (CSD) 9 over the life of the charter.

The Institute has observed that general teacher support and interaction with the principal has remained consistent and effective. An informal visit on September 24, 2002 confirmed "teachers regularly meet in grade level teams and as a whole faculty... [and] use these meetings to design, refine, and analyze curriculum and instruction." Further, "Classroom instruction ... appeared well designed and delivered by teachers and students were actively engaged in learning in each classroom."

The Carl C. Icahn Charter School was granted permission to expand first from Kindergarten through fourth grades to Kindergarten through fifth and then to sixth. For the 2004-05 school year, the two Kindergarten classes were held in renovated space in the basement of Icahn House. In order to accommodate the expansion, a new middle school is being constructed next to Icahn House, but it was not scheduled to be finished in time for the beginning of the 2005-06 school year. Hence, the school has received permission to move its two first grade classes to Icahn House as well.

Due to the effect of a lengthy calendar on both students and staff, and the burden of additional transportation costs, the school requested to reduce the length of its school year. The original 209-day school year has been lowered each year. The 2005-06 school year will include 189 days, which is still longer than traditional public school years.

Despite the reduced school year, state test scores of Icahn students have far outpaced those of students attending local public schools. Institute visits made to the school over the life of the charter noted that the principal has been consistently dedicated to academic performance. In 2002 the Institute noted the principal had begun compiling research on his student body in order to contextualize how and where they were academically. Since then, assessment data has been used effectively at the school to identify student needs, although less so for identifying weaknesses in delivery of instruction.

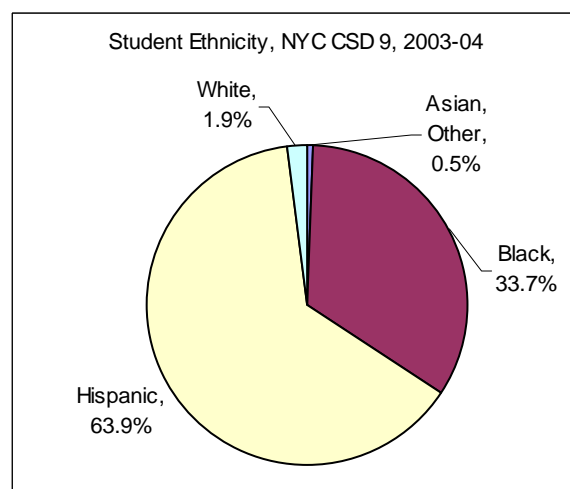
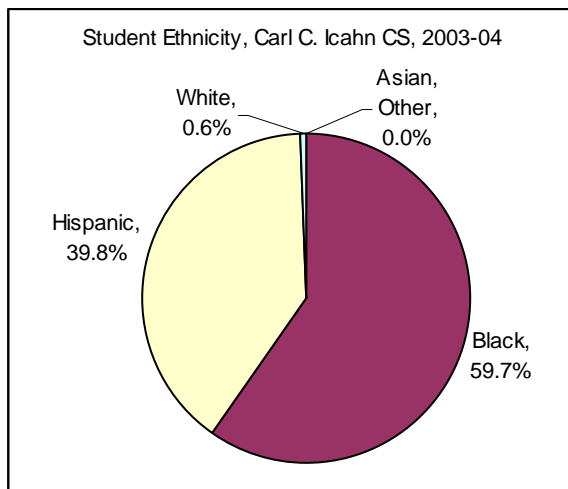
Other observations of contributions to high test scores include: ready promotion of parental involvement; ongoing remedial programs; high student attendance rates; and a well disciplined school environment.

The Institute conducted its renewal visit to the Carl C. Icahn Charter School on September 27-28, 2005. The renewal team consisted of eight team members.

Enrollment

YEAR	ORIGINAL CHARTERED ENROLLMENT	APPROVED CHARTERED ENROLLMENT	ACTUAL ENROLLMENT	ORIGINAL CHARTERED GRADES SERVED	APPROVED GRADES SERVED	ACTUAL GRADES SERVED
2001-2002	108	108	107	K-2	K-2	K-2
2002-2003	144	144	143	K-3	K-3	K-3
2003-2004	180	180	175	K-4	K-4	K-4
2004-2005	180	216	212	K-4	K-5	K-5
2005-2006	180	252	250	K-4	K-6	K-6

Demographics



Free Lunches (2003-04):

Icahn: 90.29%
CSD 9: 89.0%

Students with Disabilities (2003-04):

Icahn: 5.1%
CSD 9: 11.4%

English Language Learners (2003-04)

Icahn: 0.0%
CSD 9: 23.0%

RECOMMENDATION AND EXECUTIVE SUMMARY

Recommendation: Full-Term Five-Year Renewal

The Charter Schools Institute recommends that the State University Board of Trustees approve the application for renewal of the Carl C. Icahn Charter School (“Icahn”) and authorize the renewal of the charter for Icahn for a period of five years consistent with the terms of the renewal application. The school shall have authority to provide instruction in Kindergarten through eighth grades to 324 students and consistent with the other terms of operation set forth in its application for renewal.

Summary Discussion

The Carl C. Icahn Charter School is located in the South Bronx and currently serves 250 students in Kindergarten through sixth grades. Pursuant to its renewal application, Icahn seeks a five-year renewal of its charter under which it would expand by two grades: seventh grade in 2006-07 and eighth in 2007-08. Ultimately, the school would serve 324 Kindergarten through eighth grade students.

In order for a charter school to make the compelling case that it needs to make to be recommended for a full-term renewal of five years (and in order for the Institute to make the required legal findings regarding educational soundness and likelihood of improving student learning and achievement), a charter school authorized by the State University Board of Trustees must have met its academic Accountability Plan goals or at least have made consistent and meaningful progress towards meeting those goals. It must also demonstrate that it is, at the time of renewal, a fiscally and organizationally sound entity and meets the requirements of the Charter Schools Act and applicable law. Further it must demonstrate that its plans for the next charter period are reasonable and feasible and that approving the renewal application will materially further the purposes of the Charter Schools Act.

Based on all the evidence gathered during the charter period, and as supported by the evidence and findings contained in this report, the Institute has determined that Icahn is eligible for a five-year renewal and recommends that the State University Trustees approve Icahn’s renewal application and authorize renewal of the charter for that five-year period.

The Carl C. Icahn Charter School has posted superlative scores on the state’s fourth grade English language arts (ELA) and mathematics examinations. In 2005, the second year in which its state examination outcomes could be measured, the school surpassed its absolute goal and far outperformed its identified comparison schools, as well as the local community school district. Student grade-level cohorts have registered slight year-to-year gains on the Iowa Test of Basics Skills (ITBS) reading and math tests. As a whole, the student achievement data the school has amassed during its first four years of operation indicates that

the school has significantly improved student learning and achievement, and the school is in good standing under No Child Left Behind.

At the time of the renewal visit in September of 2005, the school generally had effective systems and programs in place that provide a basis for concluding (together with the outcome data noted above) that the school would, if approved for renewal, likely continue to improve student learning and achievement, including a rigorous curriculum and comprehensive set of structures for faculty development. In addition, the school has benefited from consistent leadership at the principal and school board levels. The school has had the same principal since it opened in 2001, and the board of the Carl C. Icahn Charter School is comprised of the school's founding trustees, who have established a regular meeting schedule and a functional committee structure. The board has demonstrated its commitment to ensuring the necessary resources are available for students to meet the school's goals and state's performance standards. Parents consistently express their very strong satisfaction with the school, its academic program and its leader. In addition, the school maintains a long waiting list and has a sound record of compliance with applicable law.

The school completed the 2004-05 year in stable financial condition. The school has maintained positive fund balances and adequate cash flow. The support of the Foundation for a Greater Opportunity adds to the fiscal stability of the school.

The school has established appropriate processes and controls related to cash receipts, payroll and other disbursements and safeguarding of assets. The school's annual audit reports on internal control over financial reporting and compliance with laws, regulations and grants did not disclose any reportable conditions, material weaknesses, or instances of non-compliance. Written management letter comments were not issued by the school's independent certified public accountant.

The school is in stable financial position and should remain that way through the end of the last year of its initial charter period. The New York City Department of Education has agreed to fund two-thirds of the cost of a new facility that will house the school's upper grades. The Foundation for a Greater Opportunity will fund the remaining cost and will likely lease the facility at favorable terms to the school. The Institute finds that the school's financial position during the term of a future charter should remain stable assuming the continued high demand for enrollment in the school.

When the new facility is completed, the school will have sufficient space for the projected enrollment of 324 students. Ideally, construction will be complete before the fall of 2006. If the construction schedule cannot be met, the school has discussed alternatives, including temporarily renting modular classrooms. The combination of the school's academic success to date as well as its new facility will undoubtedly be attractive recruiting tools and assist the school in attaining full enrollment.

The school will continue to develop and adopt annual budgets based on known per pupil amounts. The school has established a track record of meeting its financial obligations,

including a period during which its per pupil revenue had declined from the previous year (2003-04).

Accordingly, the Institute recommends that, as the school is an educationally and fiscally sound organization, is likely to continue to improve student learning and achievement, and meets the requirements of the Charter Schools Act and applicable law, the State University Board of Trustees approve Icahn's application for charter renewal and authorize renewal of the school's charter for a full five-year period with such terms and such growth plan as set forth in the renewal application or as superseded by the renewal charter and attachments.

RENEWAL BENCHMARKS

Evidence Category	Benchmarks
Renewal Question 1 Is the School an Academic Success?	
Benchmark 1A Academic Attainment & Improvement	1A.1.1 Absolute Measures (New York State Assessments): The school meets or has made meaningful and consistent progress towards meeting the outcome measures contained in its Accountability Plan over the term of the school's charter.
	1A.1.2 Comparative Measures: The school meets or has made meaningful and consistent progress towards meeting the outcome measures contained in its Accountability Plan over the term of the school's charter.
	1A.1.3 Value Added Measures: The school meets or has made meaningful and consistent progress towards meeting the outcome measures contained in its Accountability Plan over the term of the school's charter.
	1A.1.4 NCLB Measure: The school has made adequate yearly progress as required by NCLB.
	1A.1.5 Unique Academic Measures: The school meets or has made meaningful and consistent progress towards meeting the outcome measures contained in its Accountability Plan.

Academic Attainment & Improvement

The Carl C. Icahn Charter School has posted superlative scores on the state's fourth grade English language arts (ELA) and mathematics examinations. In 2005, the second year in which its state examination outcomes could be measured, the school surpassed its absolute goal and far outperformed its identified comparison schools, as well as the local community school district. Student grade-level cohorts have registered slight year-to-year gains on the Iowa Test of Basics Skills (ITBS) reading and math tests.

In its absolute level of performance on the state's fourth grade ELA, mathematics, and science examinations, Icahn has exceeded the goal it set for itself in its Accountability Plan. In 2005, 89 percent of the fourth grade cohort scored at the proficiency level or above on the ELA exam; *all* of the fourth graders scored at the

proficiency level or above on the mathematics exam, with two-thirds of them scoring at the advanced level, a notable accomplishment for an inner-city school.

In comparative terms, Icahn out-performed the schools it identified in its Accountability Plan and the local community school district both by a wide margin. In 2005, the proportion of fourth graders scoring at the proficient level was more than 40 percent greater on the ELA exam and more than 30 percent greater on the math exam than that of any of the comparison schools or Community School District 9.

While student grade-level cohorts registered slight year-to-year gains on the ITBS reading and math tests in 2003-04 and 2004-05, the overall gains from spring to spring of each year were less than the reading and math value-added measures set in the school's Accountability Plan. As noted in the Renewal Application, the differences in gains from grade cohort to grade cohort are consistent across years; that is, the second grade cohorts show a decrease each year in both reading and math, while grades three and four show substantial gains in the two subjects each year. After discussion with the test publisher, Icahn suggests in its Renewal Application that the results may reflect the misalignment of these second grade tests with the state standards.

Aside from this pattern of gains over the three years of cohort data, in 2005 each grade cohort was above grade level (i.e., an NCE above 50) in reading and math, with the exception of second grade in math. Also, while not meeting its annual value-added measures, Icahn did exceed the value-added goal in math among students who were in the school from when it first opened in the fall of 2001 to the end of its fourth year in the spring of 2005.

In addition to the required outcome measures in its Accountability Plan, Icahn also established a unique measure, which addresses the needs of early childhood students at-risk of not becoming literate. Specifically, it measures the effectiveness of its remedial instruction in phonemic awareness, phonics, and reading oral expression to enable K-2 students deemed to be deficient in the fall of a school year to become proficient by the end of that year. It has met its criterion of success each year and has been especially successful in improving scores in phonemic awareness. These results are a testament to the effectiveness of the school's Targeted Assistance Program and probably contribute to the long term success of the school on the state ELA exam.

Accountability Plan Outcome Measures

In its Accountability Plan, Icahn set outcome measures to demonstrate its academic success in the key subjects of English language arts (ELA) and mathematics, as well as science and social studies. The outcome measures include the following three required types: 1) the absolute level of student performance on state examinations; 2) the comparative level of student performance on state examinations; and 3) the value-added to student learning according to year-to-year comparisons of student cohort performance on a school-selected standardized test. The following tables indicate the specific outcomes Icahn set for itself accompanied by its annual results.¹¹

In addition to being held to these accountability measures, Icahn is expected, under No Child Left Behind (NCLB), to make adequate yearly progress toward enabling all students to score at the proficient level on the state ELA and math examinations. In holding charter schools to the same standards as other public schools, the state issues a school accountability report. Icahn's accountability status in the most recent report is indicated below.

Besides the three required outcome measures, and the NCLB outcome measure, the school may also have included additional self-selected academic outcome measures as part of its Accountability Plan. These various outcome measures constitute the renewal benchmarks for academic attainment and improvement.

¹¹ As 2001-02 was the school's first year of operation, there are no spring to spring value-added cohort results for that year.

Absolute Level of Performance on State Examinations

Accountability Plan		Results				
Subject	Outcome Measure	Grade	School Year			
			2001-02	2002-03	2003-04	2004-05
ELA	75% of students who have been enrolled at Carl C. Icahn Charter School since the beginning of second grade will perform at or above Level 3 on the New York State English Language Arts Assessment (ELA), administered to 4 th grade students every year beginning in the 2003-2004 school year.	4	No students in grade	No students in grade	55%	89%
Math	75% of students who have been enrolled at Carl C. Icahn Charter School since the beginning of second grade will perform at or above Level 3 on the New York State Mathematics, administered to 4 th grade students every year beginning in the 2003-2004 school year.	4	No students in grade	No students in grade	90%	100% ¹
Science	75% of students who have been enrolled at Carl C. Icahn Charter School since the beginning of second grade will perform at or above Level 3 on the New York State Science Exam, administered to 4 th grade students every year beginning in the 2003-2004 school year.	4	No students in grade	No students in grade	75%	94%

¹ Results are for all tested students irrespective of time enrolled.

Comparative Level of Performance on State Examinations

Accountability Plan		Results					
Subject	Outcome Measure	Grade	Comparison	School Year			
				2001-02	2002-03	2003-04	2004-05
ELA	Using the New York State ELA grade 4 test, a higher percentage of students who have been enrolled at Carl C. Icahn Charter School since the beginning of second grade will score at Level 3 or above than students from within the local school district, specifically students from CS4, CS 42 and CS 55.	4	Icahn	N/A	N/A	55%	89%
			CSD 9			31%	48%
			CS 4			30%	42%
			CS 42			27%	43%
			CS 55			29%	45%
Math	Measure 2: Using the New York State Mathematics grade 4 test, a higher percentage of students who have been enrolled at Carl C. Icahn Charter School since the beginning of the second grade, will score at Level 3 or above than students from within the local school district, specifically students from CS 4, CS 42 and CS 55.	4	Icahn	N/A	N/A	90%	100% ¹
			CSD 9			48%	64%
			CS 4			44%	47%
			CS 42			45%	60%
			CS 55			52%	65%
Science	Using the New York State Program Evaluation Test in Science, a higher percentage of students who have been enrolled at Carl C. Icahn Charter School since the beginning of second grade will score at Level 3 or above than students from the local school district, specifically students from CS 4, CS 42 and CS 55.	4	Icahn	N/A	N/A	75%	94%
			CSD 9			45%	TBA
			CS 4			42%	TBA
			CS 42			29%	TBA
			CS 55			48%	TBA

Source: New York City Department of Education

¹ Results are for tested students irrespective of time enrolled.

Value-Added to Student Learning According to Spring to Spring Cohort Gains

Accountability Plan		Results				
Subject	Outcome Measure	Grades	School Year			
			2001-02	2002-03	2003-04	2004-05
ELA	Each cohort of 36 students enrolled at Carl C. Icahn Charter School will improve their reading skills by an average of 3 NCEs per year according to the ITBS-Reading Battery.	1	--	7.4	10.29	1.94
		2	--	(-4.3)	(-6.46)	(-11.70)
		3		3.3	3.16	4.37
		4			4.23	7.64
		5				(-0.68)
Math	Each cohort of 36 students enrolled at Carl C. Icahn Charter School will improve their math skills by an average of 3 NCEs per year according to the ITBS-Math Battery.	1	--	(-8.3)	(-3.09)	(-11.44)
		2	--	(-4.4)	(-11.04)	(-10.80)
		3		15.3	11.39	20.00
		4			8.36	15.59
		5				(-2.73)

Adequate Yearly Progress as Required by NCLB

The State Education Department's School Accountability Report states Icahn's 2004-05 School Accountability Status: *Charter School in Good Standing*, which indicates that the school has not failed to make adequate yearly progress for two successive years.

Student Achievement According to Unique Academic Measures

Accountability Plan		Results			
Subject	Outcome Measure	Skill Area	School Year		
			2003-03	2003-04	2004-05
ELA	According to the CTB/McGraw-Hill Fox in a Box, a minimum of 50% of the students in grades K-2 identified in the pre-test as "deficient" in the areas of Phonemic Awareness, Phonics, and Reading and Oral Expression will be identified as "proficient" in a post-test for the same categories.	Phonemic Awareness	71%	74%	85%
		Phonics	48%	55%	60%
		Reading and Oral Expression	65%	56%	64%

<p>Benchmark 1B</p> <p>Use of Assessment Data</p>	<p>1B</p> <p>The school effectively and systematically uses assessment and evaluation data to improve instructional effectiveness and student learning.</p> <p>A school that fully meets this benchmark will have put in place during the life of the charter a system for the effective use of assessment data. Such a system would include at least the following elements.</p> <ul style="list-style-type: none"> ● the collection and analysis of student performance data, including data gathered from an analysis of student work pursuant to a set of well-defined and well-aligned standards; ● the use of assessment instruments and data to determine accurately whether State performance standards and other academic goals are being achieved; ● the use of assessment data to make changes and improvements, where the data indicates a need, to curriculum and instruction; ● the regular communication between teachers and administrators of assessment results and a common understanding between and among teachers and administrators of the meaning and consequences of those results; and ● the regular communication to parents of assessment data to assist them in their efforts to improve student learning and achievement. <p>More generally, a school should be able to demonstrate a system where performance standards, instruction, required student work and assessments are integrated and have led to increased student knowledge and skills.</p>
---	--

There exists a common understanding and expectation among teachers and administration that standardized assessment results will be the ultimate measure of student performance and success. The school's Principal broadcasts results of the state exams throughout the school in celebration of the school's achievement.

Standardized tests serve as a driving force to evaluate student performance and identify students in need of assistance provided through the school's Targeted Assistance Program (TAP), Saturday Academy, and contracted subject area specialists. The Director of Assessment has teachers administer a series of standardized multiple choice tests, which he then analyzes to identify student skill deficiencies in order to target the kinds of support they would receive in the supplemental programs. The Principal describes the method as "We test. We teach. We retest. We re-teach."

At present, Icahn effectively and systematically uses assessment and evaluation data for a few key purposes. Assessment data is used to determine the success of the educational program and to identify students in need of instructional assistance. However, at the time of the renewal visit, the school did not appear to use data at the classroom level to determine teachers' instructional emphases or objectives, or to assess the effectiveness of instruction.

Inspectors did not find much evidence that assessment data was used to make changes and improvements to classroom instruction. Reviews of assessment data does not seem to be used for monitoring the delivery of instruction or for evaluating teachers' ability to impart skills and knowledge. Teachers and staff generally referred to assessment data as a measure of student progress.

Limited examples of teachers using the results to inform their instructional program within their own classrooms were available at the time of renewal. For example, Kindergarten through second grade teachers use the results of the Waterford Early Reading assessment to determine how to group students for guided reading instruction.

The various stakeholder groups of Carl C. Icahn Charter School communicate regarding assessment data and results. Assessment results are discussed among the school's leadership cabinet, administrators, teachers and parents.

Interviews revealed frequent and consistent communication among administrators and teachers about assessment results. The Principal and Director of Assessment meet almost daily to discuss individual student performance based on weekly classroom assessments. The Director of Assessment meets with the Targeted Assistance Program teachers and classroom teachers to review student performance results, focusing especially on areas of specific skill deficiency. Third and fourth grade teachers receive copies of the individual ITBS reports on reading and math test results. They review these results with the Director of Assessment to identify students in need of targeted assistance services.

The school demonstrates a commitment to communicating with parents regarding assessment data. Through numerous memos to parents, monthly progress reports, parent-teacher meetings, and information sessions, parents are knowledgeable about the school's assessment program. At the beginning of the year, the school sent a letter to parents with the dates for each assessment as well as a description of its purpose. Parents who were interviewed during the renewal visit were articulate regarding the schedule for the administration of the Iowa Test of Basic Skills (ITBS) in October and again in June, as well as aware of the schedule for the administration of other standardized assessments used by the school.

Parents indicated that the school provided multiple opportunities to learn how to understand the results of the various student assessments. A copy of each student's ITBS results goes to the classroom teacher, the parent and the student's cumulative record file. The test publisher provides the results in a bar graph and a narrative. This is the information reviewed during the parent-teacher conference. However, parents also indicated that they did not feel that they needed to wait to learn how their children are performing since the teachers keep them apprised throughout the year. One means of doing so is to require that parents review, sign and return students' in-class assessments. Interviews with teachers confirmed that they communicated assessment data to parents and reported that parents, on the whole, were very engaged in how their students are performing and supportive of efforts to improve performance. In addition, parents receive a progress report six times per year that includes both a narrative description of their child's performance, as well as a score of level 1 – 4, with 4 being the best level of achievement.

In contrast, there is less evidence of sufficient communication and training regarding the use of rubrics. The school has created rubrics to score written work that are consistent within each grade level. While each teacher is expected to use a rubric to score student work products, their use is inconsistent.

Grade-level teams create their rubrics together, some of which used the McGraw Hill rubrics as the basis for developing their own rubrics. Students start with a simple rubric and, as students move up in grades, the assessment instrument changes to a 4-point rubric. The degree to which teachers communicated across grade levels and considered expectations of the grades above and below was unclear to the renewal team.

Based on interviews and classroom displays, third and fourth grade teachers continually explain to their students the value of writing rubrics. They report using them to help students understand the components of quality writing, the reason for their grade and to take responsibility for their own efforts and for self-improvement. All displayed writing work samples were given a rubric score and rubrics themselves were posted. While these writing assessments were emphasized and teachers expressed confidence in being able to determine the characteristics of grade level work, the validity and reliability of the scoring were inconsistent. In some cases, based on the descriptors used in the rubrics, the scoring was inflated.

The school has not provided any formal opportunities for teachers of different grades to share or discuss their writing rubrics or to share their evaluations of student work samples. The literacy subject specialist from

Lehman College provides support in implementing a program in the writing process. Interviews with teachers did not, however, indicate that she provides guidance for their scoring (given her limited weekly time in school). Most teachers reported that they do not compare the written, scored work of the students with each other, unless it is a student who is having difficulties. An exception is the fourth grade teachers, who discussed reasons for assigning a particular score and reviewed each other's papers. None indicated that their rubrics or scoring of writing samples are reviewed or evaluated by the school leadership.

This is consistent with inspectors' observations of teachers' inconsistent expectations for writing and scoring on rubrics. Teachers at the same grade level seemed to grade similar student work differently, i.e. one "harder" than the other, although they developed the rubric together. Student work samples showed inconsistent corrections in grammar, spelling, punctuation, and thought. One teacher stated she always takes points off for language use on all assignments, whether English language arts or not, whereas other teachers did not, as evidenced by inspectors' reviews of student work.

In writing workshop instruction, teachers may choose to ignore mechanical errors at certain points in the writing process. However, the school, as a whole, has not determined a consistent approach with regards to when and how mechanical conventions should be assessed and corrected.

<p>Benchmark 1C</p> <p>Curriculum</p>	<p>1C</p> <p>The school has a clearly defined quality curriculum that prepares students to meet State performance standards.</p> <p>The school that meets this benchmark has defined with precision the essential knowledge and skills that all students are expected to achieve (and that are aligned with the relevant State standards) and makes them a priority within the curriculum. Course offerings and outlines reflect those priorities. The curriculum as implemented is organized, cohesive, and seamless from grade to grade.</p>
---	--

The school has a clearly defined quality curriculum. **The school's curriculum is based on Core Knowledge and has been aligned with state performance standards.** The Core Knowledge curriculum clearly defines knowledge expectations. The school has a curriculum cross-walk and other curriculum materials that it provides to its teachers. Teachers were familiar with the curriculum crosswalk document developed at the time of the school's initial charter. The document provides a clear alignment of Core Knowledge and state performance standards, as well as content topics or key elements. It also contains assessment suggestions for each topic. Teachers refer to the document in creating their monthly syllabi and lessons. In addition, teachers receive the *What Every Child Should Know* books for their own grade level as well as the grades below and above. Some teachers utilize the Core Knowledge website for assistance with lesson plans and to obtain other resources.

There is no prescribed scope and sequence for school-wide use by teachers. Instead, teachers refer to the curriculum crosswalk and ongoing assessment results to ensure that classroom instruction is sufficient to prepare students to meet or exceed state performance goals. Interviews with teachers indicate that the school leaders continually make reference to the Core Knowledge curriculum as the school's scope and sequence. However, the curriculum's schematic presentation does not provide any information on pacing (i.e. what should be addressed at any particular point during the year). Therefore, **staff reflected an inconsistent understanding of how Core Knowledge fits in day-to-day instruction.** Teachers work in grade level teams to develop syllabi, coordinate lesson plans, and align assessment based on the Core Knowledge curriculum.

At the time of the school's renewal visit, teachers confirmed they use the McGraw Hill and other texts as a means of delivering the curriculum in the Core Knowledge binders. Teachers consistently indicated that, in addition to Core Knowledge, they use McGraw-Hill for reading and math, and Pearson Learning for social studies.

Unlike other areas of literacy, however, school expectations and priorities for writing were ambiguous and inconsistent. **The school did not have a comprehensive school-wide writing program. While teachers across the school talked about the Writing Project, only a few had implemented the Project effectively. Writing assessments were not aligned from grade to grade.**

The school subscribes to the New York City Writing Project through the Institute for Literacy Services of Lehman College to provide guidance and direction to classroom teachers and students regarding the writing process. The Writing Project works with a school to help develop its desired writing program; the school has not clearly articulated the key elements of its writing program to the writing/literacy subject specialist from Lehman College or to classroom teachers. At least one teacher indicated that writing is "not a priority" at Icahn.

The writing/literacy subject specialist from Lehman College develops her schedule based on her professional assessment of teacher and student needs, in consultation with the school's Director of Assessment. She provides a log to the Principal on a monthly basis which indicates who she worked with in the preceding month.

The writing subject specialist explains the growth that has taken place at the school as "moving beyond textbooks" and describes it as a "slow process." Currently at Icahn there is a heavy emphasis on mechanics and teachers have not yet developed a more robust understanding of the writing process. The writing subject specialist's June 2005 report indicated that few teachers had implemented an effective writing workshop.

Inspectors' observations of writing instruction confirmed this conclusion. Approximately half of the writing lessons observed did not appear to be based on the writing process. Writing instruction that included factually inaccurate and confusing explanations of grammar and sentence structure were observed during the renewal visit. In other cases, there were no explanations. For example, a teacher had a paragraph on the white board that the whole class was proofreading together. A student asked why it was correct to say "snowy weather" instead of "snow weather," and the teacher simply replied that "in some sentences you use snow, and in others you use snowy." There was no discussion of the difference between a noun and an adjective, not even a cursory explanation.

As described more fully under Benchmark 1G.2 below, teachers feel that they have little instructional guidance regarding writing curriculum, although they do reach out to the subject specialist when she is available.

<p>Benchmark 1D</p> <p>Pedagogy</p>	<p>1D.1</p> <p>Strong instructional leadership girds the school’s work in improving student learning and achievement.</p> <p>The school that meets this benchmark has instructional leadership that has demonstrated the capacity to lead the comprehensive implementation of the school’s curriculum and has facilitated the alignment of classroom instruction, learning activities, instructional resources, support, and assessments. Instructional leaders at the school ensure that teacher planning time, lesson development, and internal assessment systems lead to the successful attainment of the school’s mission and academic goals.</p>
	<p>1D.2</p> <p>Quality instruction is evident throughout the school fostering an academic learning environment and actively supporting the academic achievement of children.</p> <p>The school that meets this benchmark is one in which classroom practice reflects competent teaching and instructional strategies that engage students. The academic learning environment at the school is one in which effective teaching and learning are valued and supported; there is a clear and strong focus on achievement goals, and student and staff accomplishments are recognized.</p>
	<p>1D.3</p> <p>The school has strategies in place to identify and meet the needs of students at risk of academic failure, students not making reasonable progress towards achieving school goals, and students who are English Language Learners.</p> <p>The school that meets this benchmark has implemented special programs and provides the necessary resources to help students who are struggling academically to meet school goals. The programs are demonstrably effective in helping students meet goals.</p>

Instructional Leadership

Strong instructional leadership guides the school’s work in improving student learning and achievement. Instructional leadership at the Carl C. Icahn Charter School, at the time of the renewal visit, was provided through a combination of administrators and consultants, including the school’s Principal, Director of Assessment and Staff Developer, as well as two subject specialists from Lehman College. Within this combined leadership structure, the Principal plays a pivotal role. He serves as the school’s instructional leader and is a frequent and consistent presence in classrooms. Interviews with staff, parents and students indicate that his commitment to students’ educational success sets the tone for the school.

The school’s cabinet meets on Monday mornings, and includes the Principal, Director of Assessment, the Staff Developer and the Director of Operations to discuss the “status of assessment driven instruction and planning.” [Source: Principal’s Memorandum to School’s Cabinet Re: Planning Meeting on September 8, 2005]

Teachers consistently recognized and identified individuals available to provide instructional support. Teachers overwhelmingly reported that the Principal, former Staff Developer and subject specialists visited their rooms

and observed their lessons. However, at the beginning of the school year, only a few weeks before the visit, the school added a new member to the cabinet. With the addition of a new Staff Developer, the former Staff Developer became the Director of Assessment. At the time of the visit, many teachers still appeared to be unclear as to the current roles and responsibilities of each member of the team.

School leaders have put into place procedures to ensure that teacher planning time, lesson development, and internal assessment systems are directed towards the successful attainment of the school's mission and academic goals. Teachers have a dedicated common weekly planning time with their grade level partner. The Principal reviews the monthly syllabi that each grade's teachers complete during their weekly planning time. Teachers expressed appreciation for the amount of time allowed to them for planning lessons. Lesson plans are submitted weekly to the director of staff development for review. However, at the time of the visit, the quality and usefulness of the lesson plan feedback was unclear to inspectors. A review of lesson plans indicated that there were varying degrees of teacher lesson plan development and detail, content knowledge, and implementation strategies as evidenced in the fourth, fifth, and sixth grades.

The Principal meets almost daily with the school's Director of Assessment to discuss student performance results. The Director of Assessment, who was previously the school's Staff Developer, meets with the targeted assistance teachers and classroom teachers regarding student performance. When he was the school's Staff Developer, the Director of Assessment also met with the subject specialists from Lehman College.

Pedagogy

The academic learning environment at the Carl C. Icahn Charter School is one in which effective teaching and learning are valued and supported; there is a clear and strong focus on achievement goals, and student and staff accomplishments are recognized. Teachers and students express uniformly clear and consistent appreciation for the value and importance of academic learning and performance as the school's highest priority. Classrooms are well resourced and teachers express appreciation about the availability of instructional materials.

The school's clear and strong focus on achievement goals is evident throughout the school building. Expectations and results of student performance on standardized tests are posted prominently. The school's mission was posted just inside the school's entrance, along with a display of parent information that included state test data, attendance percentages, promotion requirements, curriculum information, and parents' rights regarding professional qualifications of teachers. In the hallways of the school were displayed items targeted at encouraging achievement, such as acknowledgement of the student of the month, perfect attendance, and words of inspiration and enthusiasm. In addition to such motivational displays, classrooms across the school displayed evidence of their students' use of the "Strategy of the Month." Students are clearly expected to perform well on assessments. All stakeholders, from parents to teachers, appear to know that the "Principal's goal is that everyone scores proficient."

Students' academic accomplishments are recognized and celebrated. The school has numerous events that celebrate academic achievement from the Kindergarten graduation to the awards ceremonies. A student of the month is selected as well as awards given monthly to students for academic progress. Each year the school holds an Academic Super Bowl in which students are asked questions based on the Core Knowledge curriculum. In addition, the Principal leads the "Einstein Club" which is a group of nine- and ten-year old students that meet on Fridays to write prose and poetry. The club published a booklet of its work last school year, and will expand to a quarterly newspaper during the 2005-06 school year. Teachers' accomplishments are also rewarded. Teachers were given bonuses at the end of the 2003-04 and 2004-05 school years, based on the performance of the students on the New York State assessments.

Instruction is delivered efficiently with clear expectations for classroom structure and student behavior. Classes were orderly and focused. Students arrived ready to learn and were well behaved. Students were virtually always on task and rarely had to be reminded to stay focused.

However, instructional strategies observed were primarily whole class instruction that did not allow teachers to address individual students' needs. Of ten classes visited, only one was split into centers, and within those centers teaching was not differentiated. As students switched to the next center, they all were required to do the

same task, regardless of ability. Currently, the school relies on a pull-out program, the Targeted Assistance Program (described more fully in the following section), to provide individualized assistance. While this method was highly effective in securing excellent fourth grade scores on state examinations, it appears that students in grades that were not targeted by the TAP program do not benefit from differentiated instruction within the classroom. The Principal independently identified this as the primary area for professional growth in the coming years of the school. He stated that the school is moving in the direction of “assessment-driven instruction” within the classroom in which the highest performing groups would be assigned advanced work and remediation would be available for those who need it.

Students At-risk of Academic Failure

The Carl C. Icahn Charter School has strategies in place to identify and meet the needs of students at-risk. The school has implemented several programs to support students at risk of academic failure, including the Targeted Assistance Program (TAP), Saturday Academy, subject specialist assistance and the Waterford Program.

Targeted Assistance Program

The Targeted Assistance Program (TAP) is assessment-driven remediation that includes a comprehensive in-take process, pre- and post-testing and during-the-year formative testing and interviews. Based on student performance on the ITBS and Fox in the Box assessments, students are identified for participation in the school’s TAP in mathematics and/or literacy. Students who receive these services receive small group support from a TAP teacher. Each group has a maximum of six students from the same grade who have similar academic needs. Data analysis of performance results indicate the area of deficit, such as “Listening,” “Word Analysis,” “Writing and Word Usage” or “Concepts and Problem Solving.” These results determine the focus of the small group instruction. The program is coordinated by the school’s Director of Assessment, and the identification process includes the student’s classroom teacher, the TAP teacher and the Director of Assessment. Since the school was, at the time of the renewal visit, seeking to add a third targeted assistance program teacher for the lower grades, student participation in the program, at the time of the renewal visit, was limited to students in second through sixth grades. Participation of Kindergarten and first grade students will be determined, as with second through sixth grade students, based on student performance on the ITBS.

Interviews with school personnel, including administrators and teachers indicate that the TAP is an integrated system of support for at-risk students with ongoing planning between the classroom teachers and the TAP teacher, with monitoring by the Staff Developer. Teachers consistently reported and described rigorous use of ITBS scores combined with teacher input to identify performance gaps and at-risk students. These students receive remediation with additional instruction in an individualized and intensive manner until they have moved beyond the at-risk category. The TAP teacher identifies potential TAP “graduates.” After reviewing their records with classroom teachers, the proposed graduates are presented to the Director of Assessment for his consideration. One teacher reported that she has seen students improve as a result of the TAP program, and students are released from the program once they have consistently shown increased skills in literacy and numeracy.

More than half of the fourth grade students were in the TAP last year. While its success is demonstrated by the extraordinary proportion of students scoring proficient and advanced on the state exams, the commitment of resources for supplemental support would have to be distributed among four grades this year in preparation for the state exams.

Saturday Academy

The school has a “Saturday Academy” that provides additional support for identified students in mathematics and literacy. At-risk students are referred to the Saturday program, which is in its third year, for remediation to prepare for the New York State assessments. Students participate in up to 16 weeks of Saturday morning, three hour sessions in one or both areas: literacy and/or mathematics. The sessions are taught by teachers from the school, and occur during the weeks prior to state assessments in that subject area. In addition to assessment results, classroom teachers may also refer students to the Principal for inclusion in the TAP and Saturday Academy.

Subject Specialists

In addition to their professional development responsibilities, the subject specialists (mathematics and English language arts (ELA)) from Lehman College provide in-class support for teachers and at-risk students. The mathematics subject specialist devotes approximately 50 percent of her time to working with students, and the remainder of her time working with teachers. The mathematics subject specialist is in the school two days per week. The ELA subject specialist is in the school one day per week, and focuses entirely on teacher support.

Special Populations: Students with Disabilities

At the time of the renewal visit, the Carl C. Icahn Charter School's new Staff Developer, who is also certified in special education, had assumed responsibility for ensuring that the programs and/or services required by students with disabilities were provided according to their Individualized Education Programs (IEPs). Six students with disabilities were enrolled at the school at the time of the renewal visit that required speech services, and the school contracted with an outside vendor for the provision of those services. The school had also established a direct contact with the individual from the New York City school district's regional special education office to facilitate addressing special education needs.

Classroom teachers typically spoke with the Principal to initiate any possible referrals for evaluation by the district Committee on Special Education (CSE). The classroom teacher would have had to attempt alternative strategies prior to referral for evaluation for possible inclusion in special education, including participation in the TAP and Saturday Academy.

Waterford

The Waterford Early Reading Program is a computer-based means of addressing the special needs of students. The software is written in such a way as to automatically capture and measure each student's level of performance and modify each lesson to meet the child's needs. This system is fully automated. Some children are on the computer for five minutes, others for more than twenty minutes. The instruction on the computer is interactive and varied, includes an audio portion via headphones and requires the student to speak aloud at times.

At present, the school has not yet found a way to make up lessons that students miss when they are pulled to take their turn at Waterford, or to participate in TAP. They refer to the missed instruction as an "ongoing problem."

<p>Benchmark 1E</p> <p>Teaching Staff</p>	<p>1E</p> <p>The school’s instructional staff is qualified to implement the school as envisioned in the charter. Teachers are competent in their assigned content area and generally use instructional practices that lead to student academic success.</p> <p>A school that meets this benchmark will be able to demonstrate that teachers are competent in their assigned content area and generally use instructional practices that lead to student academic success. (While handled under the benchmark for legal and charter compliance, it is important to note that a school must also be able to demonstrate that teachers are certified or otherwise qualified under both federal and state law with few exceptions. In instances where the school has not been in compliance with this requirement of law, the school should be able to show that it has taken swift and appropriate remedial measures.)</p>
---	---

Although the State Education Department had noted concerns regarding teacher certification in prior years, at the time of the renewal visit, it appeared the school had hired a sufficient number of certified teachers in accordance with Education Law subdivision 2854(3)(6-1). In addition to certification status, the school considers educational background and experience in its recruitment and hiring of new instructional staff.

To be considered for a position at the school as a Targeted Assistance Program (TAP) teacher, an individual must possess background strength in a subject area, such as reading or math, or have had a focus as part of a teacher preparation program in one of the core subject areas. The school considers it helpful if the individual has had some classroom teaching experience.

Most of the school’s faculty has had prior teaching experience. More than 70 percent of the teachers had at least three years of teaching experience prior to the current year. However, the school has had significant turnover in staff. At the time of the renewal, over 80 percent of the teachers had been at the school for fewer than two prior years, and 55 percent had been there for one year or less.

<p>Benchmark 1F</p> <p>Student Order & Discipline</p>	<p>1F</p> <p>The school has implemented discipline policies and procedures that promote learning for all students.</p> <p>The school that meets this benchmark has documented discipline policies and procedures (for regular and special education students) and has consistently enforced those policies. As implemented and enforced, the discipline policy will have promoted calm, safe classrooms where students are required to (and not distracted from) participating fully in all learning activities. Students at a school meeting this benchmark will also generally report a reasonable sense of security. A school will also be able to provide appropriate records regarding expulsions and suspensions.</p>
---	---

Students come to school ready to learn, and teachers have strong, high expectations that were reflected throughout the school environment resulting in a calm and secure atmosphere. Virtually every class that school inspectors observed was calm and orderly. Students were attentive and engaged in their work. They were prepared to learn and uniformly responsive to teacher expectations and instruction. While in a few cases reminders were necessary, students followed most directions the first time given by an adult. Sixth grade students expressed that the clear expectations for an environment that fosters learning is one of the things they most appreciate about the school.

The school has implemented discipline policies and procedures that promote learning for all students. The discipline policies presented to the Institute during the renewal visit were the ones in the original charter application, and were not revised with two sets of subsequent amendments to that original application. The discipline policy, which was bifurcated into a K-2 policy and an upper grade policy as part of the application process, was being implemented as written for the K-2 portion of the policy, and there was evidence in the Student Family Handbook and Staff Handbook that it is distributed to teachers, students, parents and guardians. The policy for the upper grades, however, references inclusion of the New York City Board of Education Disciplinary Code, which is not in fact used by the school. Therefore, the discipline policy is in need of updating by the school's board.

Given that the school has created a clear and consistent culture, the school has not had to resort often to using the more punitive steps that the discipline policy provides. According to the Principal, there have been no expulsions or out-of-school suspensions and few, if any, in-school suspensions. The general disciplinary response is to have a student read a book in the Principal's office during recess, which also provides an opportunity for informal counseling regarding behavior. The lack of need to resort to more severe forms of punishment is largely due to the nurturing environment and culture of inclusion and positive reinforcement the school administration fosters as opposed to a rule based system. According to the Principal, the school uses a "guidance approach" to discipline rather than a "punitive approach." Classroom observations indicate that this approach has been effective.

The school discipline procedures are laid out for students, staff members, and parents in the Student Handbook. The document is updated each new school year. It provides the school's positions on attendance, punctuality, homework, conduct, testing, academic progress, and responsibilities. Students keep a copy of the Student Handbook in their desks, and teachers indicated that they refer to them during a lesson, if and when warranted.

In addition, the parent or guardian of each student receives a copy of the handbook at the beginning of the school year. Parents who participated in the focus group confirmed that they received a handbook and that they were asked to sign a form indicating that they had discussed it with their child(ren). Parents expressed appreciation for the consistent and disciplined environment of the school. They reported that the school leadership conveys that this is a "team effort" and that a "child's success is based on the child, the parent and the school."

Unexcused absences or tardiness are not tolerated. If a child does not arrive by 9:15 a.m., the school calls the student's home; parents describe this as an indicator of the school's concern for their children.

According to the renewal application, special education students receive the same Student Handbook and orientation as other students. Periodically, staff members receive training on the appropriate ways to work with special education students when behavioral issues arise. There is no evidence that the discipline of students with disabilities violated any state or federal requirements.

In addition to the school-wide policies, classroom rules were posted and each teacher had his/her own classroom management system. For example, one second grade teacher used praise to establish model student behavior, and had a star system. Students were observed quickly imitating the behavior of a student who was given a star for transitioning quickly and quietly from one task to the next. As they filed out of the classroom to head to lunch, many of the students paused at the Star Chart to count how many stars they had so far, and to note the students who had the most stars.

Further, the school's 2005 Comprehensive School Safety Plan contains policies and procedures for establishing and maintaining a physically safe school setting and appropriate emergency responses to crises, child abuse, and suicide attempts.

<p>Benchmark 1G</p> <p>Professional Development</p>	<p>1G.1</p> <p>The school’s professional development program aligns with the school’s mission, assists teachers in meeting students’ academic needs and school goals, and addresses any identified shortcomings in student learning and/or teacher content knowledge.</p> <p>Professional development offerings at a school that meets this benchmark are aligned with the school’s educational philosophy and are effective in helping teachers improve instruction. Most importantly, professional development practices at the school are a priority of the school leadership and buttress the instructional program, meet student learning needs and result in increased student achievement. The school’s calendar reflects that professional development and instructional planning are a high priority. A school should also be able to demonstrate that necessary support for inexperienced teachers is available. Teachers and school leaders report professional development activities have resulted in gains in teacher pedagogic content, knowledge, and skills and this expertise has led to increased student academic achievement.</p>
	<p>1G.2</p> <p>The school has a system in place for ongoing teacher evaluation and improvement that supports the school’s ability to reach the goals contained in its Accountability Plan.</p> <p>The school that meets this benchmark has leaders who spend extended time in classrooms. Teachers receive relevant and helpful written and verbal feedback, counsel, support, and opportunities to increase the instructional skills and content knowledge required for the school to meet its academic goals.</p>

PROFESSIONAL DEVELOPMENT

The school provides multiple opportunities and avenues for teachers to obtain support to enhance or refine their craft. The school has committed significant resources to hiring staff to provide professional development services. Internal resource people who support teachers with their development and planning include the Principal, the Staff Developer and a 0.8 FTE Director of Assessment who was added as of the 2005-2006 school year. In addition, the school has engaged the services of two Lehman College subject specialists who visit the school to provide training and support to teachers in mathematics and writing. Each teacher receives one period daily for planning and development, and one period each week for working with other teachers at the same grade level.

The content of the school’s professional development program is determined by the Principal, the Staff Developer, and the targeted assistance and classroom teachers. The Principal oversees the development of the mathematics subject specialist’s schedule, while the Staff Developer works with the writing/literary subject specialist to develop a schedule. Both subject specialists rely on their professional judgment regarding what each classroom teacher needs to improve his/her pedagogical skills in their respective areas. Although the Staff Developer had only been in the school for eleven days at the time of the school’s renewal visit, staff had received an initial list of possible topics for the year and other topics were being solicited. The first topic was “rubrics.”

Staff development and instructional planning periods are offered formally as a full week of in-service days prior to the start of school and during the school year. During the school year, the workshops may occur during teacher lunch periods or planning periods, as well on teacher staff development days. Less formal planning and training occur daily during the year and take various forms.

The two Lehman College subject specialists visit the school each week, one day a week for writing and two days a week for mathematics. The writing/literacy subject specialist provides one-on-one feedback and counsel to all teachers in the school. The mathematics subject specialist concentrates her efforts on third through sixth grade teachers. While her primary focus is professional development, she is also responsible for providing supplemental support to struggling students.

Both the writing/literacy and mathematics subject specialists model lessons for teachers in their classrooms, and provide feedback to teachers regarding instruction in each core curriculum area. The writing/literacy subject specialist meets with teachers during common planning times, and/or provides workshops during lunch times. While observing classes, the mathematics specialist may interject to support the lesson. She also looks at individual student work and provides supplemental assistance to students as needed.

The weekly class schedules support the subject specialists' efforts to provide professional development. The class schedules are staggered, with mathematics instruction scheduled throughout the day, enabling the subject specialist to circulate among numerous classes.

In addition to the school-wide professional development, new teachers receive supplemental support. The school's Principal ensures that each new teacher, as well as each classroom teacher, has a mentor assigned to him or her. Mentors include the Principal, Staff Developer, Director of Assessment and two subject specialists from Lehman College. Veteran teachers serve as supports for new teachers, in terms of resources to assist them in providing engaging lessons which helps reduce, or eliminate, student discipline problems. Interviews with more senior teachers confirmed they received great support when they first began teaching at the school. They reported receiving the curriculum and plenty of materials as well as personal attention from the Principal.

Despite having access to information from standardized tests and support from subject specialists, a significant number of staff felt left to their own devices with respect to evaluating and improving their performance and pedagogical skills. Although a variety of professional development activities occur at the school, with the Staff Developer being new to that position and the early date of the renewal visit, it was unclear to many teachers how the various individuals and activities created a cohesive professional development program.

Teachers expressed widely divergent views regarding the value and effectiveness of the instructional support resources that are available. Many teachers indicated that they receive helpful feedback with respect to particular strategies and working on particular issues or with specific students, but this support does not necessarily extend to more comprehensive professional development issues. In particular, teachers expressed a desire for more support and professional development in the effective implementation of the writing process. To the school's credit, they are aware of this need. A large portion of the proposed professional development calendar for this year, created by the Staff Developer, focuses on writing. The first session is a full-day workshop on "Rubrics" followed by sessions on the "Writing Process," "Modeled Writing," "Purposeful Writing," and "Written Responses to Literature."

When asked about vehicles for improving instruction, teachers interviewed rely more frequently on their peers or themselves than the formal structures that exist. To its credit, the school encourages and fosters these relationships. Each classroom teacher receives one planning period each day. One of the planning periods each week is common with the other teacher of the same grade level. Grade level teams are expected to work together on tasks such as the creation of the monthly syllabi.

TEACHER EVALUATION

While there is much informal opportunity for teacher evaluation, there is no evidence of a formal systematized process for evaluating teachers. Teachers indicated that there is no formal teacher evaluation system at the school. Yet they are frequently given informal feedback on their teaching and instructional strategies. They

report receiving verbal feedback from the writing/literary and mathematics subject specialists from Lehman College, the Director of Assessment when he served as Staff Developer, and the Principal.

The school's instructional leaders are consistently and frequently in classrooms. The school's writing/literary subject specialist from Lehman College is in the school one day per week, and the mathematics subject specialist from Lehman College is in the school two days per week. In addition, the Principal is in and out of classrooms multiple times per day. Teachers and students describe the Principal as a regular and active presence throughout the building. Numerous teachers indicated they found him supportive and accessible.

Teachers copy and submit weekly lesson plans on Monday mornings for review and comment by the school's Staff Developer. The plans are reviewed to ensure alignment with the school's curriculum crosswalk, and to determine, on a school-wide basis, where the school is in regards to the pacing of instruction across core subject areas. The content and usefulness of the feedback was unclear to inspectors at the time of the visit.

At the time of the renewal visit, neither a formal system for ongoing teacher observation nor a performance evaluation process by which teachers could set goals and receive support in developing their craft were in place. In interviews, teachers stated that there is no formal observation of lessons and no formal evaluation based on an established set of criteria. When asked about evaluation, teachers identified a letter that they receive at the end of each year but do not characterize it as evaluation designed to increase instructional skills and content knowledge. The letter provides some generalities about that year's performance and may also indicate whether they are to receive a salary bonus. Overall, teachers did not find these letters useful and expressed some regret about not being given more focused guidance on their professional development.

Administrators and some teachers indicated that the informality of teacher evaluation is a good thing, since it requires teachers to always be prepared. School leaders appear reluctant to institute a formal process that might appear "punitive" or represent a means to "write teachers up." However, such an informal system does not enable teachers and administrators to set goals with regards to their instructional skills and content knowledge nor to determine the teachers' progress over the course of the year.

Renewal Question 2 Is the School an Effective, Viable Organization?		
Benchmark 2A School Specific Non-Academic Goals	2A	The school meets or has made meaningful and consistent progress towards meeting the Unique Measures of non-academic student outcomes that are contained in its Accountability Plan over the life of the charter.

The Carl C. Icahn Charter School’s Accountability Plan non-academic outcome goals deal with attendance, parental opinion, and financial accountability and are listed under benchmarks 2D and 3A.

<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> <p>The school that meets this benchmark has school Board members, parents, teachers, school leader(s) and community partners that consistently present evidence of the school’s success with reference to the school’s mission and the key design elements included in its charter application. Key elements of the school’s design are well implemented and the school’s academic results, governance, and instructional practices reflect the mission of the school.</p>
--	--

There is substantial evidence to indicate that the school has remained true to its mission:

The Carl C. Icahn Charter School, using the Core Knowledge curriculum developed by E.D. Hirsch, will provide students in K-4 with a rigorous academic program offered in an extended day/year setting. Students will complete the 4th grade armed with the skills and knowledge to participate successfully in the most rigorous academic environments, and will have a sense of personal and community responsibility.

As indicated by their superior scores on the state’s fourth grade English language arts (ELA) and mathematics examinations, the school has succeeded in preparing their fourth grade students for academically rigorous environments. Observations by school inspectors indicate that the school fosters “personal and community responsibility.”

The school has maintained its emphasis on the key design elements, including small class size, a rigorous academic program centered on *Core Knowledge*, emphasis on meeting the needs of individuals, the school’s reading program, intense staff development, high parental participation, and concentrated student involvement. Classes, with a couple of exceptions, have 18 students. The diagnostic nature of the TAP program ensures that the school meets the needs of individual students, at least in the targeted grades. (Inspectors note that the school plans to expand the program in the current year.) The school has committed substantial resources to staff development, and reports from staff and parents confirm high levels of parental participation and student involvement. These design elements are explained more fully below the appropriate benchmarks.

<p>Benchmark 2C</p> <p>Governance (Board of Trustees & School Leadership)</p>	<p>2C.1</p> <p>The Board has implemented and maintained appropriate policies, systems and processes and has abided by them.</p> <p>A school that meets this benchmark has implemented a comprehensive and strict conflict of interest policy (and a code of ethics) and has consistently abided by them through the term of the school's charter. Where possible, the Board has avoided creating conflicts-of-interest. The school Board has also maintained and abided by the corporation's by-laws. In addition, a Board meeting this benchmark will have actively sought information from the staff, parents, community and student populations. The system for hearing such views and concerns will have been consistently implemented so that all views and concerns were appropriately heard and acted upon. The Board will have published, reviewed and communicated policies annually and currently maintains an up-to-date policy manual.</p>
	<p>2C.2</p> <p>The Board and school leadership clearly articulate the school's mission and design and work to implement it effectively.</p> <p>To fully meet this benchmark, school leaders and Board members should be able to evidence a strong understanding of the school design and demonstrate that they have referred to it regularly in managing and governing the school. Moreover, the Board and the school's administration should have deployed resources effectively to further the academic and organizational success of the school. At the Board level, the Board should have a process for selecting both Board members and the school leader or school leadership team that is timely and effective and such process should result in a stable and effective Board and leadership team. The Board should also have evaluated school leadership on an annual basis. Such evaluation should be based on clearly defined goals and measurements. The school Board and school leadership should be able to demonstrate that they are facile with the process.</p>

The board of the Carl C. Icahn Charter School is comprised of the school's founding trustees, who have established a regular meeting schedule and a functional committee structure. The board has demonstrated its commitment to ensuring the necessary resources are available for students to meet the school's goals and state's performance standards.

While the school's board of trustees has implemented appropriate policies, systems and processes, and appears to have abided by them in large part, certain policies have not been updated or reviewed and others have technical deficiencies, including fiscal policies (discussed under the section 3 Benchmarks). School board members stated that due to the success of the school academically the school board has not really felt the need to change any policies. As a result a few policies are outdated and not followed as written.

The school made its policies available to the Institute during the renewal visit. The policies presented were the ones from the original charter application. Upon inquiry of staff and review of working documents in the school, it was determined that the discipline (see Benchmark 1.F) and health policies and procedures being used were different from the policies presented. The school's health policy refers to a mobile health service that no longer provides services to the school, which instead has an assigned school nurse. The policy also references a

relationship with a hospital that has been supplanted by the use of 911 services. Thus, the health policy should have been revised to reflect current practices.

The school has a Staff Handbook that adequately covers many topics including compliance with the privacy provisions of the federal Family Educational Rights and Privacy Act (FERPA) and Individuals with Disabilities Education Act (IDEA), and safety issues. The school also provides a FERPA notice to parents and has procedures in place to handle student files in compliance with FERPA and IDEA. The Staff Handbook, however, does not reference mandatory fingerprint supported criminal background checks for all employees, which checks are a requirement of revisions to the Charter Schools Act, and does not have a written policy or checklist regarding the roles and responsibilities for such checks even though the school's director of operations is responsible for them.

The school has appropriate federal and state labor notices posted, but did not have the required Freedom of Information Law (FOIL) notice posted. The school's FOIL policy needs to be updated for recent changes in FOIL. It also incorrectly directs appeals from school board decisions regarding FOIL (the board appears to be the FOIL records appeals entity) to the school's grievance policy rather than to an Article 78 state court proceeding in accordance with the Public Officers Law.

The Open Meetings Law policy of the school is also technically deficient. It references both "closed" meetings and executive sessions when there is no distinction between the two, and wholly closed meetings are not permitted under the Open Meetings Law. Pursuant to Public Officers Law sections 103 and 105 all executive sessions must take place at a public meeting and the school board must publicly vote to go into executive session. Thus, the school's Open Meetings Law policy needs to be revised. A review of the school board minutes, however, did not reveal any "closed" meetings or improper use of executive session. We note that the school board holds its meetings at 767 Fifth Avenue in Manhattan, which may not give parents and teachers an adequate opportunity to express views to the school board that are not relayed by the Principal, who regularly attends the meetings.

During the renewal visit, the school provided an outdated dissolution policy to the Institute that improperly directs remaining funds to the Foundation for a Greater Opportunity or to another charter school in the district of location. This policy apparently came from a non-final version of the school's original charter application. While the school's board of trustees revised the dissolution policy as part of the Department's application revision process on December 22, 2000 to direct of any funds remaining after dissolution to go to a charter school in Community School District 9 or to Community School District 9, the school did not present the latest version as its working policy.

The school has an adequate Code of Conduct, which the school admits is more directed to school trustees than staff, and is referenced in the Staff Handbook. The school's bylaws contain two conflict of interest provisions related to Mr. Carl C. Icahn and business entities with which he is affiliated, and the school board appears to be and have been in compliance with both. The bylaws further contain a provision for a board committee of disinterested directors to review contracts with the Foundation for a Greater Opportunity, which the board stated was its finance committee. The committee serves to guard against conflicts related to school board members who are also board members or employees of the Foundation. There also is an anti-self-dealing provision in the bylaws. On one occasion, the school board approved a contract with a relative of the Principal, but the board minutes reflect that the person was the lowest, and not the only, bidder on the contract. Based on the foregoing, the school has met the requirements of this benchmark 2C.1 related to conflicts of interest.

<p>Benchmark 2D</p> <p>Parents & Students</p>	<p>2D</p> <p>Parents/guardians and students are satisfied with the school as evidenced by survey results as well as the volume of parents who choose the school to provide education for their children and the degree to which parents persist with that choice over the child's academic career.</p> <p>The school that satisfies this benchmark will be able to show through generally accepted surveying standards and practices that a large majority of all parents with students enrolled at the school are satisfied with the school. As only a well-informed parent can be meaningfully satisfied, the school must be able to show that it has provided to parents detailed and accurate information about their child's performance as well as the performance of the school as a whole. The school should also be able to provide data on application lottery, enrollment and persistence rates to demonstrate that large numbers of parents seek entrance to the school, and far more importantly, keep their children enrolled year-to-year. Ideal survey data will also provide an explanation for the persistence rate experienced by the school.</p>
---	--

Parents consistently expressed their adamant satisfaction with the school, its academic program and its leader. Students and parents exhibited great enthusiasm and appreciation for the opportunity to attend Icahn and, in particular, the dedication of teachers and school leadership to fostering and supporting student learning.

The Carl C. Icahn Charter School included the following non-academic outcome goal and measures in its Accountability Plan:

Goal: The Carl C. Icahn Charter School will maintain strong organizational viability by maintaining strong parent support and commitment to the school via enrollment approval and attendance rates.

Measure 1: Each year, the average daily attendance rate of all Carl C. Icahn Charter School students will meet or exceed 90 percent. Attendance will be taken daily and the reported attendance rate will represent the average of each school day's rate.

Measure 2: Each year, parents of Carl C. Icahn Charter School students will be asked to partake in a Parent Survey. As a result of the survey, it will be demonstrated that 80 percent of our parents rate the school's academic program as good or excellent on a scale ranging from poor to excellent or a rank of 1-5.

In response to Measure 1, average daily attendance at the Carl C. Icahn Charter School has consistently exceeded the school's performance measure of 90 percent over the life of the charter. During the 2004-05 school year, the average daily attendance was 95 percent of students.

With regards to Measure 2, although the school did not meet its Accountability Plan goal of 80 percent of the parents rating the school's academic program as good or excellent on the annual parents' survey in its first year, in the subsequent three years the school has significantly surpassed the goal.

While parental participation in the first year of school operation did not meet the school's goal, the vast majority of those who did complete the survey did agree the school was either good or excellent on all survey questions. Parental participation and opinion in the second and third years of operation indicated that the school exceeded its measure of 80 percent satisfaction. According to the most recent survey, parental

satisfaction was 96 percent with a participation rate of 100 percent. The table below indicates the percentage of parents who were satisfied, based upon participation and response.

Table 2A – Actual Total Parent Satisfaction compared with the Icahn Performance Measure of 80%				
Year	Total Parents	Participating Parents	Percentage of Satisfied Parents	
			Participating Parents	Total Parents
2001-02	108	77	98.59%	70.3%
2002-03	142	139	100%	97.8%
2003-04	174	161	97%	92.5%
2004-05	210	210	96%	96%

Strong satisfaction with the school is also indicated by a waiting list of students for each grade level, averaging approximately 40 students for grades one through six and over 200 for Kindergarten. In addition, parents who participated in the focus group expressed a desire for the school to extend into the middle school grades. A sample of sixth grade students overwhelmingly supported the idea of having the opportunity to continue attending Icahn next year and beyond.

The school frequently and consistently shares information with parents and fosters open communication. Parents are very satisfied with the Carl C. Icahn Charter School, and strongly support its programs and practices. Parents who were interviewed consistently referred to the school as a “community” or “family” that cares about the students. While the school holds formal parent-teacher conference twice a year, parents refer to the school’s “open-door policy” in which the school staff are more than willing to discuss anything with parents. They provided multiple examples of how the school demonstrates its concern for their children. The Principal knows each student, and his/her parent(s), by name. Parents are welcomed, and encouraged, to come to the school whenever they either have a need or they just want to see what is going on. Parents can speak to a teacher or to the Principal, without making an appointment. Parents, or students, can call teachers at any time using their cell phone numbers. Alternatively, they may send a note to the teacher who, in turn, calls the parent on the phone.

Parents are knowledgeable about the school’s assessment system and how their child is performing academically. At the beginning of the school year, a testing calendar is sent home that outlines each test’s purpose and date. Parents know that the “Principal’s goal is that everyone scores proficient.” The school holds sessions to inform parents about the assessments used by the school to determine how well students are learning. Parents reported excellent turnout at any meeting called by the Principal. Their estimates range from 80-100 percent and describe the situation as “standing room only.”

The school has numerous means to ensure that parents are aware of their children’s academic progress. Teachers reported that parents sign and send back student homework and tests consistently. Six times a year, progress reports give an account of each student’s progress with a 1- 4 score and a narrative description. Each month, a syllabus is sent home that outlines the topics to be covered in each subject area and the Principal suggests that they hang it on their refrigerator. The Principal appears to set clear expectations regarding communications to parents. Parents are asked to look in their children’s book bag each day and students are told not to open anything that is sealed.

Parents were able to clearly articulate the various assessment tools used, such as the ITBS, the state assessments, Fox in a Box, and Waterford, and how to interpret the results. Parents did not feel they had to wait for the formal notices informing them of how their child(ren) are performing; they just spoke with the child(ren)’s teacher as needed. The school provides parents with ongoing communication about activities in school, bimonthly progress reports, a graph reflecting student performance, and formal assessment correspondence.

Mutual respect exists between the parents and the Principal, and between students and teachers. The Principal spoke highly of students’ parents, and parents spoke highly of the Principal. The Principal ends written parent correspondence by thanking the parents for their wonderful children. Students displayed a high level of courteousness in the classrooms, and teachers took care to address students in ways that indicated a level of respect.

<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> <p>A school that meets this benchmark will have compiled a record of substantial compliance with the terms of its charter and applicable laws and regulations. In addition, at the time of renewal, the school will be in substantial compliance with the terms of its charter and applicable laws and regulations. Such school will have maintained and have had in place effective systems and controls for ensuring that legal and charter requirements were and are met. A school should also be able to demonstrate that the school has an active and ongoing relationship with independent legal counsel that reviews relevant policies, documents, and incidents and makes recommendations as needed.</p>
---	--

As part of a compliance review, the Institute reviewed steps the school took in response to the New York State Education Department's Third Year Monitoring Report and other communications of the Department, which outlined certain instances of non-compliance in the areas of teacher certification, school safety plan and the provision of special education. **At the time of the renewal visit, the school was either in compliance or was in the process of coming into compliance for all areas noted by the State Education Department.** Based on the records review conducted during the renewal visit, only two teachers at the school were not certified at least initially or with an intern certificate. At the time of the State Education Department's visit only five of 14 teachers were certified. Both of the teachers who were not certified had at least three years of teaching experience in compliance with Education Law subdivision 2854(3)(a-1). However, only one of those teachers was highly qualified under the federal No Child Left Behind Act (NCLB). Those requirements were applicable to the school at the time of the renewal visit rather than at the end of the 2005-06 school year because the school has accepted federal Title funding.

In January of 2005, the State Education Department informed the school that its school safety plan required by the Safe Schools Against Violence in Education Act (SAVE) was only in partial compliance with the SAVE legislation. On April 8, 2005 and again on May 16, the school sent revised versions of its SAVE plan to the Department for approval. As of the time of the renewal visit, the Department had not responded to the school, but the school has indicated that it will take all steps necessary to bring its SAVE plan into compliance.

As a result of visits by the State Education Department in April and May of 2004, the school was found to have several deficiencies in its special education program including not having Individualized Education Programs (IEPs) for every child who should have had one, not having certified instructors for speech therapy and special education, and not referring children suspected of having a disability to the district Committee on Special Education (CSE). The school responded in October of 2004 that all special education issues had been remedied and there was no further Department correspondence on the subject. At the time of the renewal visit, the Institute found no evidence that the school was not in compliance with applicable law in terms of its special education program.

Since September of 2002, the school has had a very strong record of compliance with its charter in terms of submission of information to the Institute. Only a small number of items were late and then less than four days late, with all other items being on time or early. Previously, the school's record of compliance was more mixed with a few items running 89, 67, 55 and 15 days late and a number of others submitted less than three days late. The Institute has not received any formal complaints from parents or others at the school. The Institute did field two parent inquiries, one in March 2004 regarding the discharge of a special education student without due process, and another in April 2005 involving disciplinary action against a student. Both were resolved by the school without involvement of the Institute, other than directing the parents to the school and its complaint policy.

With the exceptions noted in Benchmark 2C.1, the school's board of trustees generally has in place effective systems and controls for ensuring that legal and charter requirements were and are met. A further exception was noted in the area of fingerprint supported criminal background checks for all employees of the school as required by Education Law subdivision 2854(3). Review of documentation at the school showed a number of instances where employees did not have clearance from the State Education Department or an emergency conditional clearance from the school board. In some cases, the employees had prior clearances but those background checks were not updated. Thus, the school did not know if the clearances were valid and the Department did not know the employee was working for the school. Among the teaching staff only one employee had no clearance and only that employee and one other were in need of an emergency conditional clearance. The janitor and five administrative employees had some deficiency in terms of proper clearance. We note that the school immediately set about rectifying this situation.

In terms of legal support, the school board chair usually has at least one lawyer who is affiliated with a business entity of the chair assist during board meetings on a *pro bono* basis. The board has also retained different outside counsel for resolution of various issues including real estate and FOIL issues.

Except as set forth above, the school's policies and procedures, other internal controls, board minutes and other documentation, as well as responses to interview questions by board members and school personnel demonstrate the school's general and substantial compliance with the Charter Schools Act, applicable provisions of the New York Education Law and other New York law, applicable federal law (e.g., I.D.E.A., F.E.R.P.A.), its bylaws and the provisions of its charter.

Renewal Question 3
Is the School Fiscally Sound?

Renewal Question 3
Is the School Fiscally Sound?

Benchmark 3A

Board Oversight

3A

The board has provided effective financial oversight, including having made financial decisions that furthered the school's mission, program and goals.

The chairman of the board is a legendary financier, entrepreneur and investor. Understandably the board significantly relies on the chairman and treasurer to provide leadership in terms of the financial oversight of the school. Under this structure there is a strong emphasis on financial accountability that furthers the mission of the school.

The structure of the board's fiscal oversight is uncommon compared to other charter schools in New York. Specifically, the treasurer is not a voting member of the board. There is no evidence that this arrangement has impeded the board's effective fiscal oversight.

The school has had three different individuals as treasurer since its inception. Each has been a high ranking financial professional separately employed by a company affiliated with the chairman of the board of the school. This arrangement has afforded the school the assistance and oversight of a highly sophisticated financial professional. The treasurer receives and reviews financial reports on a monthly basis.

The board also has a finance committee that has typically interacted via telephone or email rather than through separate meetings. A review of a sample of board minutes noted evidence that the board regularly discussed school budget and facility issues. The school has benefited from a solid board that has not had any turnover. This has assisted in the school's continuity. The school's annual budget is reviewed and approved by the full board.

Accountability Plan Goal E: Carl C. Icahn Charter School will maintain strong organizational viability by demonstrating sound financial practices and effective, responsible decision-making.

Measure: Financial accountability will be established through a comprehensive planning process that provides for allocation of resources in support of the schools' educational goals and culminates in preparation of an annual budget. Sound financial management will be demonstrated through analysis of budget variances and maintenance of fiscally sound financial condition. Yearly submission of audited financial statements and an updated manual of accounting practices will demonstrate that the school is responsible and prudent with resources provided.

The school has successfully operated within its budget in each of its operational years. The school has retained a cash balance to ensure its ability to absorb unexpected expenses. The school's independent auditor has presented the results of its annual financial audits to the board in each year.

Renewal Question 3 Is the School Fiscally Sound?

<p>Benchmark 3B</p> <p>Budgeting and Long Range Planning</p>	<p>3B</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>
--	--

The school's annual budget process starts in the spring each year. Staff presents the budget to the treasurer who reviews it and after necessary modification the budget is submitted to the full board for consideration. Key employees involved in the budget process are the Principal, operations manager and the Director of Assessment . Future expenses are estimated and staff works with the board to modify the budget as needed.

Actual revenues have exceeded budgeted revenues in each year and the school's actual revenues have also exceeded actual expenses in each year. Although the budget is analyzed in detail on a monthly basis, the focus of budget monitoring has been the overall budget. As a result, budget adjustments to individual line items have not been made or required.

The school has operated pursuant to long-range plans beginning with the five-year plan included as part of its initial charter application. Budgets have provided a realistic framework for the school's spending activities and monitoring procedures were in place. Billings are submitted to the district on a timely basis.

Renewal Question 3

Is the School Fiscally Sound?

Benchmark 3C Internal Controls	3C	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.
---	-----------	--

The Carl C. Icahn Charter School is a viable fiscal entity in stable financial condition with appropriate systems and controls in place. The school started with a small enrollment and grew slowly over the term of its charter. The small size of the school did not necessitate establishing sophisticated systems and could not support unnecessary overhead. Looking ahead, the school continues to anticipate having a lean administrative team. As a result, the school will continue to need to establish and maintain compensating controls where needed, such as instances where duties cannot be fully segregated due to the limited number of staff.

The school has a written accounting manual that covers the following topics:

- Bank accounts and cash,
- Payroll,
- Preparation and review of financial information,
- Separation of accounting functions,
- Data backup and record retention and
- Fixed assets.

The manual should be updated to reflect current practices of the school and ideally it should be approved by the finance committee and/or the full board.

Based on interviews with staff and review of documentation, the school has established processes and controls related to payroll, procurement and safeguarding of assets. Additional systems and controls will need to be further developed as the school matures. For example, although the school has a system to record fixed assets; it has not yet established procedures for performing periodic physical inventories.

The school’s independent auditor has not issued written management letter comments in conjunction with its audits and as a result, the school has not had issues to follow-up on. The school’s annual audit reports on internal controls over financial reporting and compliance with laws, regulations and grants did not disclose any reportable conditions, 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.

Renewal Question 3 Is the School Fiscally Sound?

Benchmark 3D
Financial Reporting

3D

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.

The school has met its financial reporting requirements. The annual financial statements, budget, and quarterly financial reports were filed on time with a few minor exceptions. A summary of the results of the school's annual audit are included below.

	2002	2003	2004	2005
Type of Auditor Opinion	Unqualified	Unqualified	Unqualified	Unqualified
Conducted in accordance with generally accepted auditing standards?	Yes	Yes	Yes	Yes
Conducted in accordance with <i>Government Auditing Standards</i> ?	Yes	Yes	No	Yes
Expenses reported by function? (Program and Supporting)	Yes	Yes	Yes	Yes
Noncompliance	None reported	None reported	See below	None reported
Reportable conditions ¹²	None reported	None reported		None reported
Material Weakness(es) ¹³	None reported	None reported		None reported

Audits conducted in accordance with *Government Auditing Standards* include separate reports on internal control over financial reporting and on compliance. The school's audit for fiscal year (FY) 2004 did not include these reports, as a result, noncompliance, reportable conditions or material weaknesses were not reported on. The school's failure to have its audits completed in accordance with *Government Auditing Standards* was the result of confusion over the requirements in the charter. Once notified, the school took the necessary steps to obtain a proper audit for the year ended June 30, 2005.

¹² Reportable conditions relate to significant deficiencies in the design or operation of the internal control over financial reporting.

¹³ A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that material misstatements to the financial statements may occur and not be detected within a timely period by employees in the normal course of their assigned functions.

Renewal Question 3 Is the School Fiscally Sound?

Benchmark 3E	3E	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).
Financial Condition		

The school completed FY 2005 in stable financial condition. The school's total net assets increased by \$50,756 and it finished with total net assets of \$441,019. Overall, the school increased its cash position by \$10,804. The school's operating activities provided net cash of \$181,252 and the school invested in the purchase of furniture, fixtures and equipment totaling \$44,960. The school has relied in part on fundraising to meet its program needs.

The school has fixed assets (net of accumulated depreciation) totaling \$73,197 that consist of library and textbooks, furniture and fixtures and equipment. The school has no long-term debt. However, certain start-up costs incurred in FY 2002 were funded by the Foundation for a Greater Opportunity. Repayment of the remaining start-up costs was planned in two equal payments of \$50,488 in 2005 and 2006. In addition, the school has an operating lease with the Foundation with a balance of \$66,700. Under terms of the lease, the school accrues rent of \$50,000 annually.

Except during its start-up period, the school has generated sufficient cash flow from operations to pay ongoing expenses. The school has no long-term debt and has not required interim or line-of-credit financing. Spending per student (total expenses divided by the revised approved enrollment) in each year is shown below.

<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>
\$ 7,870	\$ 8,425	\$ 9,287	\$ 9,658

Renewal Question 4

Should the School's Charter Be Renewed, What Are Its Plans for the Term of a Future Charter?

<p>Benchmark 4A</p> <p>Curricular & Assessment Plans</p>	<p>4A</p> <p>The school's curriculum and assessment plans for the term of a future charter are reasonable, feasible, and achievable and are likely to improve student learning and achievement.</p> <p>Schools that plan to retain or augment curricular and assessment designs presented in the original charter application have provided evidence that the implementation of that design has resulted in academic success during the term of the existing charter.</p> <p>Schools that propose a material redesign to the curriculum and assessment plans for the term of a new charter have clearly articulated the new design, provided research and evidence that the proposed new design will result in the increased academic performance of children, and a plan and timeline outlining the implementation of the new curricular design. These plans are likely to improve student learning and achievement and are reasonable, feasible and achievable.</p> <p>Schools that seek to add grade levels not included in the approval of the original charter have presented an outline of the curriculum and specific assessment plans for the term of a future charter. These plans are likely to improve student learning and achievement and are reasonable, feasible and achievable.</p>
--	---

According to the renewal application, for the next charter period, the Carl C. Icahn Charter School seeks to continue its Kindergarten through sixth grade education program and to expand by adding seventh and eighth grades resulting in a two tier school with a K-4 Elementary School and a 5-8 Middle School. The school seeks to add the seventh grade in 2006-07 and the eighth grade in 2007-08.

The renewal application states that the school will construct the middle school with two classrooms for each grade five through eight, plus a science laboratory, library and art room. Middle school students will participate in individual research projects, using available technology and library resources, and generate a school newspaper. Each student will create an independent mathematics and science project for an annual mathematics and science fair, and complete a special research project required for eighth grade graduation. As a result, it is expected that a higher percentage of graduating students will pass the specialized high school entrance exams administered by the New York City Department of Education than neighboring middle schools.

According to the renewal application, eight original key design charter elements will be carried into the second charter period: (1) longer school day and year, (2) small class size, (3) rigorous academic program centered on *Core Knowledge*, (4) emphasis on meeting the needs of individual students, (5) the school's reading program, (6) intense staff development, (7) high parental participation, and (8) concentrated student involvement. The McGraw-Hill and Waterford Early Reading Programs (WERP), as well as class libraries, will be continued in the elementary school. In the middle school, students will move from basal readers to appropriate literature in keeping with the school's curriculum. Some examples are: *The Call of the Wild*, *Prince and the Pauper*, and *Animal Farm*. Teaching and learning will continue to be shared responsibilities among the student, the school and the parents.

In the next charter period, professional development opportunities supporting faculty and others to improve their practice in helping students meet and/or exceed standards would continue under the guidance of the Principal, Staff Developer and Director of Assessment. The school would continue to use assessment data for planning and school improvement, at grade level and in individual student learning. Classroom teachers will use data to monitor student progress, for group instruction and to plan safety nets such as Title I support and tutoring.

The renewal application states that disciplinary practices will continue to be consistent throughout the school. School-wide and classroom procedures will continue be taught to students and enforced by all staff members. Parents will continue to participate in the development of their child's learning plan, support them as they complete homework, and attend parent teacher organization meetings and learning activities, such as second language classes.

The school's curriculum and assessment plans for the term of the future charter are reasonable, feasible and achievable.

<p>Benchmark 4B</p> <p>Accountability Plan</p>	<p>4B</p> <p>The school has provided a draft Accountability Plan that defines the school’s measurable goals for the term of a future charter.</p> <p>The school’s proposed Accountability Plan follows the guidelines set forth by the Institute and presents an accountability system that is reasonable, feasible, and achievable.</p>
--	--

The school has submitted an Accountability Plan that generally follows the guidelines set by the Institute. The plan will require some revision, as well as additional outcome measures, should the school’s charter be renewed. As with all charters coming to renewal, the Institute will work with Carl C. Icahn Charter School staff to finalize the Accountability Plan for inclusion in a new charter.

<p>Benchmark 4C</p> <p>School Calendar & Enrollment</p>	<p>4C</p> <p>The school has provided a sample school calendar that includes the number of days and proposed daily hours of instruction. Additionally, the school has provided an enrollment plan outlining the grades and growth patterns it anticipates during the term of a future charter.</p> <p>The plans are reasonable, feasible and achievable.</p>
---	---

The school provided a sample calendar outlining the necessary school days and hours of instruction. The school day will continue to extend from 8:30 a.m. to 4:00 p.m. with enrichment support programs provided from 4:00 p.m. to 6:00 p.m. and Saturday mornings. The school also provided an enrollment plan that envisions growth from serving grades Kindergarten through sixth grade to serving Kindergarten through eighth grade in the term of a future charter. The school hopes to serve 324 students in the Kindergarten through eighth grades.

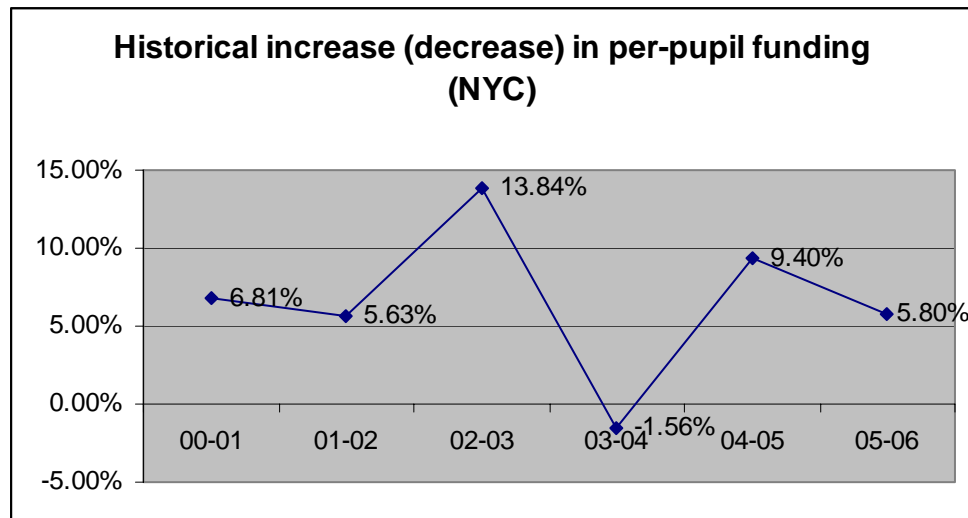
Renewal Question 4

Should the School's Charter Be Renewed, What Are Its Plans for the Term of a Future Charter?

Benchmark 4D Fiscal & Facility Plans	4D The school has provided a reasonable and appropriate five-year fiscal plan for the term of a future charter. The school has provided a fiscal plan that includes a discussion of how future enrollment and facility plans are supported and/or impacted by the school's fiscal plan for the term of its next charter. In addition, fiscal plans provided for a future charter term reflect sound use of financial resources that support academic program needs.
---	---

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. Regardless of the assumptions embedded in the fiscal projections, the school will be required to develop and adopt annual budgets based known per pupil amounts.

The school concluded that a projected four percent annual increase in per pupil revenue was considered reasonable. While there is degree of uncertainty related to these projected increases, they are less than the historical average increase over the life of the school's charter (6.7 percent). In addition, the school has established a track record of meeting its financial obligations including a period during which its per pupil revenue had declined from the previous year (2003-2004).



Source: State Education Department

The school's five-year financial plan incorporates most of the same baseline assumptions as contained in the original charter. The cost to operate the second site has been added, including the additional positions needed such as administrators, the teachers, support-staff and maintenance. The revenues have been adjusted to reflect the increase in student enrollment. The plan assumes 288 students in the first year and 324 students in the

remaining years of the proposed new charter period. The school's plan includes many conservative assumptions particularly the amount of per-pupil funding and the estimated cost of employee benefits.

The school projects that it will break even over the course of the proposed new charter period. In the first year, a substantial deficit is anticipated due to increased staffing costs associated with the seventh grade. In year two, the addition of the eighth grade actually allows the school to benefit from economy of scale.

The school anticipates that the Foundation for a Greater Opportunity will build a new building across the street from the current school. The New York City Department of Education has agreed to fund two-thirds of the cost of the new facility. The Foundation for a Greater Opportunity will fund the remaining cost and will likely lease the facility at favorable terms to the school. While operating a school at two separate locations can present many logistical challenges, the close proximity of the new building should mitigate against many of these challenges. The school's fiscal plan has budgeted appropriately for the new facility.

The school's proposed fiscal plan reflects the sound use of financial resources to support academic program needs. The plan is reasonable, feasible and achievable.