



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 EUGENIO MARIA DE HOSTOS CHARTER SCHOOL

FEBRUARY 9, 2005

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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 State University Renewal Practices, Policies and Procedures (revised January 25, 2005) are available at www.newyorkcharters.org.

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 approve a renewal application, they are required under the Act to submit the application and a proposed charter to the Board of Regents for its review.⁶ The Regents may approve 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.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. 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), it 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, but does not contain a 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 in their final form. The report is then finalized, recommendations are included, and copies are provided to the members of the Committee on Charter Schools, the other members of the Board of Trustees and the schools themselves. 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, Recommendations and Executive Summary, Findings and Discussion and completed Renewal Benchmarks. As this guide, the Introduction, and School Description speak for themselves, no guidance is provided for these sections. Guidance as to the remaining sections is set forth below.

1. Executive Summary and Recommendations

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 contains 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.

2. Finding and Discussion

The findings are grouped and separated into four sections corresponding to the four questions that a charter school seeking renewal must answer and must provide evidence supporting its answer. They are:

- 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?

Below each group of findings is a summary of the evidence supporting the finding. This evidence is a synthesis of information gathered over the life of the school's charter and is analyzed through the lens of the Institute's Renewal Benchmarks (available on the Institute's website).

The ordering of the findings—with those regarding a school's academic performance and outcomes placed first—reflect the fact that renewal of a State University authorized charter is primarily based on a school's progress towards performance-based goals that the charter school and the Institute agreed to in the school's Accountability Plan. However, while success in meeting these goals is the primary determining factor, the school's ability to demonstrate that its educational program as implemented is effective and that the organization is viable, fiscally stable and in compliance with applicable law are also important factors. So, too, the school must be able to show that its plans for the charter renewal term are feasible, reasonable and most of all achievable.

3. Renewal Benchmarks

The Renewal Benchmarks section contains each renewal benchmark together with a review of the pertinent evidence gathered during the renewal cycle. As noted earlier, the benchmarks, similar to the findings, are grouped under the four renewal questions.

SCHOOL DESCRIPTION

Eugenio Maria De Hostos Charter School (EMHCS) was approved by the State University Board of Trustees in January 2000 and by the Board of Regents in April of that year. Initially the school served 120 students in the Kindergarten through second grades. Sponsored by the Ibero American Action League, Incorporated, the school opened in September 2000. The school leases three floors in the Roman Catholic Church Recreational Hall. It is located at 938 Clifford Avenue Rochester, New York. The school currently enrolls 280 students in Kindergarten through sixth grades.

The mission of the Eugenio Maria de Hostos Charter School is as follows:

It is the mission of the Eugenio Maria de Hostos Charter School to produce students who meet or exceed the New York State Standards in English Language Arts, Math, Science and Social Studies. Our students will be able to communicate in both English and Spanish. Staff and students will view themselves as self-reflective, continuous learners. Parents will view themselves as partners in their child's education.

Based on the performance-oriented America's Choice design, the goal of the school is to create an environment where Spanish-dominant students are more quickly and smoothly immersed in English, while exposing English-dominant students to Spanish immersion. Although the school originally anticipated a majority of students to be Spanish-dominant, the majority of students are English-dominant. The school has adapted its educational program to meet the needs of the students it serves.

RECOMMENDATION AND EXECUTIVE SUMMARY

Recommendation: The Charter Schools Institute recommends that the State University Board of Trustees approve the application for charter renewal submitted by the Eugenio Maria De Hostos Charter School and that it authorize renewal of the charter for five years with authority limited, however, to providing instruction in grades Kindergarten through six in each year of the charter with a maximum student population of 320 in the 2005-06 school year and a maximum student population of 410 students thereafter, and consistent with the other terms of the charter renewal application.

Summary Discussion

The Eugenio Maria de Hostos Charter School (EMHCS) is located in Rochester and currently serves students in grades Kindergarten through six with a present enrollment of approximately 280 students. The school has applied to the State University Board of Trustees for a full-term charter of five years, with authority to grow to a Kindergarten through eighth grade school from its present Kindergarten through six configuration.

In order for the Charter Schools Institute to recommend that a charter school authorized by the State University Board of Trustees be awarded a five-year renewal of its charter, a school must show that it has met its Accountability Plan measures and goals or at least made consistent and meaningful progress towards meeting those outcome measures and goals. It must also demonstrate that if renewed it would be operated in an educationally and fiscally sound manner, that it meets the requirements of the Charter Schools Act and that it would materially further the purposes of the Charter Schools Act.

Based on all the evidence gathered during the charter period, the Institute has determined that EMHCS has met the standard for a full-term renewal of five years, subject however to the condition that its authority to provide instruction be limited to grades Kindergarten through six, and not the Kindergarten through eighth grade configuration that the school has sought. Accordingly, the Institute recommends that the State University Board of Trustees approve the school's application for such renewal and authorize renewal of the charter, subject to the above-stated condition.

In regards to student assessment outcomes, EMHCS has met some, though not all, of the measures of student academic performance it set for itself in its Accountability Plan. In English Language Arts (ELA) and mathematics the school outperformed all of its comparison schools on the New York State Fourth Grade assessments. The school made substantial progress on the state's mathematics examination, virtually reaching its absolute goal in 2003-04. EMHCS is currently in good standing under No Child Left Behind. Taken as a whole, the student achievement data the school has amassed during its first four years of operation indicates that the school has improved student learning and achievement.

At the time of the renewal visit in December 2004, 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. In addition, the school has benefited from consistent leadership at the school's Board of Trustees and Principal level, located and renovated a suitable facility, and maintained overall financial health. The school is a viable and effective organization and has demonstrated that, if renewed, it would be operated in an educationally and fiscally sound manner.

The school requested in its renewal application that it be granted authority to provide instruction in grades Kindergarten through eight. While the instructional program at the Kindergarten through fifth grades has demonstrated that it is educationally sound and has improved student achievement, the program in grade six is less effective. The school has enrolled sixth graders for only one year and has yet to solidify its instructional program such that it consistently provides students the necessary foundation for success required in middle school. As such, the Institute does not find that the school has presented sufficient data to indicate that expansion into grades seven and eight is warranted at this time.¹¹

Accordingly, the Institute recommends that the charter be renewed for a period of five years with authority to provide instruction during the second term of the charter limited to students in grades Kindergarten through six with a maximum enrollment of 320 students during the 2005-06 school year and a maximum of 410 students thereafter, and subject to such conditions and terms as are set forth in the renewal application and consistent therewith.

¹¹ Should the school solidify its program in sixth grade and be able to demonstrate its effectiveness during the renewal period, the school may seek a revision to its charter at that time.

FINDINGS AND DISCUSSION

1. Is the School an Academic Success?

- Finding 1: Eugenio Maria de Hostos Charter School has met some of the key academic outcomes it set for itself in English Language Arts and mathematics. In 2003-04, EMHCS outperformed all of its comparison schools on the fourth grade state ELA and math examinations. Despite this comparative success, it has not made uniform progress in achieving its absolute or value-added goals. While the school has made substantial progress on the state's math exam, virtually reaching its absolute goal in 2003-04, its ELA results showed only a slight increase and remain far from the school goal.*
- Finding 2: The school's dual-language approach is succeeding in developing oral and written Spanish skills among its primarily English-speaking population.*
- Finding 3: The school benefits from a committed, hardworking and caring instructional staff. The school's continuing growth in enrollment has strained the leadership team's capacity to provide effective instructional oversight. Teachers are not receiving discerning, critical feedback on their instructional practices.*
- Finding 4: The lack of explicit, content-rich, teacher-led instruction, insufficiently challenging content and learning activities and the school's practice of not consistently correcting students' oral and written language hinder the school's ability to "produce students who meet or exceed the New York State standards" in English Language Arts as set forth in the school's mission statement.*
- Finding 5: School staff examine assessment data and instituted major curricular changes in response to identified weaknesses. The implementation of these new programs is incomplete.*
- Finding 6: From the school's inception, Eugenio Maria de Hostos Charter School has put in place a consistent and effective behavior system that promotes calm, safe classrooms and has fostered a supportive environment.*

Over the term of this charter, Eugenio Maria de Hostos Charter School (EMHCS) met some, but not all, of its key academic outcomes. At the time of renewal, both quantitative and qualitative data indicate the school has achieved the strongest program implementation in grades Kindergarten through four with the quality and rigor of the program diminishing at the upper grades.

In English Language Arts (ELA) and mathematics the school outperformed all of its comparison schools on the New York State Fourth Grade assessments. The school made substantial progress on the state's mathematics examination, virtually reaching its absolute goal in 2003-04 (the most current data available). The school posted only a slight increase in English Language Arts as measured by state assessments and remains far from the school's absolute performance goal. Despite one set of strong scores in mathematics in 2003-04 and comparative successes in English Language Arts and mathematics, the school has not made uniform progress in achieving its absolute or value-added goals.

To gauge academic success by measuring year to year achievement (the "value" the school provides the children it enrolls), EMHCS administers the Stanford 9. This test is a nationally-normed standardized achievement test administered to hundreds of thousands of students across the United States. The school's goal was to increase student performance by a four point gain and to measure this gain according to the test performance of student groups yearly. Such gains would indicate the school's success in helping students improve knowledge and skills at a higher rate than like students across the country. The school's results in meeting this value-added goal are mixed. Across the three years for which value-added data are available, the results are slightly stronger in math than in reading.

The school has implemented a system of internal assessments. While it has a system in place, the school's internal conception of the quality of work students must produce to ensure progress toward meeting or exceeding the demands of New York State Performance Standards lacks definition and rigor. The school's internal assessment system includes the use of a variety of data to analyze student performance. In the primary grades, the school uses the Marie Clay Observation Survey, Reading Running Records, the Development Reading Assessment (DRA), the Second Language Acquisition Stages and a series of school-developed rubrics and portfolios based on the America's Choice Writers Workshop model to gather data on student performance. These data are systematically gathered and organized, then reported to teachers and the school's Board of Trustees.

In English Language Arts, the analysis of the data and the translation of results into the improvement of classroom instruction are insufficient. The school's internal portfolio system does contain defined selections of student work for each grade level. The system is well maintained, organized, and implemented school-wide. A review of the student work products included in the portfolios reveals a low level of expectation for student writing across the school. Teachers fail to provide substantive and concrete feedback on student work squandering important opportunities to

teach children the level of quality and effort demanded for academic success. The teacher comments and evaluations that are included lack specificity and substance and reflect a level of quality expectation that lags behind the demands of the New York State Performance Standards in English Language Arts. This schism is most evident at fifth and sixth grade.

The school has marked some success in analyzing student assessment results and using student outcomes to modify and improve curriculum and professional development in mathematics. Using an analysis of student performance on external and internal assessment measures, the school examined its mathematics curriculum and modified it to include the use of curriculum that provides a strong conceptual base for thinking mathematically. The school has posted one year of promising scores on the state's mathematics and science examinations. This one data point is indeed positive, but does not provide assurance of consistency of results or a positive trend. It does indicate that the school may have found the proper formula for combining a highly conceptual, activity-based curriculum in mathematics with the need to supplement mathematics with more traditional algorithmic and computation materials.

The quality and rigor of teacher instruction at EMHCS varied widely across classrooms and diminished in strength in the upper grades. Class size and staffing structure at EMHCS provides time for individual student/teacher conferencing as a part of the instructional plan. The school's instructional plan includes time for each student to have a minimum of two one-on-one instruction/conference opportunities with a teacher in each six-day instructional cycle. During the renewal visit, most other portions of instructional time were consumed by a variety of small group and individual activities. During the renewal visit, visitors purposely sought opportunities to observe quality instruction. Though the school described the times as "lessons," "mini-lessons," or "instruction," observations revealed that teachers were not delivering lessons but setting up a series of activities. While all students willingly participated in the activities, in more than half the classroom observations during the renewal visit revealed students did not understand the purpose of the activity and were unable to connect it to prior learning. Teachers provided little, if any, introduction to new knowledge, expectations for high quality student work, analysis or discussion post-activity and did not consistently check to see what, if anything, students had learned. Instructional leadership and professional development at the school has not yet provided teachers with the substantive feedback on instructional skills and delivery necessary to ensure consistent attainment of state standards by students.

Students, teachers, parents and administration at the school are to be commended for the strong and positive culture at EMHCS. Students are

welcoming, inquisitive, and supportive of each other in the learning process. Indeed, renewal visitors found that students were eager to answer questions and explain their work in a thoughtful manner. The school has yet to capitalize on this culture by setting consistent expectations for high quality work. This is especially true at all levels in English Language Arts and in ELA and mathematics at fifth and sixth grade.

The school has focused on increasing the quality of instruction and demanding a higher level of rigor in student performance. In addition to modifying its dual language program to meet the needs of students not meeting standards, the school sought and received a New York State Reading First grant to increase the quality and rigor of professional development. As a part of that grant, the school adopted a new reading program and *Assessment for Learning – Using Rubrics to Improve Student Writing* to provide teacher clear expectations for writing standards. These actions are indicators that the school is not satisfied with its current results and looks to increase performance in the future.

The school has posted demonstrable success in building a program that produces impressive Spanish speaking and writing skills in children whose first language is English. In each six-day instructional cycle, students receive instruction in English for three days and then are immersed in instruction in Spanish for three days. Each grade level has two teachers, one English-speaking and one Spanish-speaking, who plan lesson content and activities together. This system has produced elementary level students who understand, speak, and write in both Spanish and English.

2. Is the School An Effective, Viable Organization?

- Finding 1: The school's stable and committed Board of Trustees has provided strong governance in the areas of finance and operations, but insufficient oversight of academics.*
- Finding 2: As evidenced by the school's history of full enrollment, strong demand for open seats, and generally positive survey results, parents are largely satisfied with Eugenio Maria de Hostos Charter School.*
- Finding 3: With some exceptions, the school is in 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, its bylaws and the provisions of its charter. 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 this. Exceptions are in the areas of background check compliance, student admission and discipline policies, and Freedom of Information Law compliance.*

The Board of Trustees at EMHCS has provided proper and sufficient governance oversight to the school from start-up through the course of its first charter. While the Board requires the school's Principal to report on the school's success using standardized test scores, it has yet to truly make evaluating the successful academic attainment of students a part of its core work. The Board has not yet developed a common understanding of the quality of student work required to meet state standards. During the renewal visit, the Board did express plans to instigate an academic committee to broaden and enrich its understanding of how student work at EMHCS compares with student work at the highest performing schools in the state.

Board membership includes individuals from the school's partnering organizations including the YMCA and the Ibero American Action League. These and other organizations in the community provide significant resources to the school including but not limited to physical fitness class, after-school tutoring, and enrichment in the arts.

Parents are largely satisfied with the school and the school enjoys full enrollment and a robust admissions lottery each year.

3. Is the School Fiscally Sound?

Finding 1: The Board has provided effective financial oversight during the term of its first charter.

Finding 2: Throughout the life of its charter, the school has consistently and in a timely fashion met its financial reporting requirements and maintained appropriate internal controls.

Finding 3: The school is in stable financial condition. It is solvent and has maintained adequate cash flow.

The Board has provided effective financial oversight and has posted evidence of making decisions that further the school's mission, program and goals. The school operates pursuant to a long-range fiscal plan and has produced realistic budgets over the term of the charter.

The school has generally complied with financial reporting requirements and submitted annual financial statement audit reports with unqualified opinions indicating that the school's financial statements fairly represent its financial position. Reports have been complete and the school has followed generally accepted accounting principles.

The school is a viable entity from a purely financial perspective. The school completed FY 2004 in stable financial condition. Although the school's total net assets decreased by \$49,015, it finished with total net assets of \$379,447 (\$1,581 per approved enrolled student). The school has received negligible contributions to support its operations. The recent awards to the school of a 21st Century Community Learning Center Grant and a Reading First Grant will help to bolster the schools programs.

4. What Are the School's Plans for the Renewal Period and Are They Reasonable, Feasible and Achievable?

Finding 1 : The curriculum and grade-level design presented by Eugenio Maria De Hostos Charter School for the term of a future charter contains a curriculum, assessment and enrollment growth plan that calls for the school to expand to serve students in Kindergarten through eighth grades. The written plan comports with the requirements of the Charter Schools Act. While posting one year of successful mathematics and science results, the school has yet to implement an English Language Arts program that consistently prepares a majority of students to succeed in attaining the demands of the New York State Performance Standards.

Finding 2: The school has provided a reasonable and appropriate five-year fiscal plan for the term of a future charter, although it faces challenges concerning its facility expansion needs.

The school has requested a future charter that allows it to expand to serve a total of 410 students in Kindergarten through eighth grades. For the existing grades, as well as for the expansion into grades seven and eight, the school looks to follow the curriculum submitted in its original charter application. The draft Accountability Plan, school day and year calendar, and enrollment plans are reasonable, feasible, and achievable.¹²

As currently implemented, and as outlined in the discussion under Question 1, the school's English Language Arts program has not demonstrated success in helping a majority of students reach state standards as measured by state assessments. The school's 2002-03 results on the state's fourth grade English Language Arts assessment are stronger than four comparison schools but lagged behind the Rochester City Schools district wide average. EMHCS increased performance on the English Language Arts examination from 36.7 percent of fourth graders passing in 2002-03 to 43.7 percent passing in 2003-04. This gain signals a

¹² The Accountability Plan as submitted in the renewal application is generally reasonable and feasible; however certain additional measures may be required in order to take account of changes in the New York State's testing regimen or revisions to the Institute's Accountability Plan Guidelines. In such cases, these additional measures will be added either prior to the execution of a new proposed renewal charter or thereafter.

promising direction but is not sufficient to rapidly increase the academic success of EMHCS students. The school's percent of students passing the test outpaced the district average by a mere 1.3 percent in 2003-04.

Classroom observations and review of student written work during the renewal visit reveal EMHCS's program is strongest in the primary grades. The effectiveness of the English Language Arts program diminishes significantly in rigor and results at the upper grades. To ensure that students succeed academically allowing the school to reach all of its Accountability Plan goals, the school must focus in increasing the quality of instruction and demand a higher level of rigor in student work products.

In the term of its first charter, the school posted one set of state assessment results that signal success in mathematics and science. In addition, EMHCS has implemented a strong Spanish program that produces impressive levels of fluency among its population of English-dominant students.

The school's future fiscal plan is based on many conservative assumptions and should provide a useable framework for the term of a new charter. However, the school's need for additional space presents challenges. The school's current space, which it rents under a sublease from the Ibero-American Action League, Incorporated (IAAL), is too small to accommodate the proposed expansion from 280 to 410 students. The school's plans rely significantly on the ability of IAAL (a not-for-profit organization) and its affiliate, the Ibero-American Development Corporation, to obtain sufficient funding and to cost-effectively construct additional space. To date, there are no concrete plans with regard to a proposed location. As a result, the reasonableness of estimated costs for the new facility included in the fiscal plan cannot be assessed.

At the end of this charter period, the school is in a stable financial position. The Institute finds that the school's financial position during the term of a future charter should continue to be stable and will likely strengthen assuming the continued demand for enrollment in the school.

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

Eugenio Maria de Hostos Charter School (EMHCS) has met some of the key academic outcomes it set for itself in English Language Arts (ELA) and mathematics. In 2003-04, EMHCS outperformed all of its comparison schools on the fourth grade state ELA and math examinations. Despite this comparative success, it has not made uniform progress in achieving its absolute or value-added goals. While the school has made substantial progress on the state's math exam, virtually reaching its absolute goal in 2003-04, its ELA results showed only a slight increase and remain far from the school goal. EMHCS's value-added results have been mixed.

In its absolute level of performance on the fourth grade state examinations, EMHCS has in 2003-04 virtually met the criterion of success set in its outcome measures for mathematics and science, but not for ELA, which again remains far from its goal. The school administered the fourth grade exams for the first time in 2002-03. While the gains from 2002-03 to 2003-04 in ELA were incremental, they were substantial in mathematics and science. Fourth graders who have been enrolled in the school longer tended to perform slightly better on the three examinations.

In its comparative level of performance on the fourth grade state examinations, EMHCS has outperformed the schools it has identified in its Accountability Plan as similar schools in the Rochester City School District. In comparing its results for fourth graders who have attended EMHCS for at least three years to those in the similar schools, the percent of EMHCS students scoring at Levels 3 & 4 is consistently higher in ELA, math, and science. Using the same comparative measure, in 2002-03, EMHCS scored lower than the Rochester district in ELA and math; in 2003-04, it scored the same as the district in ELA and higher than the district in math.

Results have been mixed on the value-added to student learning according to spring-to-spring cohort gains on the Stanford 9 test, based on the four cohorts reported in the renewal application. In 2002-03, all cohorts for whom there were data met the goal of a four-point NCE gain. One cohort met the goal in math in 2003-04. For the most part, other than these instances, the year-to-year changes have been declines in NCEs. Looking across the three years for which the data are available, the value-added results have been slightly stronger in math than reading which has been marked generally by little change. At the end of the 2003-04 school year students were scoring close to grade level in both reading and math.

The State Education Department has deemed EMHCS to be a *Charter School in Good Standing*, which indicates that the school has not failed to make adequate yearly progress for two successive years under the NCLB requirements.

In addition to presenting data on these outcome measures, the EMHCS Accountability Plan includes outcome measures on Kindergartners' recognizing letters using the Marie Clay Observation Survey; grade one to three reading progress according to Reading Running Records; Kindergarten through fifth writing ability based on a rubric score; and the Spanish language attainment of English-dominant students according to Second Language Acquisition Stages. According to the renewal application, during the last two years, for which most of the data are reported, EMHCS met the goals of the first two unique measures, but did not meet the goals of the second two. Since the renewal application does not discuss procedures for ensuring the accuracy of the scoring of each of these instruments, the reliability of the results could not be determined.

In the application, the school reports that the gains in letter recognition attest to the effectiveness of the phonics program. While EMHCS says that success in the Reading Running Record outcome measure demonstrates the effectiveness of the school's reading program, these results and the interpretation of the results are not supported by the state ELA exam and Stanford 9 reading test data. Similarly, the school lauds the writing rubric results, asserting that they show that "students are making steady gains in writing." Yet, the scores themselves do not measure gains in writing, the results are the same each year, far below the goal, and, most importantly, the state ELA exam which contains a significant writing section has in contrast yielded disappointing outcomes. Ultimately, these unique measures are useful in monitoring delivery of components of the ELA program and as a means toward improving performance on the state ELA exam. From the discussion in the application, they have not been used most effectively for monitoring

components of the program and do not seem to have contributed much to the overall ELA program, as evidenced by the standardized test scores.

Accountability Plan Outcome Measures

In its Accountability Plan, EMHCS set outcome measures to demonstrate its academic success in the key subjects of English Language Arts 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 EMHCS set for itself accompanied by its annual results.¹³

In addition to being held to these accountability measures, EMHCS 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. EMHCS's accountability status in the most recent report is indicated below.

Besides the three required outcome measures, and the NCLB outcome measure, the school also 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.

Absolute Level of Performance on State Examinations

Accountability Plan		Results				
Subject	Outcome Measure	Grade	School Year			
			2000-01	2001-02	2002-03	2003-04
ELA	Using the New York State ELA Grade 4, 90 percent of our students, who have attended our school for at least three years , will score a three and/or above.	4	No students in grade	No students in grade	36.7%	43.7%
Math	Using the New York State Math Grade 4, 90 percent of our students, who have attended our school for at least three years , will score a three and/or above.	4	No students in grade	No students in grade	50.0%	88.0%
Science	Using the New York State Math Grade 4, 90 percent of our students, who have attended our school for at least three years , will have a passing score. ¹	4	No students in grade	No students in grade	58.6%	84.0%
Social Studies	Using the New York State Social Studies Grade 5, 90 percent of our students, who have attended our school for at least three years , will score a three and/or above.	5	No students in grade	No students in grade	No students in grade	51.6%

¹ Results on the science exam in 2000-01 to 2002-03 represent the proportion of students answering a pre-determined number of questions correctly (*i.e.*, the state designated level); results in 2003-04 are the proportion of students scoring at Level 3 or above.

¹³ Please note: since EMHCS has had a fourth grade for two years, it administered the state examinations for the first time in 2002-03. As 2000-01 was the school's first year of operation, there are no value-added cohort results for that year.

Comparative Level of Performance on State Examinations

Accountability Plan		Results					
Subject	Outcome Measure	Grade	Comparison	School Year			
				2000-01	2001-02	2002-03	2003-04
ELA	Using the New York State ELA Grade 4, a higher percent of students, who have attended our school for at least three years , will score a 3 and/or above than students from schools 8, 22, 36 and 45 in the Rochester City School District.	4	EMHCS	No students in grade	No students in grade	36.7%	43.7%
			School 8			29.4%	26.0%
			School 22	N/A	N/A	15.0%	35.4%
			School 36			22.4%	24.6%
			School 45			33.6%	21.4%
			Rochester SD *			42.9%	42.4%
Math	Using the New York State Math Grade 4, a higher percent of students, who have attended our school for at least three years , will score a 3 and/or above than students from schools 8, 22, 36 and 45 in the Rochester City School District.	4	EMHCS	No students in grade	No students in grade	50.0%	88.0%
			School 8			47.7%	46.2%
			School 22	N/A	N/A	30.6%	52.1%
			School 36			23.2%	49.2%
			School 45			37.7%	33.0%
			Rochester SD *			57.4%	64.1%
Science	Using the New York State Science Grade 4, a higher percent of students, who have attended our school for at least three years , will have a passing score than students from schools 8, 22, 36 and 45 in the Rochester City School District	4	EMHCS	No students in grade	No students in grade	58.6%	84.0%
			School 8			38%	
			School 22	N/A	N/A	13%	N/A
			School 36			30%	
			School 45			34%	
			Rochester SD *			51%	
Social Studies	Using the New York State Social Studies Grade 5, a higher percent of students, who have attended our school for at least three years , will score a 3 and/or above than students from schools 8, 22, 36 and 45 in the Rochester City School District	5	EMHCS	No students in grade	No students in grade	No students in grade	51.6%
			School 8				43%
			School 22	N/A	N/A	N/A	33%
			School 36				59%
			School 45				45%
			Rochester SD *				61%

* The results for the district are presented as an additional comparison; it is not included in the Accountability Plan.

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

Accountability Plan		Results			
Subject	Outcome Measure	Initial Grade of Cohort	Change in NCE from Previous Year		
			2000-01	2001-02	2002-03 2003-04
Reading	Using the Stanford 9 our students in grades 1, 2, 3, 5 and 6 will increase an average of at least four NCEs (normal curve equivalents) per year. (Fourth graders will take the ELA Exam.)	Grade 2 in 00-01		(-2.6)	3.3 2.9
		Grade 1 in 00-01		(-10.8)	7.5 N/A ¹
		Grade 1 in 01-02	N/A		12.6 (-12.7)
		Grade 1 in 02-03			3.0
Math	Using the Stanford 9 our students in grades 1, 2, 3, 5 and 6 will increase an average of at least four NCEs (normal curve equivalents) per year. (Fourth graders will take the New York State Math Grade 4.)	Grade 2 in 00-01		(-9.3)	N/A ¹ 11.3 ²
		Grade 1 in 00-01		(-11.5)	13.7 N/A ¹
		Grade 1 in 01-02	N/A		14.5 (-9.3)
		Grade 1 in 02-03			(-5.3)

¹ EMHCS did not administer the Stanford 9 test to these fourth graders.

² Change in NCE from two years before.

Adequate Yearly Progress as Required by NCLB

The State Education Department's School Accountability Report states EMHCS's 2003-04 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

Subject	Accountability Plan Outcome Measure	Results			
		Grades	2000-01	2001-02	2002-03 2003-04
Reading	By May each year, 90 percent of EMHCS Kindergarten students will recognize 49/54 letters as measured by the Marie Clay Observation Survey.	K	20%	38.5%	97.4% 97.5%

Subject	Accountability Plan Outcome Measure	Grades	Results	
			2002-03	2003-04
Reading	Using Reading Running Records, 90 percent of EMHCS students in grades 1 through 3 will move at least one reading stage each year on the reading continuum.	1-3	94.0%	89.2%

Because the renewal application does not discuss procedures for ensuring the accuracy of the scoring of the Reading Running Records, its reliability could not be determined.

Subject	Accountability Plan Outcome Measure	Grades	Results		
			2001-02	2002-03	2003-04
Writing	Using rubrics developed by the EMHCS leadership team based on writing standards, 90 percent of our students will achieve a three or above on a narrative writing piece written in May.	K-5	55.8%	54.1%	54.0%

Because the renewal application does not discuss procedures for ensuring the accuracy of the rubric scoring, its reliability could not be determined.

Subject	Accountability Plan Outcome Measure	Grades	Results		
			2001-02	2002-03	2003-04
Spanish	English dominant students of the Eugenio Maria De Hostos Charter School will become proficient speakers of the Spanish language. Using Second Language Acquisition Stages, 90 percent of our students will move at least one to two stages each year on the continuum	K-5	61.8%	51.6%	59.9%

Because the renewal application does not discuss procedures for ensuring the accuracy of the scoring of the Second Language Acquisition Stages, its reliability could not be determined.

<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>
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EMHCS uses a variety of data to analyze student performance. In the primary grades, the school has used the Marie Clay Observation Survey, Reading Running Records, the Development Reading Assessment (DRA), the Second Language Acquisition Stages and a series of school-developed rubrics based on the America's Choice Writers Workshop model to gather data on student performance. The Principal and staff developers use this data to inform instructional planning and professional development options. In addition, conclusions formed after review of this data are used to design goals for the school's Improvement and Grade Level Improvement Plans. Data are also used to inform the creation of Individual Intervention Plans for students considered to be at-risk of academic failure by the school. Use of these multiple indicators provide a strong start as the school looks to design instructional improvements to increase learning and achievement but they have yet to translate into consistently high assessment practices in classrooms.

As noted in Benchmark 1A, the school's internal writing program and assessment system is not preparing even a majority of students to succeed on the New York State English Language Arts fourth grade assessment. The school's internal writing assessment consists of a variety of common writing assignments combined with rubrics, or checklists of desired writing attributes, generated by teachers. The school maintains organized portfolios for each student. Each writing portfolio contains a defined number of writing samples for each year a child attends EMHCS. A review of the portfolios revealed inconsistent levels of expectations for student writing and raised questions for renewal visitors regarding the level of expectations for student work. This evidence, combined

with scores posted on the state's fourth grade writing examination, suggests that the school adheres to a systemic method of gathering data on student writing but analyzes student performance and student work products with standards and expectations that do not match the rigor demanded by New York State Performance Standards and Assessments.

The school's analysis of student performance in mathematics is based both on standardized test scores but also on chapter tests culled from its previous Harcourt Brace mathematics textbook series. Of note was the school's analysis of student mathematics performance in the second and third year of the school's charter. Upon review of student performance on both external and internal assessments, EMHCS selected a new mathematics curriculum and buttressed its implementation with supplements from the previous math textbooks. After the first year of implementing the new mathematics curriculum the school dramatically increased performance as measured by the fourth grade New York State mathematics assessments. The school has yet to post the same gains as measured by the Stanford 9, a nationally normed standardized test.

<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>
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As written, EMHCS's curriculum aligns with New York State Performance Standards as is required under the Charter Schools Act. The school's curriculum consists of two broad components. The first are the content areas, reading, English Language Arts, mathematics, science, social studies, *etc.* The second component is a structured curriculum delivery model called America's Choice.¹⁴ This model focuses on helping teachers deliver standards-based instruction and provides a structure for curriculum delivery. America's Choice requires teachers to plan lessons around the following outline: Lesson Focus, Mini-Lesson, Group Work Period, and Closure.

EMHCS used the Scott Foresman reading series in the early years of the school's charter. As a component of its Reading First Grant from the State of New York, EMHCS adopted the Open Court reading series in 2004 for instruction in both Spanish and English. The school continues to supplement the Open Court Program using the America's Choice *Readers Workshop*. This design uses a variety of literature books combined with an outline for lesson delivery. The school uses America's Choice *Writers Workshop* as the curriculum for written English and Spanish. In mathematics, the school uses TERC *Investigations in Numbers, Data, and Space*¹⁵ curriculum and supplements it with the Harcourt Brace mathematics textbook series. The Core Knowledge Scope and Sequence¹⁶ and the New York State Core Curriculum for Social Studies is used in science and social studies.

Of note is the school's mission to produce students who are fluent readers and writers in both English and Spanish. EMHCS's curriculum is designed to provide instruction in all subject areas in both English and Spanish and the school uses curricular materials that support the attainment of that mission. The school's language program is a dual language curriculum. As outlined in the EMHCS's renewal application and confirmed in observations over the life of the school's charter, students alternate days between instruction in Spanish and English. This schedule is consistent for students in grades Kindergarten through fourth. Students the school identifies as not proficient in meeting literacy standards in English Language Arts do not follow this schedule. Instead, those students receive instruction exclusively in English until they reach literacy standards. In fifth and sixth grades, students receive instruction in content areas exclusively in English with Spanish taught one hour each day.

The school's extended day includes two hours at the end of each school day focused on both tutoring students as well as enrichment programs. The school's community partner, the Ibero-American Action League provides tutors and a program coordinator to plan,

¹⁴ Additional information on America's Choice is located at <http://www.ncee.org/>

¹⁵ Additional information and research on the effectiveness of the Investigations in Numbers, Data, and Space curriculum is located at <http://investigations.terc.edu/research/index.cfm>.

¹⁶ Additional information on the Core Knowledge Curriculum is available at <http://www.coreknowledge.org/>.

supervise and coordinate all extended-day activities.¹⁷ Tutors work with groups of students on practicing mathematics facts and concepts, letter and sound acquisition, and reading skills. In addition, the after-school program, funded by a 21st Century Learning Grant from New York State, includes conflict resolution, arts and crafts as well as health, dance and drama classes.

The school's successful bid for a New York State Reading First Grant required the selection and implementation of a scientifically based and research proven reading program with a track record of successful replication in schools. To meet this requirement, EMHCS chose the Open Court Reading Program. Open Court is a research-based curriculum grounded in systematic, explicit instruction of phonemic awareness, phonics and word knowledge, comprehension skills and strategies, inquiry skills and strategies, as well as writing and language arts skills and strategies.¹⁸ Open Court provides the structure and materials to create a literature rich classroom. In addition, the teacher materials provide systemic and explicit instructional plans. According to the company's research, "Students are most successful when they learn through a balance of systematic direct instruction in sound and word recognitions, guided practice, and application of skills with extensive reading of decodable text and authentic literature."

The 2004-05 school year is the first year in which the school has used the Open Court curriculum. Though teachers received professional development as an introduction to using the curricular materials correctly prior to the start of the school year, the implementation of the Open Court curriculum is not consistent across grade levels. During the renewal visit, primary grade teachers displayed the strongest facility with implementing the curriculum in an organized and cohesive manner. Teachers used a variety of instructional materials provided by Open Court to introduce and reinforce phonetics and reading mechanics in the primary grades. Implementation of the reading curriculum was strongest in Kindergarten through third grades.

In upper grades, observations during the renewal visit revealed less reliance on implementing components of the Open Court curriculum. During renewal visit observations in the fourth, fifth, and sixth grades, teachers used sets of literature books or individual books "leveled" according to the challenge presented by vocabulary and concepts included in each book. Observations, review of student work products, and interviews during the renewal visit revealed that upper grade teachers focused a high percentage of reading lessons on these materials instead of the Open Court curriculum adopted by the school.

While it is possible to design and implement a literature based reading curriculum that meets the demands of New York State Performance Standards, it requires a teaching staff that is adept at linking critical decoding, comprehension, synthesis and analysis skills with a variety of literature materials, close monitoring of student progress in achieving each skill, and the design of student work products that ensures consistent introduction, application of, and reinforcement of such skills. This level of curricular expertise was not evident during the renewal visit nor were specific written curricular plans outlining skills and knowledge linked to each piece of literature. Without such an outline, close monitoring of student progress and lesson design focused on developing not only a love of literature but also the skills and knowledge demanded by state standards is elusive. This is one reason provided by the school's Director that the school adopted the Open Court curriculum. The lack of strong implementation of the Open Court materials, most notably in the upper grades, raises concerns regarding the school's ability to achieve its charter accountability goals as well as the goals of its Reading First Grant.

¹⁷ Eugenio Marie De Hostos Charter Renewal Application page 30.

¹⁸ Extensive information regarding Open Court Reading is available at <http://www.sraonline.com/index.php/home/curriculumsolutions/reading/ocr/622>

Renewal visitors gathered significant evidence confirming the use of America's Choice *Writers Workshop* implementation in each classroom. Implementation of the writing program, especially at the upper grade levels, was not sufficient to assist students in reaching state standards. Teachers and administrators were articulate in describing the processes, referred to as "rituals and routines," but were unable to describe with consistency expectations for student writing that hold students equal to the demands of state standards.

The writing curriculum outlines a variety of types or genres of writing (informational, persuasive, functional, *etc.*) and includes processes for student writing while requiring teacher/student writing conferences as students work to improve their writing skills. At these conferences, students share their writing with the teacher and discuss its strengths and deficiencies. Teachers create a conference form that outlines what was discussed and notes what the student should do next in editing, refining, or completing the writing piece. Once the student has created a piece of work and moved it from the drafting to the editing to the final piece of work, no further corrections or notations of incompleteness or mistakes are made on the writing. While a rubric is frequently attached to the writing, no specific corrections are made on students' work noting grammatical or mechanical errors. Further, the written teacher feedback on the content and substance of student writing products was minimal. Renewal visitors found no evidence that teachers or students review and analyze examples high quality student work on a regular basis to build an understanding of the attributes of writing required for academic success. The school later revealed examples of high quality student writing are provided to teachers in "standards books," teachers did not reference this as a resource when asked about establishing expectations for student work in renewal visit interviews.

The school's implementation of the curriculum is guided by a philosophy that students do not learn when teachers correct work without the student present. Teachers and students meet and discuss student writing, identify errors for correction, and then the student is to correct them. However, renewal visitors observed that even the most dedicated teachers who deploy time efficiently in the classroom, cannot monitor student mistakes effectively as the ability to meet with each student and identify necessary corrections is constricted by the number of students and the time conferencing takes. The result observed on multiple pieces of student work throughout the renewal visit was student work with a rubric score attached that contained unmarked/unidentified errors in spelling and mechanics. This seriously hampers students' ability to reach state standards in English Language Arts, especially when one considers students not identified as at-risk or in need of special services receive instruction and practice writing in English one day and in Spanish the next.

EMHCS's curriculum includes a monthly response to a piece of literature that all students create. Each class reads the same book; one chosen to promote a character trait identified by the school as important for students to emulate. The school has defined with precision the criteria that students are to work toward in their writing. Rubrics, or descriptors, of the expectations teachers hold for final work products are available for each grade level. These rubrics outline expectations for organization of the student work product, format, reader engagement, use of vivid language and details, summation, and writing mechanics. In addition to receiving scores on the writing, each rubric has a section for teacher comments. As noted above, renewal visitors found few examples of substantive written teacher comments. Similar to the implementation of the reading curriculum, the implementation of this school-wide writing initiative is stronger in Kindergarten through third grades than at the upper grades. Of concern to renewal visitors was the lack of rigor, content, or challenge necessary to bring upper grade students to the level demanded by state standards.

Benchmark 1D Pedagogy	1D.1 Strong instructional leadership girds the school’s work in improving student learning and achievement. 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.
	1D.2 Quality instruction is evident throughout the school fostering an academic learning environment and actively supporting the academic achievement of children. 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.
	1D.3 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. 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.

The school’s founding Director continues to serve as the instructional leader at the school. Over the term of the current charter, the school has also employed one or two staff developers dedicated to refining lesson plans and teachers’ instructional practices. These individuals have led the school in taking the original charter design and translating it into classroom practice through the implementation of the school’s curriculum and internal assessment components. At the end of the school’s current charter, assessment results show the school has posted mixed success in creating an instructional program that consistently results in high academic achievement as outlined in the school’s Accountability Plan.

Discussions with staff during the renewal visit reveal inconsistencies in the effectiveness of instructional leadership over the life of the school’s charter. The current instructional leadership structure calls for the Principal to facilitate professional development and grade level meetings in the upper grades with a staff developer focused on the primary grades. The Principal hopes to transition one upper grade teacher into a professional development role later this school year. In the meantime, the Principal is to model lessons and oversee instruction at the upper grades. Upper grade teachers reported that they have had little to no instructional assistance at the time of the renewal visit in November. The

assistance provided by the developer assigned to lower grades is insufficient as she does not speak Spanish and is therefore limited in the assistance she can provide to the Spanish teachers in primary grades.

Instruction is planned in six-day cycles at EMHCS. Each grade level has one Spanish teacher and one English teacher that plan and coordinate lessons to ensure content continuity. Within the six-day cycle, students receive instruction in English for three days, then instruction in Spanish for three days. For students who score below proficiency in meeting English Language Arts standards, all English and reading instruction is delivered in English. Functionally this means the child receives reading, English, and writing instruction either exclusively from the English classroom teacher at a grade level or receives English instruction from a Title I teacher until that student meets English proficiency.

Classroom practice at the school reflects the school's commitment to the America's Choice workshop model. As noted previously, the model asks teachers to plan and execute instruction around the following outline: Lesson Focus, Mini-Lesson, Group Work Period, and Closure. Observations during the renewal visit revealed that teachers' commitment to the workshop model frequently resulted in lessons that were "mini" in both duration and substance and that a preponderance of instruction was actually devoted to "group work period" which, during the renewal visit, consisted of small group activities or individual reading time. While both are important instructional strategies, three days of observations over the course of the renewal visit revealed a significant portion of the instructional day was devoted to teachers explaining an activity, students performing the activity to varying degrees of success, teachers ending the activity (presumably the "closure" portion of the lesson), and setting up the next activity. Mini lessons, when observed, were frequently light on content and heavy on instructing students regarding the processes and procedures of an activity. This occurred most frequently at upper grades.

One point of tension in the implementation of the Open Court curriculum is the school's attempts at combining its use of Open Court reading curriculum with the workshop method prescribed under America's Choice. The combination of the two strategies is stronger in the school's primary grades due to a stricter adherence at those grade levels to the design of the Open Court curriculum.

In some primary classrooms, teachers displayed adept classroom management skills and delivered reading lessons utilizing Open Court materials. One example of this occurred in second grade where the teacher provided a structured, content-rich lesson focused on phonetic skill acquisition. While using the Open Court materials as a guide, the teacher presented a clear and organized purpose for the lesson, used a variety of materials provided with the curriculum to introduce, teach, allow for student practice, discuss and review, and then required students to apply what they had learned in a brief activity. Her adept delivery and instructional pace resulted in students who were actively interested and engaged in the lesson. This teacher's Spanish teaching colleague, teaching the same grade in Spanish across the hall, used the same Open Court materials, in Spanish, and provided a clear, substantive and engaging lesson to her students.

In an upper grade classroom, the classroom teacher, a Title I teacher, and a teaching assistant worked with the class to deliver a lesson on "main idea." The literature piece used for the lesson lacked the rigor expected at the grade level and the lesson itself consisted of asking students to cite a main idea and three supporting details; content normally mastered a grade levels two or three years below these students. The lesson, despite including instruction from both the classroom teacher and the Title I teacher, was very brief and focused on one piece of literature. Students then dispersed into small reading groups with two teachers actively teaching small groups and the teaching

assistant moving amongst the remaining students helping them complete a main idea worksheet that again included a line for the main idea and three spaces for supporting details. While the small groups reading with teachers were sufficiently engaged, students working individually completed the assignment quickly, in some cases without precision, and then spent an unproductive half hour thumbing through literature books.

In another upper grade classroom, the teacher delivered a “mini-lesson” focused on comparing and contrasting characters in two literature books. The mini-lesson consisted of an introduction to an individual activity students were to complete while the teacher met in writing conferences with individual students. The teacher informed students they were to complete a Venn diagram outlining similarities and differences of two characters; one from a book she was reading aloud to the class and the second character from a book the students were reading on their own.

The lesson was deficient in design, materials, and delivery. First, the set-up of the Venn diagram the teacher provided was incorrect. It was labeled “compare” over one circle and “contrast” on the other. The intersection of the circles was not labeled. The correct set-up would be to have terms connoting differences labeling the side of each circle and similarities labeling the intersection or common space of the circles. As presented to the class, the lesson confused students in that they attempted to draw a distinction between a contrasting statement and a comparing statement. Additionally, students were unclear as to where to locate similar attributes of two characters. Second, the teacher did not spend enough time checking for understanding to realize students did not understand the task. Third, the teacher’s examples of how to fill out the diagram consisted of one word or short phrases to list the attributes instead of requiring students to write in complete sentences thereby missing one of many opportunities throughout the instructional day to reinforce a key quality of work expectation for students in the upper grades. Fourth, the activity was incredibly low-level for a whole class of students in an upper elementary grade. Even if the teacher had provided correct materials and proper time for instruction and checking for understanding, the activity was suited for students two or three years behind these upper elementary students. This is one example of lessons observed during the renewal visit that were well intentioned, but failed to require the accuracy, content, or level of instruction required to assist students to reach the demands of the New York State English Language Arts Performance Standards.

In an upper grade math class, the lesson for the day was to solve related problem sets (teaching students how to solve a simple addition or subtraction equation by looking at three other equations). The teacher’s mini-lesson was light on instruction and focused on setting up an activity the students were to perform in small groups. Students were confused and guessing as to how to perform the activity. While the teacher monitored the work of some groups, other groups of students remained confused during the activity and did not have their questions addressed during the lesson. Moreover, the teacher did not conclude the lesson in a way that ensured students had learned what they were supposed to learn; instead, she shifted abruptly to social studies without adequate closure to the math lesson.

No matter the quality of instruction at the school, of note is the calm and studious focus all teachers at the school set in their classrooms. While the level of instructional facility and demand for high quality student work varied from classroom to classroom, all classroom teachers put in place classroom rituals and routines that made student behavioral disruptions non-existent.

As noted in the curriculum benchmark above, the school has yet to solidify writing instruction in a way that allows students to meet the demands of New York State’s writing standards.

Renewal visitors noted with interest a specific pedagogical difference between instruction in English classrooms versus that in Spanish classrooms. English is spoken exclusively in English classrooms – no matter what the content area being taught – and Spanish is spoken in Spanish classrooms, again no matter the content. In Spanish classrooms, teachers correct students’ spoken grammatical and pronunciation mistakes. No observation of correcting students’ grammatical or pronunciation mistakes in English classrooms occurred during the renewal visit, despite the fact that native English-speaking students at the school often responded using grammatically incorrect language in classrooms. When questioned about this phenomenon, the school’s Principal noted she would raise this issue with staff as the school’s expectation was that students become correct and proficient speakers, writers, and readers in both English and Spanish.

Lesson observations during the renewal visit revealed that instruction at EMHCS is structured around a series of activities designed to actively engage students in the learning process. While students participate in activities, the activities vary widely in structure and degree of rigorous thought or work required of the student. Lessons observed during the renewal visit frequently included more time spent on cutting, pasting, manipulating objects, *etc.*, than was spent on instruction, analysis, and production of high quality student work. The result is that students are active in performing tasks but not consistently acquiring and applying skills and knowledge at levels that are appropriate and challenging for the grade level. Instruction, most dramatically at the upper grades, does not consistently provide students with an understanding of the quality of work required for academic success, nor does it give students every opportunity to produce quality work.

<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>
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As recorded over the life of the school’s charter, EMHCS teachers are generally competent in their assigned content areas. The school’s recent mathematics scores show that teachers have increased competency in mathematics instruction. As noted in Benchmark 1E the school’s teaching staff is less proficient in the delivery of English Language Arts instruction.

<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>
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Throughout the school, students and teachers are welcoming and supportive having created a learning environment where all students are secure in focusing on the task at hand. During the three-day renewal visit, no behavioral disruptions occurred and opportunities to learn were never impeded by student behavior. The school's teachers, Principal, and Board members are enthusiastic and focused.

As reported in the school's application for charter renewal, EMHCS benefits from documented discipline policies and procedures that promote calm, safe classrooms where most students feel secure taking risks to promote their learning. Evidence gathered during the renewal visit confirms this. Throughout the life of the current charter, and noted again by renewal visitors, students and staff work together to make instruction and learning the priority at the school. The school's Code of Conduct and Ethics, Safety Plan, NY Project SAVE plan, and School-Wide Plan contain policies and procedures for the establishment and maintenance of a physically safe school setting as well as emergency response, including crises, child abuse, and suicide. The school's comprehensive, long-range plan established commitments for the maintenance of a safe and comfortable school climate, and for the gathering and analysis of student behavioral information.

EMHCS records of behavior management for special education students show the school complies with federal and state requirements for the discipline of special education students. EMHCS's School-Wide Plan provides for the needs of special education students, including behavioral needs, through inservice opportunities for teachers, which increase their understanding of discipline procedures for special education children.

<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>

The dedicated teachers at EMHCS have yet to receive the kind of sustained and systemic professional development required to ensure instruction across the school is sufficient to offer students the rigor and content required to meet state standards in English Language Arts. While the school makes time in its schedule for professional development opportunities, professional development has yet to result in expertise that leads to consistently high student achievement in reading, writing and language. Renewal visitors found the school’s professional development program lacking; citing a limited awareness on the part of staff developers for the demands of New York State performance standards and the low level of rigor that characterized content presented at the upper grade levels.

The school’s staff convenes each year prior to the opening of school for a week of professional development activities. Some opportunities are structured, most recently with the introduction to the use of the Open Court reading curriculum, while others offer time for grade level and individual teacher planning. EMHCS’s schedule revolves on a six-day cycle of instruction. Within those six days, each teacher has four one-hour and one two-hour block reserved for professional development and planning. In addition, the school had one literacy coach. The school hired a second coach to focus on grades 4-6 in the 2004-2005 school year, but that individual resigned the position in August and the school has yet to identify a replacement. EMDHCS hopes to transition on of the school’s current teachers into that open coaching position.

Teachers also receive professional development support from America's Choice. This support is in the form of national conferences and meetings as well as visits from America's Choice personnel. The school also plans to provide additional professional development from Open Court during the school year. In interviews during the renewal visit, teachers clearly articulated the school's instructional design and practiced the rituals and routines outlined in the America's Choice model.

EMHCS teachers are committed professionals with a desire constantly to improve instructional skills. In interviews during the renewal visit, staff members shared their commitment to improving instruction and their reliance on colleagues to plan instruction and generate lesson ideas. Less in evidence was clarity surrounding the level and effectiveness of professional development received by all staff members. Teachers provided conflicting accounts of the benefits of the professional development program. Data from the school's staff survey reveal that teachers do not consistently feel supported at the school. While this data does not specifically address professional development needs, combined with evidence gathered at the renewal visit it does reflect some measure of need in supporting teachers as they strive for excellence in their classrooms. Indeed, during the renewal visit, teachers went out of their way to ask questions of and provide information to renewal visitors. Teachers were thoughtful and reflective about their work, committed to constantly improving their skills, and focused on equipping students for academic success.

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.**

In its renewal application, EMHCS reports consistent progress in meeting its unique non-academic goals. These goals include:

- **The school's Board of Trustees will include three parent representatives.**

At the time of renewal, the school met this goal.

- **The school will achieve a 98 percent level of student enrollment measured quarterly and annually.**

The school's 2003-04 enrollment rate was 99.5 percent.

- **The school will attain a 95 percent average daily attendance rate.**

The school was only a half a percentage point shy of meeting this target. One issue identified by school personnel is EMHCS's longer school year. As the school's calendar extends beyond that of the Rochester City School District and includes different holidays and parent conference days, some parents with students in both EMHCS and the city school district choose to keep EMHCS students at home when the city schools are not in session. The school's parent coordinator is working to help parents understand the attendance expectations at EMHDS.

- **The school's annual parent survey will show that parents agree the school provides effective communication, that parents understand the school's program, and are satisfied with their child's progress.**

The school has not met this goal. The school seeks to increase the percentage of parents who return the survey. According to the 2004 progress report, the most recent survey had an 85 percent return rate. On that survey, 66.3 percent of parents felt that the school communicates information effectively; 84.5 percent indicated they understood the school's program; 81.1 percent understand and are pleased with their child's progress; and 81.6 percent are pleased with EMHCS as their school of choice.

Parents made positive comments generally to teachers, student progress, and the overall school program. Parents indicated concerns with teacher communication, first grade teacher changes (two left for maternity leave), Spanish tutoring, Spanish homework translations so parents can help their children, and slow response time addressing transportation concerns.

- **Students will read 25 books at home each year as measured by student reading logs. Ninety percent of families will monitor student reading outside of school and record that monitoring in student reading logs.**

The school reports meeting this goal with 97.1 percent of families participating in the child's home reading program (25 Book Campaign).

- **Annual staff surveys will show that 90 percent of EMHCS teachers will feel valued and supported.**

The school did not meet this goal. Twenty-eight of 30 surveys indicated 58.2 percent of the teaching staff always feels valued and supported; 41.1 percent sometimes feel valued and supported; and 0.7 percent never feel valued and supported.

<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>
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The school’s mission is as follows:

It is the mission of the Eugenio Maria de Hostos Charter School to produce students who meet or exceed the New York State Standards in English Language Arts, math, science and social studies. Our students will be able to communicate in both English and Spanish. Staff and students will view themselves as self-reflective, continuous learners. Parents will view themselves as partners in their child’s education.

Parents, teachers, administrators, students and Board members consistently and clearly articulate the school’s mission to help all students learn by providing them with a variety of instructional opportunities that complements their learning style and to help them become bilingual and bi-literate in Spanish and English.

EMHCS benefits from two strong community partnerships. The YMCA of Rochester partners with the school to provide physical fitness experiences for all students. Children travel to a nearby YMCA facility where the staff provides opportunities to engage in physical education activities that extend far beyond that normally provided in a Kindergarten through sixth grade setting. The YMCA’s Director serves on the school’s Board of Trustees. The Ibero-American Action League, with offices located next door to the school, is also a strong partner with the school providing after-school tutoring and instructional and arts based enrichment classes daily.

In addition to offering a curriculum aligned with the demands of the New York State performance standards, the school’s most significant design element is the English/Spanish immersion instruction offered to students. The school has faithfully implemented this design element creating native English-speaking students who are remarkably fluent in reading, writing, and understanding in Spanish.

<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 generally has implemented appropriate policies, systems and processes and has abided by them. However, the school has not implemented a Freedom of Information Law (FOIL) policy, an effective alternative instruction policy for suspended students, and a policy to ensure compliance with the Education Law background checks. Two other policies, student discipline and student admissions, are deficient in certain respects as set forth in the discussion under Benchmark 2E. The school’s accounting policies are thorough but need updating to reflect actual practices.

The Board has a code of ethics and employees are supposed to sign the same as part of the hiring process. While the Board has engaged in some interested transactions, and, therefore, not avoided creating conflicts of interest, the Board has taken steps to ensure the school receives full value from such contracts (see Benchmark 2E). The Board has not implemented one provision of its by-laws that would have set up an Ethics Review Panel. Otherwise, the Board has maintained and abided by its by-laws.

New Board members receive an extensive Board manual that contains the by laws and school policies and procedures, including a Board membership policy and open meeting policy. The school also maintains a parent and student handbook.

The Board and leadership at EMHCS articulate the school's mission and point to high academic achievement of students as their primary goal. The Board rightly identifies the school's welcoming atmosphere, orderliness, and extended day as strengths. In discussions with renewal visitors, the Board also revealed that, while examining test scores for evidence of success was a regular practice, the Board has not closely examined the core work of the organization: improving student learning and achievement.

The Board offered numerous reasons, ranging from the comments from parents to the overall ethos of the school, as evidence of the school's success. In addition, the Board overwhelmingly expressed support for the school's Principal. Nevertheless, the Board was unable to articulate the ways in which students at EMHCS benefited academically from the school and had minimal awareness of how EMHCS student work products were indicators and predictors of student achievement compared to peers in highly successful schools. In discussing these deficiencies in oversight, the Board was reflective and thoughtful regarding additional steps available to them as they increased academic oversight suggesting they create an academic committee of the Board to monitor student success in ways that supplement standardized test scores.

<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>
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As stated earlier, this goal has not been met; however, there has been increasing progress. Over the life of the charter, the parent response rate on surveys has increased from 52 percent to 85 percent, and has increased in parent satisfaction in all areas except communication, which fell from 85 percent to 66.3 percent.

According to the 2004 progress report, EMHCS is in the process of revising its parent communication notebook to make it more user-friendly to both parents and teachers. Parents will be encouraged to call the parent coordinator if they do not receive a call back from teachers or the transportation department. Flyers and other event reminders will go home at least two days before scheduled events.

<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>
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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, which included a review of special education (SPED) and noted certain instances of SPED non-compliance. The school either was in compliance or was in the process of coming into compliance for most SPED areas noted by the State Education Department including timely referral of students to district committees on special education (CSEs), certification of SPED teachers, proper evaluation of students and properly making changes to individual education programs (IEPs). The school still needs to take more steps to ensure that students who are to receive services from the school district pursuant to an IEP in fact receive those services. We also note that the State Education Department has indicated that as of January 28, 2005, the school was not in compliance with the Safe Schools Against Violence in Education Act (SAVE) in that the school had not submitted a school safety plan pursuant to Education Law section 2801-a.

The school began its charter period having only a few key items submitted unreasonably late to the Institute. It improved in late 2002, and then reverted in 2003 to its earlier lateness with a few key items. However, through May 2004, the school has had a perfect compliance record in terms of submissions to the Institute. On more than one occasion, the school has not been in compliance with the Monitoring Plan in its Charter with respect to notifying the Institute regarding changes in school Trustees.

The Board generally has implemented appropriate policies, systems and processes to ensure compliance with applicable law and has abided by them. A notable exception is the school's ability to implement background checks mandated by the Education Law and follow-up on fingerprints submitted to the State Education Department to receive clearance for teachers and other employees. At least one current and one former employee appeared never to have been fingerprinted. Three other employees had fingerprints taken and submitted over a year ago, but the school did not receive clearance or properly follow-up with the State Education Department. A further exception was Freedom of Information Law (FOIL) compliance. The school has no working policy, posted notice or training regarding FOIL. The school must also implement a policy to provide alternative instruction to non-SPED students suspended for one day out of school and for suspensions for more than ten days. The school's discipline policy also did not adequately address the federal Individuals with Disabilities Education Act requirement of disciplining special education students in accordance with IEPs. As written, the school's Student Admission Policy would allow over-subscription of students in possible violation of the school's charter.

The school has generally operated according to its by-laws with the exception of not establishing an ethics review panel to examine potential contracts where a Board member may have an interest in a transaction. However, the Board was sensitive to conflict of interest issues. The Institute reviewed with the Board contracts that were made with the community sponsor of the school, the Ibero-American Action League; organizations the Boards of which school Board members sit; and a direct contract with a Board member. In each case, the Board stated that members properly recused themselves and the school received fair market value in the transaction. While the school's by-laws state that the school's Trustees can participate in Board meetings by conference call in contravention of the Open Meetings Law, there was no evidence that Board members had done so. The school has consulted with outside counsel as needed, and used a law firm to handle transportation issues with the district.

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 State Education Law and other New York law, applicable federal law, its by-laws and the provisions of its charter.

Renewal Question 3

Is the School Fiscally Sound?

<p>Benchmark 3A</p> <p>Board Oversight</p>	<p>3A</p> <p>The Board has provided effective financial oversight, including having made financial decisions that furthered the school’s mission, program and goals.</p>
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The Board has provided effective financial oversight and made sound financial decisions that have furthered the school’s mission. One important financial achievement was the Board’s ability to find a suitable facility at a reasonable cost.

The Board has a finance committee that reports to the full Board on a regular basis. A review of a sample of Board minutes noted evidence that the Board was actively involved with oversight of the school’s finances. For example, the Board regularly discusses fiscal issues that impact the school’s operations and are clearly cognizant that the fiscal soundness of the school is an integral part of the overall success of the school. The school has an extensive Board manual that contains the by-laws, and school policies and procedures, including a Board membership policy and open meeting policy.

<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>
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The school developed a five-year plan as part of its initial charter application. Subsequently, it has prepared and adopted annual budgets for school operations. The annual budgets are made with reference to and consistent with the long-range plan and/or the plan is revised to take account of changed fiscal realities. The school generates monthly budget comparison reports that compare actual and budget amounts for the month and for the year-to-date. Material variances are analyzed by the finance committee and discussed with the full Board. Cash flow projections are updated on a monthly basis.

The annual budgets have been conservatively developed and are clear and detailed in their presentation. For example, budget assumptions are explained and historical data presented to facilitate analysis. Total actual revenues have exceeded total actual expenses in three of four years. Actual enrollment for the school has consistently been at or near the approved enrollment in its charter.

<p>Benchmark 3C</p> <p>Internal Controls</p>	<p>3C</p> <p>The school has maintained appropriate internal controls and procedures. Transactions have been accurately recorded and appropriately documented in accordance with management's direction and laws, regulations, grants and contracts. Assets have been and are safeguarded. Any deficiencies or audit findings have been corrected in a timely manner.</p>
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The school's 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.

The school has annually received management letters in conjunction with its audits. The management letters contain suggestions for the consideration of management concerning opportunities for strengthening internal controls and operation efficiency. The school has regularly addressed prior year findings in a timely fashion. The letter issued in conjunction with the FY 2004 audit makes recommendations related to cash disbursement procedures, general journal entry policies and procedures and cost allocations. The school agrees with the recommendations and is taking steps to implement the recommendations.

The school has written accounting procedures, an employee handbook and parent handbook. It is unclear if the Board has approved the accounting procedures. The Board has also established written policies related to code of conduct, discipline, attendance, admissions, dress code, free/reduced meals, food, IEP, code of ethics, pre-tax, collective bargaining, conflict of interest, Trustee qualifications, public meetings and public order.

The accounting procedures cover the school's chart of accounts, financial statements, credit card purchases, cash receipts, food service receipts, cash reconciliations, check signing policies, prepaid expenses, property, plant and equipment, accounts payable, accrued liabilities, insurance, contracts and grants, audits, insurance and debt.

The procedures do not cover payroll or purchasing procedures, although there are separate written procedures that cover payroll processing. It would behoove the school to update its accounting procedures manual to match current practices including adding a policy that specifically addresses purchasing. Ideally, the revised manual would be reviewed and approved by the Board.

The Board minutes indicate that the Board met with its outside auditors and reviewed and approved its annual financial statement audit report and management letter for the year ended June 30, 2004. The Board should continue this good practice. In prior years, there was not evidence that the Board met with the outside auditor.

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.
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The school has met its financial reporting requirements. The annual financial statements, budget, and quarterly financial reports were all filed early and complete with the exception two quarterly reports that were filed late in FY 2003. Each financial statement audit report received an unqualified opinion. An unqualified opinion on the financial statements indicates that, in the auditor's opinion, the school's financial statements and notes fairly represent, in all material respects, the financial position, changes in net assets and its cash flows in accordance with accounting principles generally accepted in the United States of America. Annual audits were conducted in accordance with *Government Auditing Standards* as required.

Benchmark 3E Financial Condition	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).
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The school completed the year in stable financial condition. While the school's net assets decreased by \$49,015 in FY 2004, it finished with total net assets of \$379,447 (\$1,581 per approved enrollment). Overall, the school's cash position improved by \$22,598. The school's operating activities provided positive cash flow of \$28,685 and it invested in the purchase of property and equipment totaling \$6,087. The recent awards to the school of a 21st Century Community Learning Center Grant and a Reading First Grant will help to bolster the school's programs.

Over the first four years of its charter, the school received \$235,375 of private grants and contributions indicating that variable income has been a part of the school's financial stability. The table below shows the school has relied moderately on private grants and contributions on a per-pupil basis while its overall financial strength has been stable.

	2001	2002	2003	2004
Approved enrollment	120	160	200	240
Unrestricted Net Assets at year end	\$243,188	\$283,966	\$428,462	\$379,447
Total unrestricted net assets divided by total expenses	23%	18%	21%	15%
Private grants and contributions (unrestricted and temp. restricted)	\$60,750	\$29,000	\$145,625	\$0
Private grants and contributions divided by total expenses	6%	2%	7%	0%
Private grants and contributions divided by approved enrollment	\$506	\$181	\$728	\$0

The school has fixed assets (net of accumulated depreciation and amortization) totaling \$142,105 that consists primarily of leasehold improvements, computers and equipment. The school has a noncancellable sublease agreement with the Ibero-American Action League for its facility for the period September 2000 through August 2005. The agreement requires the school to make monthly payments that increase on an annual basis over the term of the sublease in conjunction with increases in the space occupied by the school. Future minimum rental payments under the terms of this agreement total \$285,222 for the remainder of the lease. The school has no long-term debt.

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>
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EMHCS plans, in the term of a future charter, to expand to serve students in the Kindergarten through eighth grades. Currently, the school serves students in grades Kindergarten through six. In its original charter application, the school provided a curriculum for grades Kindergarten through eight. The school intends to use that curriculum to plan instruction for any future expansion. The school did not provide additional or updated curriculum plans for grades seven and eight in its renewal application.

As enumerated throughout this report, the school has posted mixed success in reaching its academic goals. While the school has realized some success both qualitatively and quantitatively in science and mathematics, the school's

The school's analysis of mathematics performance, change in mathematics curriculum, and the ensuing professional development in mathematics instruction resulted in one set of strong 4th grade test scores. Mixed results in three years of Stanford 9 mathematics data indicate the improvement measured by the state tests is not yet consistent. As indicated by state and national standardized tests, the school's English Language Arts program has yet to achieve the level necessary for sustained student success in all grade levels. Student work products and observations during the renewal visit provided strong evidence that the school's biggest weaknesses occur in the upper grades.

Beginning in the 2004-2005 school year, EMDHCS implemented the Open Court reading curriculum and continues to use America's Choice *Readers and Writers Workshop* model to supplement its English Language Arts curriculum. While teachers have enjoyed limited professional development using the Open Court curriculum, no quantitative

evidence of its success after implementation is available as the school comes to renewal. Qualitative data gathered during the renewal visit indicates the Open Court curriculum holds promise for increasing student achievement but the school has yet to fully implement the curriculum following the design prescribed by Open Court.

While the school’s written plans may be reasonable and feasible, evidence available at the time of the renewal visit suggests the school’s ability to achieve a successful implementation of additional grades is questionable. The school will be well served to refine the implementation of its curricula, significantly English Language Arts, prior to expanding to serve additional middle school grades as such grade levels require students to demonstrate significant facility in increasingly rigorous skills and knowledge. The school would also be well served in amassing evidence of success at current grades prior to providing instruction at additional grade levels.

<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>
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In its application for charter renewal, EMHCS presents an Accountability Plan that builds upon the goals identified for the term of its existing charter. Should the school’s charter be renewed, Institute staff will work with the school to finalize that plan for the term of a future charter. The school’s goals are reasonable, feasible, and achievable.

The Accountability Plan as submitted in the renewal application is generally reasonable and feasible; however certain additional measures may be required in order to take account of changes in the New York State’s testing regimen or revisions to the Institute’s Accountability Plan Guidelines. In such cases, these additional measures will be added either prior to the execution of a new proposed renewal charter or thereafter.

<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>
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In its application for renewal, EMHCS submitted a future enrollment plan and school calendar that includes the number of days and proposed daily schedule for each grade level. The school plans to continue offering 190 instructional days in the school year and instruction from 8:30 a.m. to 5:00 p.m.

The school's future enrollment plans include growing to serve students in grades seven and eight. In the first year of a new charter, the school looks to enroll 320 students in grades Kindergarten through seven. In the remaining years of a future charter, the school plans to enroll 410 students in Kindergarten through eighth grades.

These plans are reasonable, feasible and achievable.

<p>Benchmark 4D</p> <p>Fiscal & Facility Plans</p>	<p>4D</p> <p>The school has provided a reasonable and appropriate five-year fiscal plan for the term of a future charter.</p> <p>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.</p>
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The school has presented a reasonable and appropriate fiscal plan for the proposed new charter period, although it faces challenges concerning its proposed expansion. Long-range fiscal projections are more susceptible to error than those are for a single year. Such projections are subject to revision due to changes in local conditions, objectives, and laws. The school will be required to develop and adopt annual budgets based on known per pupil amounts. The school is likely to finish its initial charter period in stable or strong financial condition. Starting with that baseline, the plan projects a modestly improving cash position for the school throughout the proposed new charter period. The Board has budgeted conservatively and assumed an initial three percent increase in its per-pupil funding and then no increases for the remainder of the proposed new charter period.

The school's current space, which it rents under a sublease from the Ibero-American Action League, is too small to accommodate the proposed expansion from 280 to 410 students. The school's plans rely significantly on the ability of IAAL and its affiliate, the Ibero-American Development Corporation, to obtain sufficient funding and to cost effectively construct additional space. To date, there are no concrete plans with regard to a proposed location. As a result, the reasonableness of estimated costs for the new facility included in the fiscal plan cannot be assessed.