



Charter Schools Institute
State University of New York

Buffalo United Charter School

Second Year Report

(2004-2005)

August 29, 2005

Reader's Guide

Background

Authorized by the New York Charter Schools Act of 1998, charter schools are public schools that operate independently of local school districts and are created by civic leaders, community groups, educators and parents interested in bringing public school choice to their communities and improving student achievement, particularly for children at-risk of academic failure.

The New York Charter Schools Act empowers the Board of trustees of the State University of New York (the State University Trustees), the New York State Board of Regents (the Regents), or local boards of education to authorize new public charter schools (in New York City, authorizing power is vested in the Chancellor) and thereafter to renew charters of successful schools. Additionally, existing traditional district-operated schools can seek to convert to charter status through their governing boards of education.

The Charter Schools Institute (the Institute) was established by the State University Trustees to assist in the review and approval of applications to establish charter schools, oversight of chartered schools, and renewal of charters.

As are district-organized public schools, charter schools are open to all children, non-sectarian in their programs and funded with public tax dollars. Each public charter school is governed by an independent board of trustees that, as all school boards, is subject to New York State's Freedom of Information and Open Meetings laws. Public charter schools authorized by the State University Trustees are also subject to oversight and monitoring by the Institute. Additionally, all public charter schools in New York State are jointly subject to inspection and oversight by the State Education Department (SED) on behalf of the Board of Regents.

In exchange for freedom from many State rules and regulations, a public charter school receives a charter, or contract, of up to five years and must meet stated student performance goals that are set forth in its "Accountability Plan" or risk losing its charter or not having its charter renewed, in which case it would close. This tradeoff—freedom from rules and regulations in exchange for unprecedented accountability for student performance, and real consequences for failure—is one of the most significant differences between public charter schools and other public schools that school districts administer.

The Oversight Process

As noted above, the State University Trustees, jointly with the Board of Regents, are required to provide oversight sufficient to ensure that each charter school that the Trustees have authorized is in compliance with applicable law and the terms of its charter. The Institute, together with the State Education Department, monitors compliance through a monitoring plan and other methods.

In addition to monitoring compliance with the law, the State University Trustees view their oversight responsibility more broadly and positively. Accordingly, they have adopted policies

that require the Institute to provide ongoing evaluation of charter schools authorized by them, including the strength of their educational programs and organizational structures.

By providing this oversight and feedback, the State University Trustees and the Institute seek to accomplish three goals. The first goal is to facilitate improvement. By providing substantive information about the school's strengths and weaknesses to the school's board of trustees, administration, faculty and other staff, the school can potentially take corrective actions. In turn, the school may thereby increase the chances that it will be able to fulfill the promises it made in its charter, including meeting those measures of student achievement set forth in its Accountability Plan. The second goal is to disseminate information beyond the school's professional staff and governing board to all stakeholders, including parents and the larger community in which the school is located. The third goal is to allow the Institute to build a data base of information on the school over time. This permits the Institute to better evaluate the strengths and weaknesses of a school—and the likelihood for continued success or failure (as the case may be) based on past patterns when the school comes to renewal, typically in the fifth year of its charter.

A central component of the Institute's evaluative oversight system is a schedule of periodic visits to and inspections of charter schools, resulting in letters and reports to the school's board of trustees. As the result of the periodic visits and inspections, by the end of the charter period, both the Institute and school will have a mutual sense of the school's strengths and weaknesses as viewed over time, especially as viewed through the prism of charter renewal.

In evaluating schools, the Institute uses a series of benchmarks that cover not only the strength of the academic program but the strength and effectiveness of the organizational and fiscal policies, structures and procedures that the school has instituted at the time of the visit. How these benchmarks are used (and which are used) varies, depending on the specific year of the visit.¹

In particular, the Institute utilizes a series of qualitative indicators to review the effectiveness of a charter school's academic programs, e.g., the strength of a school's internal assessment system, the rigor of its pedagogical approach, and the breadth and focus of the school's curriculum. In the formative years of a school (generally the first three years of operation), these benchmark indicators are important precisely because the quantitative indicators of academic achievement, i.e., students' performance on standardized tests (especially the Regents assessments), are generally few in number and difficult to interpret (for instance, it would be difficult to tease out in the first year the value-added that the school has contributed to a student's success on the 4th grade State assessments). The qualitative indicators serve as proxy indicators, therefore, for student assessment data sets that are necessarily incomplete and incipient. Moreover, only by

¹ In the school's first year, the Institute visits the school in the spring and uses many, though not all, of the benchmarks it utilizes during its second year visit. The first year visit results in a letter to the school's board of trustees summarizing the Institute's findings. In a charter school's third year, the Institute retains an outside group to provide a more comprehensive review of the school's educational program, outcomes, and various indicators related to organizational effectiveness. This visit results in a formal report to the school's board of trustees that is similar, though not identical, to the second year report.

using these qualitative indicators can the Institute provide feedback not only on “how” the school is doing but also “why” it is succeeding or failing.²

Over time of course, and particularly at the school’s initial renewal (and subsequent renewals thereafter), the quantitative indicators, student test scores, take on paramount importance and the qualitative indicators concordantly diminish in importance. This is consonant with the fact that charter schools are responsible for results (outcome measures).³

The Second Year Report

The Second Year Report is the product of the Institute’s visit in the spring of a school’s second year of operation. It contains this reader’s guide, a brief description of the school, a summary of the Institute’s findings from its visit to the school in its first year of operation, a summary of the Institute’s findings and observations from the second-year visit, the evidence gathered under the benchmarks that the Institute utilizes in the second-year visit (from which the summary is drawn) and, finally, data on the visit, including identities of the visitors and the date of the visit.

The report reflects the observations and findings from the one-day inspection visit conducted typically by a two to four member team comprised of Institute staff, and, in some cases, outside experts. Consistent with the Institute’s evaluation process throughout the life of the charter, Institute visitors on a second year visit seek evidence of effectiveness in key areas: the academic success of the school including teaching and learning (curriculum, instruction and assessment); the effectiveness and viability of the school as an organization, including such items as Board operations and student order and discipline; and the fiscal soundness of the school. Although issues regarding compliance with state and federal laws and regulations may be noted (and subsequently addressed), compliance is not the ultimate purpose of the visit.

The second year visit includes a meeting with the Principal/Director, classroom visitations, and interviews of staff, students and Board members, in addition to reviewing student work. Data from the second year visit, and any previous visits, is used to develop the curriculum and instruction component of this report.

In reviewing this report, readers should keep in mind that charter schools face major challenges in the first few years of their charter, and not all charter schools address each challenge at the same pace. These challenges include:

- establishing a positive, academically focused school culture that provides high expectations, support and encouragement for students and teaching staff, and any necessary remediation for students;

² More often, of course, schools do not succeed or fail so much as parts of this highly complex organization are working well and parts are not.

³ Where a school comes to renewal with an ambiguous data set of outcome assessments (because of limited data, inconsistent data—some strong, some weak—or both), the Institute continues to place emphasis on the qualitative indicators as proxy indicators of future success. Thus, where the Institute finds that qualitative indicators are strong, it may still recommend, despite ambiguous evidence of student achievement on assessment results, that the school be renewed (though not for a full term) because the qualitative indicators suggest that with more time the school will compile a strong data set of student assessment outcomes.

- establishing operational and communication patterns with the governing school board of trustees, as well as communication patterns with staff, parents and the community;
- setting up sound fiscal processes and procedures;
- establishing this operation in often less-than-ideal facilities, without ready access to facilities funding mechanisms available to district administered public schools;
- creating an environment with strong instructional leadership where teachers receive timely professional development to address changing student needs;
- ensuring that all staff are familiar with and consistently use an effective system for behavior management; and
- retaining qualified staff and minimizing the frequency and rate of any staff turnover by understanding the reason for it, and providing replacement staff with an orientation to the school and its program, as well as the necessary professional development.

Readers should also keep in mind the inherent limitations of a one-day visit, which provides only a snap-shot of that school on that day. While the Institute is confident that the majority of its observations are “valid” in that they reflect an underlying reality about the school’s academic and organizational structures, they are not perfect or error-free.

For the reasons above, and because of the inherent complexity of an organization such as a school, the Second Year Report does not contain a rating or a single comprehensive indicator that would indicate at a glance that the school is “on track” to be renewed or is not. It does, however, in the “Summary” section, summarize the various strengths of the school and the areas that the inspection team found in need of improvement.

While there is no one rating that the Institute gives (or reasonably could give) as a result of a single-day visit, it is important to note that where the inspection team identifies area after area with not just room for improvement but significant and severe deficiencies, and few, if any, countervailing strengths, the difficulty that the school may have in presenting a compelling case for renewal is likely to be substantially increased. Conversely, where the inspection team finds that strengths outnumber weaknesses in both quantity and quality, the school is likely to be better positioned to build a strong case for renewal.

In sum, then, we urge all readers to review the entire report (or at the very least the entire summary) and not to take a particular comment in the report about the school out of context.

Finally, we note that the Second Year Report cannot serve its three functions (providing data to the school to use for its potential improvement; disseminating information to shareholders; gathering data so that the Institute may come to renewal with a richer set of evidence) unless the report is not only unsparingly candid regarding the observations that the Institute has made, but also focused on those areas that are potentially in need of improvement rather than those accomplishments that the school has accumulated to date.

While this level of what can reasonably be termed “brutal honesty” is necessary, as is the focus on areas for improvement, readers should remember that almost no other entity in education is

held to such a high standard of review. This is especially true of public schools that traditional districts and Boards of Education oversee. In so saying, the Institute does not ask the reader to make excuses for schools that are not succeeding—and the Institute’s accountability system does not and will not—but we do note that providing this level of accountability, which almost every charter school welcomes and even advocates for, represents in and of itself a revolution in how public education is governed.

School Description and Background

Buffalo United Charter School's (BUCS or Buffalo United) charter was approved by the State University Trustees on September 13, 2002. The school's mission is "to work with families, educators, and community members to provide a rigorous academic program, focusing on core academic skills that will enable our students to continually improve and ultimately perform at levels that exceed citywide averages. Our school leadership and community will also instill a sense of family, community and leadership within all of our students."

BUCS opened in September of 2003 in a completely renovated former bowling alley at 325 Manhattan Avenue. The space was renovated by its management partner, National Heritage Academies (NHA), which added a second floor to double the floor space of the original building.

The school has presented a somewhat complex array of approaches to its educational program. The Executive Summary of the school's application for a charter explains the school will endeavor to provide a traditional, classical education, implementing the *Effective Schools Research* design. However, it also notes a goal somewhat contrary to the traditional approach to teaching: "facilitate new and creative teaching methodologies in a teacher directed classroom." The application later announced the school will implement the NHA Educational Program.

The school's design places great emphasis on an active role for parents in the life of the school. In its application for a charter the school states parental involvement will be fostered through six parent-teacher committees: Curriculum, Technology, Leadership Development, Library, Grounds and Facility, and Boosters. The school's plans included the establishment of "instant weekly newsletters" to keep parents updated on their children's academic programming, assignments, and school events; the provision of a room for parents to meet, volunteer, "relax" and the administration of formal parent satisfaction surveys.

In March, 2004 the Institute discovered the school had increased its enrollment beyond that provided for in the charter without seeking a charter revision. In March, 2005 the school was granted permission to increase enrollment each year by 10 percent or 25 students, whichever was less.

According to the minutes of the school's board of trustees' March 1, 2005 meeting, as of February 1, 2005, 388 students were enrolled of which 357 planned to re-enroll. The school has a projected enrollment of 480 for the 2005-06 school year. It had received 62 applications at the time of the inspection visit. By March 31, 2005, the numbers had changed slightly as noted on the following chart.

As of the date of this report, the school's enrollment, demographics and school calendar are as follows:

Enrollment

| YEAR | ORIGINAL CHARTERED ENROLLMENT | APPROVED CHARTERED ENROLLMENT | ACTUAL ENROLLMENT | ORIGINAL CHARTERED GRADES SERVED | APPROVED GRADES SERVED | ACTUAL GRADES SERVED | COMPLYING |
|-----------|-------------------------------------|-------------------------------------|--|---|------------------------------|----------------------------|---------------|
| 2002-2003 | Planning Year | Planning Year | Planning Year | Planning Year | Planning Year | Planning Year | Planning Year |
| 2003-2004 | 240 | 240 | 240 | K-4 | K-4 | K-4 | Yes |
| 2004-2005 | 400 | 405 | 385 actual 69 on waitlist (grades 1-6) ⁴ 396 planned | K-5 | K-5 | K-5 | Yes |
| 2005-2006 | 480 | 480 | | K-6 | K-6 | | |
| 2006-2007 | 555 | 555 | | K-7 | K-7 | | |

School Year (2004-05): 182 instructional days.

School Day (2004-05): (Charter anticipates seven hours, 15 minutes – 8:00 am – 3:15 pm)

Demographics⁵

Enrollment (2003-04): 237

African-American: 95.4%

Hispanic: 1.3%

Asian/Other: 0.8%

White: 2.5%

Students with Disabilities: 10.5%

Free and Reduced Price Lunch Program: 79.8%

⁴ As per the March 31, 2005 Principal's report to the BUCS Board of trustees.

⁵ According to SED's NEW YORK STATE Charter School Report Card Comprehensive Information Report on the web at <http://www.emsc.New York State ed.gov/repcrd2004/cir/140600860851.pdf>

Summary of First Year Findings

In the spring of 2004, at the closing of the school's first year of operation, the Charter Schools Institute conducted a visit of the school. Institute staff observed classrooms, met with administrators and interviewed teachers. In a letter to the school's Board of trustees, the Institute reported the school most at odds with its application regarding parental involvement, which teachers identified as the most pressing concern for the school. In some classes, less than half of students returned homework. There was no active parent association at the time, and the parent room referenced in the application was used as a lost and found area.

On the other hand, the Institute found that at the end of the first year the school had implemented the National Heritage Academies' (NHA) academic program effectively in Kindergarten, first and fourth grades. Where teaching was not as effective, "teachers' lessons were undermined by a visible lack of student engagement." The administration was aware of the problem and seemed to be addressing it.

Institute staff found that order and discipline varied throughout the school. At the end of the school day, as the school transitioned to the after-school "wrap around" service, classrooms where students were initially engaged in orderly instruction became loud and undisciplined.

Summary of Second Year Findings

Academic Program

Towards the end of the second year of instruction, the Institute concludes that Buffalo United exhibits significant strengths in the implementation of its academic program and can boast of significant early achievements. In particular:

- The school has materially outperformed the Buffalo City School District on the 2004 4th Grade Mathematics assessment (76 percent at proficiency compared to Buffalo's 66 percent) as well as the 2005 4th Grade English Language Arts (ELA) assessment (68 percent compared to Buffalo's 39 percent). While data from a school's second year must be treated carefully in making causal connections, especially when one is comparing different groups of students, the large jump in the percentage of students testing at proficient from last year to this year is suggestive that the school is making improvements. So, too, the school has laid the groundwork to establish a pattern of meeting or being close to meeting the school's Accountability Plan measure pursuant to which 75 percent of students enrolled at the school for two or more years will test as proficient on the State interim assessments and that the school will outscore the district.
- In all curricular areas, except writing, the school has implemented National Heritage Academies' curricular programs and those programs appear to be generally aligned with New York State standards.
- The school has created a calm and purposeful learning environment.
- The school utilizes multiple assessments and has structures for capturing and reporting the data.
- National Heritage Academies, the school's management partner, has identified Buffalo United Charter School as a model school ranking #1 in moving students to grade level and a top math school within NHA's charter schools.

While the strengths of the program are significant, the Institute also found a number of areas that would benefit from a concerted effort at improvement and that could hinder a movement to academic excellence if not addressed. In particular:

- The writing program was not sufficiently rigorous or systemic to ensure that students would be able to get to and/or maintain proficiency in this key skill, especially as students moved into the middle school grades.
- The system of assessments that the school uses needs to be strengthened.
 - ~ Assessments should align to the New York State Performance Standards.

- ~ All assessments should align to each other and be considered reliable by staff.
- ~ Assessments should have a correspondence to the school's Accountability Plan (i.e., there should not be dissimilar measures).
- ~ There is an abundance of student data; however, consistent data analysis should be used to improve instruction and curricular choices as well as inform the Board of policy matters.
- The curriculum, while generally adequate, requires improvement in the following respects:
 - ~ More explicit use of all New York State Performance standards,
 - ~ Clear alignment between grades,
 - ~ Clear protocols on how to supplement the pre-packaged curricula that are utilized,
 - ~ Use of a strong writing program,
 - ~ Production and collection of more student work (other than worksheets), and an
 - ~ Increased level of academic rigor in classrooms.
- More generally, the school should develop a clear and explicit alignment between the curriculum, assessments, and Accountability Plan. The BUCS community should be able to articulate how the content that is taught (the way it is taught and how student learning is measured) relates to the school's overall accountability goals and systems, which should be focused and purposeful.

Organizational Effectiveness

Buffalo United also exhibits strengths at the organizational level. In particular:

- The Board of trustees has been stable, meets regularly and has structures that appear likely to lead to the provision of adequate and focused oversight over the educational program. In regards to fiscal oversight, and more general organizational matters, those systems are generally in place.
- The school has implemented in the first two years most of the main design elements set forth in its charter.

Here, too, however, there are significant areas that require improvement. In particular:

- If the Board is to translate the procedures and processes it has created into more effective oversight of the academic program, the Board must quickly become more conversant with the details of the academic program, including the meaning and significance of the various academic data that the school produces. So, too, the Board and the administration need to standardize the manner in which the administration reports to the Board on the school's academic progress.

- Similarly, the administration and the Board need to either fully implement the parent advisory/governance model set forth in the charter or abandon this model and seek some other. In this regard, it is notable that this same concern was noted in the Institute's first year inspection.

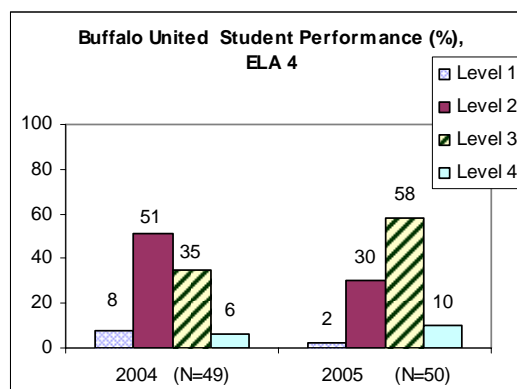
Benchmarks

What follows are the selected benchmarks used by the Institute in preparing this report. These benchmarks focus on the critical issues of teaching, learning and assessment as well as organizational and fiscal responsibility. Evidence from visits conducted during the year is summarized under each benchmark and serves as the foundation for the summary section above.

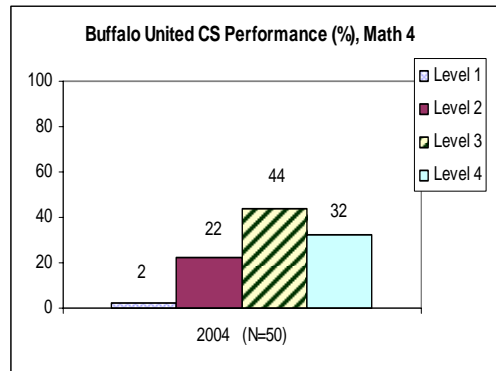
| Is the School an Academic Success? | | |
|---|---------------|---|
| Benchmark 1A Academic Attainment & Improvement | 1A.1.1 | Absolute Measures (New York State Assessments): The school meets or has made meaningful and consistent progress towards meeting the outcome measures contained in its Accountability 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. |

Absolute Measure: State Testing – ELA and Math at BUCS

English Language Arts



Mathematics



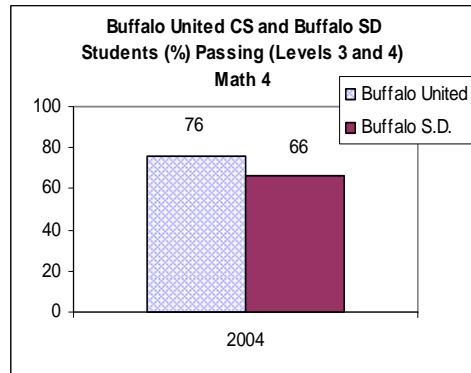
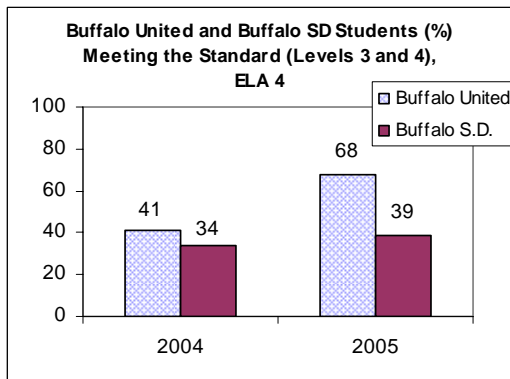
Absolute Measure

The school's absolute measure of performance on the New York State 4th grade English language arts assessment states that "75 percent of fourth graders who have been enrolled at BUCS for two or more years will perform at/or above Level 3 on the New York State ELA." As the school is in its second year only, and as the English language arts assessment was administered in the middle of the second year, no student has been enrolled at the school for "two years or more." However, the '05 administration of the assessment indicates a strong likelihood that the school is well-poised to meet this important measure of academic achievement. Specifically, 68% of the students in the 4th grade tested at the proficient level.

In mathematics, the school posted a 76 percent passing rate in its first year of scores, signaling extremely promising progress toward meeting its absolute Accountability Plan measure of "75 percent of fourth graders who have been enrolled at BUCS for two or more years will perform at/or above Level 3 on the New York State 4th grade mathematics assessment."

Comparative Measure

BUCS has met its comparative measure goals by exceeding the Buffalo City School District's percentage of students achieving Levels 3 and 4 on the NEW YORK STATE ELA assessment (both on the '04 and '05 administrations) and Math assessment. As indicated, the school's level of performance on the '05 ELA assessment far exceeded the district's.



Value Added Measure:

The school's Accountability Plan calls for cohorts to reduce the gap between their previous year's performance on the Northwest Evaluation Association reading and math tests and grade level in the current year. As last year was

the first year of operation, the school has no data on year-to-year (spring-to-spring) gains. As such, the value added measure cannot not yet be evaluated.

| | 0-25% | 26-49% | 50+% |
|----------------------------|-------|--------|------|
| NWEA Reading Sept. 2004 | 56 | 26 | 18 |
| NWEA Reading March 2005 | 49 | 32 | 19 |

| | 0-25% | 26-49% | 50+% |
|-------------------------|-------|--------|------|
| NWEA Math Sept. 2004 | 64 | 22 | 14 |
| NWEA Math March 2005 | 45 | 30 | 25 |

The school provided preliminary data in which fall and spring results are grouped by quartile, indicating the proportion of students who scored above grade level (i.e., the third or fourth quartile) at both points in time. While these fall-to-spring gains are less reliable than spring-to-spring results, they indicate that among all tested grades, the reading results showed little change and math results showed greater gains.

Science & Social Studies

No data was presented as of the April 2005 visitation for the Science and Social Studies accountability goals. Social Studies and Science data will be available for the first time next year (the first time the school has a fifth grade). The school will present its science data on its Annual Report, due on August 1, 2005.

NCLB

The State Education Department's 2004-05 Accountability Status rating for Buffalo United Charter School lists the school as a Charter School in Good Standing under NCLB.

| Is the School an Academic Success? | | |
|--|-----------|---|
| Benchmark 1B Use of Assessment Data | 1B | <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 achievement.</p> |

Use of Assessments, alignment with Accountability Plan and State performance standards

BUCS has made attempts to utilize assessment data to inform instruction, though the school has not yet utilized these data systemically.

BUCS administers a number of assessments (the New York State tests, the NHA benchmarks [the Northwest Evaluation Association tests (NWEA)] and the STAR Early Literacy assessment for K-1). While the STAR assessment offers a detailed literacy report for teachers, the NWEA is given as a benchmark test several times a year. (The NWEA replaced the Mat 8 that had been used in 2003-4 year.) While this assessment system has the potential to adequately inform the instructional staff and school's Board of trustees of academic results in a timely manner, there are three main issues that BUCS should carefully review:

- **Analysis & Instructional Modifications:** Analysis of student achievement data is neither being systematically given to the teaching staff, nor to the Board of trustees. While raw data may be periodically shared, BUCS must focus on having a common understanding of the data's significance and the modifications to the program that the data indicates should be implemented.

Further, current instructional modifications are ad hoc. For example: grade level teams were left on their own at the beginning of the year to group students for reading and to determine what specific skills each group needed. The Principal reviewed their work, but teachers reported not receiving any direct support in

interpreting the data. Both analysis and required instructional modifications should be made explicit and this activity should be consistent and expected.

- **NEW YORK STATE Standards:** It is not clear that BUCS understands how the NWEA, STAR assessment, Baldrige assessments, nor the State assessments themselves align to the New York State Performance Standards. The Principal and staff were not able to clearly articulate how the NHA assessments related to, or were predictive of, student success in attaining State standards and/or the likelihood that students were being appropriately prepared for success on New York State assessments. The BUCS administration and staff should understand the exact relationship to the actual Performance Standards – not an inferred one.
- **Accountability Plan:** It is not clear why BUCS is focusing on so many measurements that are not in the school's Accountability Plan. Likewise, it is not clear why BUCS is not focusing on several measures that are in the school's Accountability Plan. The "everyday measures" utilized by the school should either be the same as its Accountability Plan measures or they should be aligned to them.

For example, the Principal reports NWEA data to the Board using a metric that is different from the Accountability Plan's outcome measure. The school should focus relentlessly on the outcome measures *as they are stated* in the Accountability Plan, as they are a critical element in renewal decisions.

In addition to these three main issues, there are some other findings that are important in thinking about assessments at BUCS:

Reliability: Teachers report observing a disparity between students' Baldrige scores, students' NWEA scores, and their own classroom observations. This may indicate that one or more of these assessments are not reliable sources of academic results. NWEA data may suggest that students have improved, but they also show that a large proportion of students are performing below grade level, and specifically indicate that a large proportion of fourth graders will not score at the proficient level on the fourth grade State exams, contrary, in fact, to the Principal's prediction and, to some degree, the actual results. If the BUCS' staff or Board of trustees suspects the results of one or more of its measures are not reliable, BUCS should seek reliable assessment tools immediately.

- **Example 1: NWEA:**
Buffalo United Charter School uses a computer based assessment system provided by the school's educational management partner, National Heritage Academies (NHA). Students periodically take assessments online. Results from the assessments are available for students, teachers, and school administrators to analyze in determining the academic progress of students. The BUCS' staff has some questions about whether students are being tested on their technological skills, rather than their content knowledge.

NWEA does not measure writing. As such, there is an insufficient basis for the school to determine in any systematic fashion if students, and which students, are prepared to meet state performance standards in English language arts—and the equally finer points of what strengths and weaknesses students have.

- **Example 2: Baldrige:**
The Principal has promoted quality as operationalized by Baldrige tools. Regardless of the program's merits, the focus on achievement has been reduced to scores on work sheets that are placed in Baldrige binders and ironically reflect minimal quality. In addition, the scoring is unreliable since the work sheet grades include a prevalence of extra points rather than a percent of correct answers. If Baldrige continues to be a key program at BUCS, greater care should be taken to ensure that its measurements are a clear measure of academic performance, are put to use, and are part of the Accountability Plan.

Student Work:

Other than the NHA assessment system, the school has no internal system that requires teachers at the same grade level or across grade levels to set a clear and sufficiently high standard of expectation for student achievement and apply it in their classrooms. The student work available for examination on the day of the visit overwhelmingly consisted only of worksheets students had completed in the Open Court English language arts textbook series or in the Saxon mathematics textbook series. When asked about the lack of written student work products, teachers at the school indicated to Institute visitors that a school wide writing program is lacking and needed. From the few pieces of student writing posted on the wall (again, the only evidence the school had for visitors to discern what teacher expectations for student work might be) and available for review by Institute visitors, it is clear that teachers' standards of what constitutes work consistent with the demands of State standards are inordinately low. Posted student work contained uncorrected grammatical and mechanical errors allowing students the impression that sub-standard work is worthy of celebration (as opposed to correction). Unless the BUCS' Principal and teachers develop a more refined understanding of what is demanded by State standards (the State English language arts test requires students to write complete sentences, paragraphs and essays that are well organized, exhibit strong vocabulary, and are grammatically and mechanically correct), there is a significant danger that they will not provide students the learning opportunities required to ensure student success on State measures of academic success—especially as students move to the middle school grades as the school expands.

Performance Expectations and Results to Students, Teachers, and Parents

At this point, students, teachers, and parents at BUCS do not have adequate direction regarding performance expectations and results of data. When asked how teachers get information about student testing, both teachers and administration said they could access student data on the "U drive" – but there is not a clear protocol of expectations of what to do with the data on the U drive. One result is a lack of clarity between staff and administration, as well as staff and students, regarding academic expectations, as guided by the New York State Performance Standards.

Likewise, parents are given NWEA reports regularly – but these communications could be enhanced if it was clear how parents could help in areas of student weakness. The regular NWEA parent report notes: "In addition, your child should have had the opportunity to learn the information on the tests because the tests are aligned with the BUCS curriculum and New York State Performance Standards." However, it is not clear that the BUCS staff currently knows how the curriculum and New York State Performance Standards are aligned – making this an unrealized promise to parents.

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

Clearly Defined Curriculum

BUCS does have a series of pre-packaged curricular programs which it is dedicatedly implementing (Open Court and Saxon Mathematics). With the exception of the lack of an appropriate writing program, the curricular choices are programs with a research-base and have been successful in other schools. (In fact, it is noteworthy that Open Court does have a writing program that is simply not implemented at BUCS.) *In its reliance on these programs, it is also not clear how BUCS staff formally supplements these programs to meet the needs of various types of learners as they work toward achieving New York State Performance Standards.*

As observed during the Institute's one-day visit, the school's implementation of the Saxon Mathematics program is heavily reliant on the textbooks, workbooks and worksheets. In third grade, significant portions of the program are not utilized. For example, the Saxon Mathematics program has a strong calendar component in Kindergarten through third grade where students participate daily in mathematical rituals and routines that provide for significant opportunities to reinforce, assess, and re-teach a number of mathematic concepts. None of the third grade classrooms follows the Saxon curriculum and teachers do not teach the calendar component. While one teacher reported the students in his/her class were too advanced for the calendar component of the Saxon materials, other teachers provided no explanation as to why they were not implementing the Saxon materials as directed. In the case of a class "too advanced" for the calendar component, the unused and blank materials were still posted on the classroom bulletin board and through neglect were disheveled with some items falling off the board. Rather than ignoring a component of the curriculum in such a fashion, a better and more sufficient solution would be to assign pairs of students to perform the calendar tasks each day allowing for students to work on the oral presentation skills required in New York State English language arts curriculum. As for the classrooms containing "less advanced" students, not rigorously implementing the mathematics curriculum is again a significant barrier to the school's ability to ensure all students will meet or exceed State standards.

BUCS uses the Open Court curriculum for English language arts. Again, observations were limited to one day; however, a review of student work and available components of the Open Court curriculum revealed that teachers are choosing certain components of the curriculum to implement and ignoring other components. While Open Court provides teachers a potentially overabundant amount of permutations for each story provided in the anthology, *the school does not appear to have made strategic and purposeful selections that ensure students are properly focused on the skills and knowledge required to succeed*. Though the teaching staff were clearly committed and enthusiastic about their work, it is critically important that the school identify the academic needs of students and implement with precision the portions of the Open Court curriculum that will ensure students are prepared to meet State standards. As it stands now, these efforts appear ad hoc.

BUCS has relied on NHA to have aligned its programs to the New York State Performance Standards – but the BUCS staff does not have clear knowledge of how the alignment works. As such, BUCS has no clear time dedicated to vertical planning (throughout the grades) and has relied on the programs for vertical alignment. BUCS staff does attempt to utilize the NHA pacing chart, but admits that they are not always on schedule. The result is a curriculum that does not have clearly defined priorities (such as the New York State Performance Standards) and has not been adjusted/supplemented, as is typically necessary.

Beyond the absence of a writing assessment system, there was simply almost no opportunity to write. This shortcoming more generally manifested itself as an absence of student constructed artifacts in any subject (including math, science, and social studies). Instead, students were buried in Open Court's and Saxon's worksheets.

Baldrige Binders

BUCS boasts that on Tuesday afternoons, the school "Drops Everything and Baldriges." Designed by the Principal to require students to set and maintain goals toward achieving academic success, observations during this visit reveal that only Kindergarten and first grade students are appropriately maintaining the process. A review of Baldrige binders at the upper grades show that students do not set monthly or weekly goals for their learning and do not analyze or record thoughtfully regarding their process. The binders could be a vehicle for students, teachers, parents, and administrators to teach students about setting goals, tracking progress toward goals, and performing analysis. However, as implemented in the upper grades, there are three-ring binders that contain blank pages where students should be (but are not) identifying weekly or monthly goals, marking progress toward those goals, and gathering examples of student work.

The student work contained in the Baldrige binders was exclusively low level worksheets. The binders contained no original pieces of student writing, no lab reports, no essays, no stories, nothing but basic worksheets that contained little to no teacher feedback. In many cases teachers had not even corrected the student work completely, leaving uncorrected misspelled words, missing end of sentence punctuation and other grammatical and mechanical language errors. Again, if the Baldrige program is to be a key element of the school, much greater attention to its implementation should be given and it should be part of the school's Accountability Plan.

Core Knowledge

While the implementation of the Core Knowledge curriculum is stated in BUCS' charter, evidence of its implementation was elusive during this visit. One grade level team admitted that only students who had particular achievement in reading and math were allowed to do science and social studies ("core time"). Another teacher reported that they were not using the Pearson Learning Core Knowledge books because the school did not have enough of them to go around. The teacher reported that the Pearson texts were more robust and the students who had thumbed through them were interested in them, but the school couldn't offer this robust curriculum because there were not enough materials. BUCS should more clearly define how it is utilizing the Core Knowledge curriculum, especially given the commitments made in the school's charter.

Instructional Leadership/Supervision/Professional Development

School administrators are effective in creating an orderly environment, but not in acting as instructional leaders giving inexperienced teachers ongoing guidance in the development of their pedagogical practice. The difference in teacher expectations of quality student work, as exemplified by the vast difference in the writing on display on bulletin boards in front of the three first grade classes suggest that teachers receive minimal supervision from the school administrators. The Institute was informed that the Principal spends each Wednesday meeting with each grade level team. The administrators also conduct ad hoc visitations and two formal observations per year (October and May). The ad hoc supervision sheet's metrics do not include clarity around teachers giving instruction on the NEW YORK STATE Performance Standards, nor being able to reach various types of learners. The supervision sheet appears to be more of a check-list of some behaviors (such as doing the Balldridge binders) and do not reveal a rigorous or scholarly examination of teachers' instructional skills or specific ways to improve instruction.

While BUCS should be proud of its low rate of teacher turn-over, moving teachers to new positions within the school also creates professional development needs. Teachers define professional development as a set of workshop offerings, which they can select themselves from a menu. Teachers reported receiving some program implementation information from Open Court and a NHA staff developer who visited the school two or three times respectively so far this year. Saxon Math support was less frequent. There is no clear differentiation of professional development for teachers based on experience and classroom competence. No mentoring or coaching is offered. The Institute agrees with the Principal that additional training of various sorts is necessary, including: teaching writing, New York State rubric usage, New York State Performance Standards training, classroom management, supplementing the curricular programs, etc. BUCS teachers might benefit from additional, direct one-on-one instructional support in their classrooms.

Instructional Strategies

As observed during this visit, teacher interaction with students during lessons was in a lecture style in which they elicited limited responses from students. While this approach enabled them to keep up the flow of instruction, it was at the expense of stimulating student learning, of engaging them, ensuring that they were paying attention and were prepared to answer questions, getting them to work through the concepts, and creating a dynamic in which they would listen to each other's responses as a means to stimulate critical thinking. The teachers talk a lot during the lessons at BUCS. They also frequently asked low level questions that did not require much higher order thinking on the part of students and just as frequently they answered their own questions instead of mastering the skill of asking questions to elicit student responses and student thinking. Teachers were often unclear about the purpose of a lesson – beyond it being next in the book. Activities were frequently driven simply by completing worksheets.

The school does employ a significant number of teachers who are relatively new to teaching. As such, the school has few master teachers to model instruction in a way that is likely to increase teachers' instructional abilities. As with any staff young in experience, an investment in building teachers' instructional skills, understanding of the demands students face on State standards at every grade level, and building teachers' capacity to consistently deliver instruction that increases student achievement will be a significant component of any future success at BUCS.

Paraprofessionals tended to spend a good deal of time as classroom monitors, keeping order rather than working with small groups or individual students. Several lessons taught by paraprofessionals did not model adequate instruction, or strong lesson planning. The school is not maximizing this resource.

At-Risk Learners

BUCS utilizes NHA's Operation Break Through for remediation. At three hours per day (9-10:30 a.m. and 1-2:30 p.m.), Operation Break Through represents a serious commitment to enhancing performance through ability-grouping in math and reading. The implementation of this remediation program has also made social studies and science an "extra" (and the Core Knowledge curriculum an enrichment program). While literacy and mathematics are rightly a significant focus of elementary education programs, the school is cautioned to ensure that students are equally prepared to meet State performance standards in science and social studies.

| Is the School an Academic Success? | |
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| Benchmark 1F Student Order & Discipline | 1F The school has implemented discipline policies and procedures that promote learning for all students. 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. |

As observed during the Institute's visit, students were orderly. Transitions between lessons and classrooms were efficient. There was a rapport between teachers and students. Classes were calm. The focus that both the BUCS' administration and Board of trustees have placed on behavior management was sufficient to provide for order on the day of the Institute's visit. The school's continuing commitment to diminish distracting behavioral incidents with particular students is important, as is the school's focus on creating a school-wide discipline system that is consistently used in every classroom.

| Is the School an Effective, Viable Organization? | | |
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| 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. |

BUCS Accountability Goals regarding Unique Program Features:

- The Institute did not receive the results from the parent survey. The goal specified is that by 2007-08, 90% of parents will be satisfied that BUCS “delivers on its promise of Moral Guidance.” The baseline was to be captured in 2003-04.
- BUCS does meet its goal of providing “wrap around” services for eligible students. While recognizing that the after-school program is not run by BUCS and BUCS cannot be responsible for its strength, it is important that everything that happens in the school building contribute in some way towards meeting the school’s mission—or at least not detract from it. As such, the school’s board must look closely at the program and may wish to consider discussing with the provider ways in which the program can be made more academic in nature, especially to enhance remediation and enrichment.

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| <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 "to work with families, educators, and community members to provide a rigorous academic program, focusing on core academic skills that will enable our students to continually improve and ultimately perform at levels that exceed citywide averages. Our school leadership and community will also instill a sense of family, community and leadership within all of our students."

The BUCS' Board of trustees and administration should carefully review its charter for the promises made in it as they will be expected to have been implemented successfully by renewal. At this point, there are two main findings regarding the BUCS mission:

1. While the early assessment data must be treated cautiously in making causal connections, nonetheless, it suggests that the school has begun to implement a rigorous program. The school has met the comparative measure goals by exceeding the Buffalo School District's percentage of students achieving Levels 3 and 4 on the New York State ELA and math assessments and is in a good position to meet its absolute measures as well. Of course, and not unexpectedly in only the second year, there are several academic goals in BUCS' Accountability Plan that have not yet been achieved and they should be, in order to consider the mission implemented.
2. There are several references to families and community in the mission statement. The Board has taken steps to implement this part of its mission. For example, the Board has a parent member and another Board member serves as a representative to the parent body; the Board also reports that it has moved its meeting times to better accommodate parents. However, at the time of our visit no parents were in attendance. Moreover, the various parent committees envisioned in the charter application (and clearly one of the key design elements of the school) have yet to be formed, a finding consistent with the findings in the First Year Report. The Board has also not created avenues for discussing with parents the performance of the school overall, e.g., newsletters, a letter from the chair, reports, public listening sessions, etc. It is also notable that there is still no formal parent association as yet. The current "Parent Meeting" is still hosted by the Principal.

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| <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, and 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> |
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The Board of trustees of BUCS is working as a Board and is unified in its vision. It has set for itself as its ultimate mission the academic success of the school. To fulfill that mission it regularly meets and hears from the administrative team, which prepares reports and provides analysis to the Board on the school's academic progress, including data regarding the school's assessment program, e.g., results of the thrice-yearly administered NWEA and the Regents interim assessment program, e.g., fourth and eighth grade ELA and math assessments. Based on interviews and a review of the Board's meeting minutes, Board members are clearly dedicated to seeing the school reach its academic goals while remaining organizationally and fiscally viable.

The Board's focus to date has been on the following: operational matters, improving after-school services, attempting to improve parent involvement, and focusing on strong classroom management/discipline. The Board has also been working to clearly define the relationships between NHA, the Board itself, and the after-school program provider. In terms of the more prosaic but nonetheless important and numerous organizational matters, the board appears to have its oversight duties well in hand.

In order, however, for the Board to take its considerable energy and diligence and use them most efficiently and effectively as drivers of academic rigor, excellence and achievement, the Board has considerable work to do.

First, it is clear that the Board presently does not fully understand, as it must, the indicators of academic success that it will use to determine the direction and health of the school and its academic program in particular. In this regard, it is notable that the Board does not ask the administration to report to it in terms of the specific Accountability Plan measures that are set forth in the school's Accountability Plan. The Board has asked NHA to report on their academic outcomes, the regular Principal's report, and they have considered parental anecdotes as well. As such, while the Board receives data regularly from various sources, and reviews it, the meaning of that data is not clear, and the Board cannot meaningfully keep track of whether the school is progressing towards meeting its Accountability Plan goals.

So, too, the Board's knowledge of what the data signifies is, at this stage, embryonic. For example, the Board has only an incomplete understanding of the meaning of the NWEA assessment. While, as indicated above, the Board receives data from the school administrative team on the NWEA, the Board does not appreciate the data's significance, or the difficulty in interpreting the presented data. (See, also, Benchmark 1b).

For example, the latest administration of this nationally-normed instrument showed that many students were well below grade level. The Board did not seem fully aware of this fact, nor of the even more important fact of whether the NWEA correlates to grade level as determined by the Regents' testing program and state performance standards. Thus, for example, the Board and the school administrative team reported that they believed that a quite high percentage of students were at standards as measured by the fourth grade Regents interim ELA assessment, despite the fact that the NWEA data appeared to indicate that a high number were very far below "grade level", i.e., well below the 50th percentile. (In fact, and not in alignment with the NWEA, 68 percent of students tested as proficient on the 4th grade ELA assessment.) While understanding the issue when it was raised, the Board had not itself caught this inconsistency.

The Board's lack of full understanding is exacerbated by the somewhat ad hoc manner in which the school's Principal reports to the Board on academic assessment data. As noted above, the administration is not required to report on the Accountability Plan measures. Thus, for instance, the administrative team, on the day of the inspection visit, had reported on the latest NWEA scores by noting which were up and which were down and by how much. However, there was no context for these numbers and no tie in to the Accountability Plan, e.g., "we are generally on the way to meeting our plan goals."

In order to gain greater proficiency and sophistication regarding assessment data, the Board is beginning to consider forming a program committee whose exclusive task would be to oversee the effectiveness of the school's program, especially as measured by student assessment measures. As currently constructed, the Board often meets as a *committee of the whole and thus does not leverage as efficiently as it might the skills, knowledge and available time of the Board members. A clear committee structure (with an academic program committee) would greatly enhance the Board's work.*

Tied to the work that the Board must do to become more sophisticated in its practices and oversight is to better formalize the goals and Accountability Plan it sets for the school's Principal. While the Board claimed to have such a plan and evaluative tools to determine if the plan was being met, it was not able to articulate clearly in what form that plan was and the tools that they would use (i.e., the Board's goals).

In terms of practice, the Board maintains a record of its actions and appears to produce minutes of its meetings in a timely fashion. In addition, the Board is clearly aware of conflicts of interest that may arise and reports having appropriate procedures in place, including recusal of interested members from discussion and voting.

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| <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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The Institute undertook a limited compliance review consisting of a review of information in the files of the Institute and communication with the State Education Department (“SED”) regarding its visit to the school in April. SED noted that only one teacher in the school was not fully certified. Thus the school was in compliance with Education Law subdivision 2854(3)(a-1). However, according to SED, the school did not have proof of fingerprint clearance for at least two employees in violation of Education Law subdivision 2854(3)(a-2) and Paragraph 4.4 of its charter.

Moreover, the Institute has received information from SED that the school has not provided alternative instruction to suspended students. By a letter dated June 25, 2005, SED indicated that it will place the school on probation through December 31, 2005 for such failures and implement a remedial action plan. If the school does not implement the remedial action plan according to its terms, SED may seek revocation of the school’s charter. The school has responded to SED indicating that it is in the process of implementing elements of the remedial action plan. The Institute will continue to monitor this situation and provide technical assistance to the school as necessary, including a review of any revised school policies.

Through February of 2005, the school had presented a good record of submitting information to the Institute in a timely manner as provided for in the school’s charter. With the exception of two documents related to the school’s management contract that were 30 days late, the school had not been more than four days late with any submission.

In January of 2004, the school obtained I.R.C. 501(c)(3) status, more than one year after the September 2002 effective date of the charter, which constituted a violation of the charter. In January of 2005, the school properly amended its by-laws. One of the amendments brought the by-laws into compliance with a provision of the Open Meetings Law that prohibits school trustees from voting by telephone. Another amendment strengthened provisions regarding school trustee self-dealing. There were no complaints against the school in the files of the Institute.

According to the Institute’s records, except as set forth above, the school has not been found in material violation of its charter, the Charter Schools Act, applicable provisions of the New York Education Law and other New York law, applicable federal law (e.g., IDEA, FERPA), and its by-laws.

The alternative instruction provisions of the school’s Discipline Procedures for Regular Education Students need to clearly state that actual instruction to enable students to make adequate academic progress, not just assignments, will be provided to students within 24 hours of any suspension or expulsion pursuant to 8 N.Y.C.R.R. 100.2(l)(2)(f). Also, the policy draws a needless distinction between alternative instruction for suspensions of less than 10 days and more than 10 days. (The 10 day demarcation only has meaning in the special education context.) Similarly, the school’s Discipline Procedures for Special Education Students need to include provisions for actual instruction within 24 hours.

A review of the school's dress code revealed a need for an exception to the ban on hats, when such head dress is for religious purposes. A review of the school's Freedom of Information Law (FOIL) policy revealed that the school's board of trustees appears to be both the Records Access Officer and the FOIL Appeals Officer. The school corporation should separate these two functions. For example, the principal or the board secretary could be the Records Access Officer, and the board (with the secretary recusing himself or herself, if applicable) could remain the appeals entity. (We separately note that very recent changes in the FOIL legislation, which already took effect, will necessitate additional changes to the school's FOIL policy.)

| <p>Benchmark 3A</p> <p>Board Oversight</p> | Is the School Fiscally Sound? | |
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| | 3A | The Board has provided effective financial oversight, including having made financial decisions that furthered the school’s mission, program and goals. |
| | 3B | 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. |
| | 3C | The school has maintained appropriate internal controls and procedures. Transactions have been accurately recorded and appropriately documented in accordance with management’s direction and laws, regulations, grants and contracts. Assets have been and are safeguarded. Any deficiencies or audit findings have been corrected in a timely manner. |
| | 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. |
| | 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). |

A report addressing the school’s fiscal soundness in years one and two will be issued as a supplement to this report within approximately sixty days.

Visit Data

The Charter Schools Institute conducted the Second Year Visit at Buffalo United Charter School on April 5, 2005. Listed below are the names and backgrounds of the individuals who conducted the visit:

JAMES D. MERRIMAN, IV *Executive Director, CSI*

James D. Merriman IV is executive director of the Charter Schools Institute of the State University of New York. The Institute was created by the Board of trustees of the State University to administer its duties as an authorizer of public charter schools under the New York Charter Schools Act of 1998. Mr. Merriman joined the Charter Schools Institute in May 1999 as its general counsel; thereafter he served as a senior vice president.

Prior to his work with the Institute, Mr. Merriman was associated with the law firm of Cleary, Gottlieb, Steen & Hamilton practicing in the general commercial litigation group. Mr. Merriman has also worked for the New York Chamber of Commerce and the New York City Partnership. In addition, Mr. Merriman served as chief-of-staff to Frank Macchiarola (former Chancellor for the New York City school system) during his bid to be elected Comptroller of New York City.

Mr. Merriman holds a B.A. from Columbia College and a J.D. from New York University. He lives in New York City with his wife and two children.

SUSAN MILLER BARKER *Senior Vice President & Senior Fellow, CSI*

Ms. Miller Barker is the Senior Vice President and Senior Fellow at the State University of New York's Charter Schools Institute. The former associate commissioner of education for charter schools in Massachusetts, Susan began her career as a classroom teacher, Arts in Education Director & Technology Coordinator in Indianapolis, Indiana winning an Excellence in Education Award in 1990. From there, Susan joined the Hudson Institute – a public policy research organization – serving as the Assistant Director of the Modern Red Schoolhouse Project researching and working with schools in Philadelphia, PA, Memphis, TN, Charlotte, NC, San Antonio, TX, and New York, NY. Susan holds a Bachelor of Science in Education and a Masters in Education from Indiana University in Bloomington, Indiana. In addition to having completed doctoral coursework in Harvard's Urban Superintendent Program, and serving as guest lecturer at Butler University and Columbia University, Ms. Miller Barker holds a Masters from Harvard's Graduate School of Education in Administration, Planning, and Social Policy.

RON MILLER, Ph.D.

Vice President For Accountability, CSI

Ron was the educational accountability officer for the New York City Department of Education. After teaching grades 3 to 5 in New York City public schools for seven years, he joined the central offices of the New York City schools, where he conducted evaluative research and organizational studies. As Director of the Office of School Planning and Accountability, he worked with school leaders to develop their capacity to use data for school improvement. In this capacity he developed PASS, a school performance review system which was adopted in 600 city schools. Ron holds an AB degree from the University of California at Berkeley and a Ph.D. in Applied Anthropology from Columbia University.

JOEY MERRILL

Founder & CEO, JM Consulting Inc.

Joey's previous experiences include senior management at ChildrenFirst, Inc., a national corporate child care company, being the Assistant Head of School at a charter school in Massachusetts, Community Day Charter School, and doing education reform research at the Hudson Institute. Joey was also the education policy advisor to former New York City Mayor Giuliani. Joey holds an MBA from Boston University and a B.A. from Georgetown University.