



Charter Schools Institute
The State University of New York

Renewal Report

Brooklyn Excelsior Charter School

February 27, 2008

Charter Schools Institute
State University of New York
41 State Street, Suite 700
Albany, New York 12207
518/433-8277
518/427-6510 (fax)
www.newyorkcharters.org

TABLE OF CONTENTS

REPORT INTRODUCTION.....	1
RECOMMENDATION AND EXECUTIVE SUMMARY	1
SCHOOL DESCRIPTION	5
RENEWAL BENCHMARKS AND DISCUSSION.....	8
APPENDIX	48

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

REPORT INTRODUCTION

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

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

RECOMMENDATION AND EXECUTIVE SUMMARY

Recommendation

Full-Term Renewal

The Charter Schools Institute recommends that the State University Trustees approve the Application for Renewal of Brooklyn Excelsior Charter School (“Brooklyn Excelsior”) and renew the charter for a period of five years with authority to provide instruction to students in kindergarten through 8th grade with a maximum projected enrollment of 704 students, and consistent with the other terms set forth in its Application for Renewal.

Required Findings

Based on all the evidence submitted in the initial charter term and Short-Term Planning Year Renewal charter, and as described in or submitted with the Application for Renewal, the Institute makes the following findings required by the Act. Brooklyn Excelsior meets the requirements of the Act and all other applicable laws, rules and regulations. The school has demonstrated the ability to operate in an educationally and fiscally sound manner in the next charter period. Finally, given the programs it will offer, its structure and its purpose, approving the school to operate for another five years is likely to improve student learning and achievement and materially further the purposes set out in Education Law subdivision 2850(2).

Consideration of School District Comments

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

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

Summary Discussion

Academic Success

In the last two years of the charter period, Brooklyn Excelsior has come close to meeting the key academic goals of English language arts and mathematics set forth in its Accountability Plan. The school has generally met all of the measures in its mathematics goal and has met three of five measures in its English language arts goal. Specifically, with regard to its absolute measures of having 75 percent of students enrolled in at least their second year scoring at the proficient level, in both years the school met the measure in mathematics and came close to meeting the measure in English language arts with 60 percent of students scoring proficient. In both years, Brooklyn Excelsior outperformed the local community school district and demographically similar schools state-wide. With year-to-year-growth data available for the first time in 2006-07, Brooklyn Excelsior essentially met its Accountability Plan growth target in mathematics but not in English language arts.

Aside from mathematics and English language arts, Brooklyn Excelsior met its Accountability Plan science and social studies goals in 2006-07. The school is deemed to be in Good Standing under the state's No Child Left Behind (NCLB) accountability system. The State Education Department named Brooklyn Excelsior a "high performing/gap closing" school under the NCLB for its performance through 2005-06.

The school regularly administered a wide variety of standardized and school-developed assessments. The assessments have been used to evaluate progress against Accountability Plan goals, to identify students at risk of academic failure, and in the case of English language arts and mathematics to evaluate and modify instructional content. The school leadership has communicated results to the school's board of trustees and its teaching staff, as well as to parents regarding their child's individual performance.

Brooklyn Excelsior has defined its curriculum based on commercial materials using state standards as a consistent reference point. The school has become cognizant of the extent to which off-the-shelf materials require adaptation for alignment with state standards and has made progress modifying pre-packaged instructional materials to bring them closer in alignment with state performance standards.

The leadership, led by an effective principal, has clearly defined success as achieving the school's Accountability Plan goals and made that a priority. The administration has taken consistent action directed at achieving Accountability Plan goals and instructional staff understands these priorities. Because of the mixed capacity of the school's administrative team, teachers pursued and depended on informal avenues for instructional support and development.

Over the last two years, the school has made strides in promoting strategies that facilitate differentiated instruction, especially in the elementary grades. In addition to the efforts focused on differentiation, during the renewal inspection visit, there was evidence of high quality instruction at almost every grade level. However, instruction in a number of classes showed fundamental weakness in classroom management or organizational detail, and student engagement in those classrooms was correspondingly low.

Brooklyn Excelsior has devoted substantial resources to helping students who are struggling academically based on assessment data and teacher recommendation. The school has offered in-class paraprofessional support, informal support from classroom teachers at breaks, and voluntary after-

school, Saturday and summer school programs. Each of these programs has sound strategies for helping struggling students but, at the time of the school visit, the programs also suffered from implementation challenges and weaknesses that were likely to limit their effectiveness.

Brooklyn Excelsior has invested significant staffing resources and time in professional development activities. The school had a loosely defined but potentially useful teacher mentor position. Despite providing a range of resources and opportunities, the school still lacked a coherent, comprehensive strategy for professional development. Evidence collected at the time of the renewal inspection visit revealed that professional development meetings did not consistently address the priorities identified by the leadership and the staff.

Organizational Effectiveness and Viability

The Brooklyn Excelsior board understands the core business of the school—student achievement—in sufficient depth for it to provide effective oversight. The Brooklyn Excelsior board has made academic accountability a permanent item on its meeting agenda, and has a performance “dashboard” which National Heritage Academies, Inc. (NHA), the school’s for-profit education management organization, updates monthly. At the time of the renewal inspection visit, school board members demonstrated a sound understanding of the board’s role in overseeing student performance and demonstrated their ability to track progress towards meeting educational goals.

Brooklyn Excelsior has been faithful to its mission to the extent that it has established a clear focus on core academics and endeavors to incorporate character development into its educational program. The school has made increased efforts to generate parent participation and leadership with mixed success.

Parents reported positive attitudes about the availability and responsiveness of teachers and administrators, how their children’s progress is communicated to them, and the teacher’s learning expectations for their children.

Since Brooklyn Excelsior’s move into a new building in the fall of 2004, the execution of which was in violation of its charter and resulted in a delayed opening for the 2004-05 school year, the Brooklyn Excelsior board has intensified the oversight of its management company, NHA.

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

Fiscal Soundness

The school is currently financially stable primarily due to its relationship with NHA. The school has a high cost structure, primarily facility related, which has only been sustainable because NHA has consistently demonstrated the willingness and ability to invest necessary resources to ensure that the school’s program is adequately supported. During its first four years of operation, NHA contributed \$3.7 million to offset an excess of expenses over revenues. These funds were contributed to the school and are not a loan to be repaid. Except for an allowance for board funds, NHA retains all revenue received as compensation for the variety of educational and management services provided.

As a result, the school has no capital assets and unrestricted net assets of only \$58,908. However, based on observations at the school and interviews with school staff, the school has ample resources to carry out its program.

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

Plans for the Next Charter Period

The school has successfully operated in a fiscally sound manner and is likely to continue to do so. The school's fiscal plan is reasonable and appropriate given the management company model under which it intends to continue to operate. There are no facility issues, as the school intends to remain at its current location which is suitable to support its program. The school has had consistently strong enrollment demand and sports a large waiting list of more than 700 students.

To the extent that Brooklyn Excelsior has achieved its key academic goals, continues to implement an educational program that supports achieving those goals, operates an effective and viable organization, and is fiscally sound, its plans to continue to implement the educational program, as currently constituted, during the next charter period are reasonable, feasible, and achievable.

SCHOOL DESCRIPTION

The State University Trustees approved the application for Brooklyn Excelsior on January 29, 2002; the application was subsequently approved by the Board of Regents on March 19, 2002. Following a planning year in 2002-03, the school opened with 201 students in kindergarten through 4th grades, added 5th through 7th grades over the course of the following three years, and enrolled 648 students in kindergarten through 7th grades in 2006-07. On January 11, 2007 the State University Trustees granted the school's request for a Short-Term Planning Year Renewal for a period of one year, consistent with the planning year taken by the school in 2002-03; the Short-Term Planning Year Renewal was subsequently approved by the Board of Regents on March 20, 2007. Brooklyn Excelsior was also approved by both entities to expand through the 8th grade in 2007-2008, and increase enrollment to 740 students. The school's Short-Term Planning Year Renewal charter is set to expire on July 31, 2008.

The Brooklyn Excelsior board of trustees contracts with NHA, a Michigan-based for-profit education management organization for services including the implementation of its educational program and curriculum; academic support; professional development; and business services. Brooklyn Excelsior is located at 856 Quincy Street in Brooklyn, New York in a four-story brick building purchased and renovated by NHA and leased to the school.

Brooklyn Excelsior's mission statement, as presented in its charter, is as follows:

The mission of the Brooklyn Excelsior Charter School is to provide students a challenging academic program, which develops all students' abilities to master fundamental academic skills and ultimately achieve at levels exceeding citywide averages, while also instilling a sense of family, community and leadership within all of our students.

Key design elements as outlined in the school's Application for Initial Renewal include the following:

- a traditional, classical education, implementing the Effective Schools Research design;
- implementation of the NHA educational program, a "back-to-basics" structured curriculum;
- alignment of the curriculum to New York Learning Standards and the Hirsch Core Knowledge Sequence;
- fostering parental involvement through three parent-teacher committees – Student Life, Academic Programs, and School Improvement;
- encouraging strong relationships between families and teachers;
- monitoring student performance and identifying learning gaps;
- implementing a code of conduct designed to provide students with a safe, and orderly school environment; and
- focusing on leadership development of all students by emphasizing a different character quality each month.

School Year (2007-08)

182 instructional days

School Day (2007-08)

7:30 a.m. to 3:00 p.m.

Enrollment

	Original Chartered Enrollment	Revised Chartered Enrollment	Actual Enrollment ²	Original Chartered Grades	Revised Grades Served	Actual Grades Served	Complying
2002-03	Planning Year	Planning Year	Planning Year	Planning Year	Planning Year	Planning Year	YES
2003-04	240	220	201	K-5	K-4	K-4	YES
2004-05	480	480	492	K-6	K-5	K-5	YES
2005-06	555	555	575	K-7	K-6	K-6	YES
2006-07	630	630	648	K-8	K-7	K-7	YES
2007-08	740	740	692	K-8	K-8	K-8	YES

	2004-2005		2005-2006		2006-2007	
Race/Ethnicity	% of Enroll. Brooklyn Excelsior	% of Enroll. Comm. District #16	% of Enroll. Brooklyn Excelsior	% of Enroll. Comm. District #16	% of Enroll. Brooklyn Excelsior	% of Enroll. Comm. District #16
American Indian or Alaska Native	< 1 %	1 %	< 1 %	1 %	NA	NA
Black or African American	97 %	86 %	97 %	86 %	NA	NA
Hispanic	3 %	11 %	3 %	11 %	NA	NA
Asian, Native Hawaiian, or Pacific Islander	0 %	1 %	0 %	1 %	NA	NA
White	0 %	1 %	0 %	1 %	NA	NA

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

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

	2004-2005		2005-2006		2006-2007	
Special Populations	% of Enroll. Brooklyn Excelsior	% of Enroll. Comm. District #16	% of Enroll. Brooklyn Excelsior	% of Enroll. Comm. District #16	% of Enroll. Brooklyn Excelsior	% of Enroll. Comm. District #16
Students with Disabilities	6.0 %	NA	5.1 %	NA	5.5 %	16.8 %
Limited English Proficient	0.0%	3.0 %	0.0 %	3.0%	0.0 %	2.4 %

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

	2004-2005		2005-2006		2006-2007	
Free/Reduced Lunch	% of Enroll. Brooklyn Excelsior	% of Enroll. Comm. District #16	% of Enroll. Brooklyn Excelsior	% of Enroll. Comm. District #16	% of Enroll. Brooklyn Excelsior	% of Enroll. Comm. District #16
Eligible for Free Lunch	31.0 %	NA	73.0 %	66.0%	77.8 %	NA
Eligible for Reduced Lunch	13.0%	NA	12.0 %	4.0%	11.3 %	NA

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

School Charter History

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

RENEWAL BENCHMARKS AND DISCUSSION

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

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

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

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

English Language Arts

Accountability Plan Goal: *Students will be proficient in Language Arts.*

Outcomes: In the last two years Brooklyn Excelsior has come close to meeting its English language arts goal. In its first two years of operation, approximately one quarter of the students scored at the proficient level on the 4th grade state examination. In 2005-06 when the state began testing 3rd through 8th grade students 60 percent were proficient, and in 2006-07 the proficiency rate was 57 percent. In the first two years of operation the school did not meet the Annual Measurable Objective (AMO) set by the state's NCLB accountability system, but in each of the following two years the school did achieve its target. Similarly, Brooklyn Excelsior underperformed its local school district in the first two years, but outperformed the district in the last two years. Compared to demographically similar schools state-wide, the school performed far worse than predicted in 2004-05; however, in 2005-06 and 2006-07 it performed better than predicted. In terms of growth on the Northwest Evaluation Association (NWEA) assessment, although performance dipped slightly in

2004-05, two out of four cohorts achieved their targets. In 2005-06, three out of four cohorts achieved their targets and overall performance increased. Examining growth on the state examination in 2006-07, one out of four cohorts achieved its target and overall performance declined slightly.

Absolute Measures				
<i>Each year, seventy-five percent (75%) of third through eighth graders who are enrolled in at least their second year will perform at or above Level 3 on the New York State Testing Program (NYSTP) ELA assessment.</i>				
Results (in percents)				
Grade	School Year			
	2003-04 ³ (N=41)	2004-05 (N=35)	2005-06 ⁴ (N=154)	2006-07 (N=260)
3	-	-	NA	58.8
4	26.8	22.9	NA	67.9
5	-	-	NA	50.0
6	-	-	NA	59.6
7	-	-	-	36.4
8	-	-	-	-
All	26.8	22.9	59.7	56.5
<i>Each year, the school's aggregate Performance Index on the NYSTP ELA assessment will meet the Annual Measurable Objective set forth in the state's NCLB accountability system.</i>				
Results (in percents)				
Index	School Year			
	2003-04 (N=41)	2004-05 (N=70)	2005-06 (N=255)	2006-07 (N=354)
PI	110	119	154	151
AMO	123	131	122	122

³ This was the school's first year of operation so results for all students tested are presented.

⁴ In 2005-06 New York State implemented English language arts and mathematics exams in 3rd through 8th grade. Prior to that, examinations in these subjects were administered only in 4th and 8th grades. The school did not report grade-specific results for 2005-06.

Comparative Measures				
<i>Each year, the percent of all tested students who are enrolled in at least their second year and performing at or above Level 3 on the State Exam will be greater than that of all students in the same tested grades in the local school district.</i>				
Results (in percents)				
Comparison	School Year			
	2003-04 (Grade 4)	2004-05 (Grade 4)	2005-06 (Grades 3-6)	2006-07 (Grades 3-7)
School	26.8	22.9	59.7	56.5
District	35.3	46.2	41.5	38.3
<i>Each year, the school will exceed its predicted level of performance on the State Exam by at least a small Effect Size (performing higher than expected to a small degree) according to a regression analysis controlling for students eligible for free lunch among all public schools in New York State.</i>				
Results (in percents)				
Index	School Year			
	2003-04	2004-05 (Grade 4) (N=70)	2005-06 (Grades 3-6) (N=255)	2006-07 (Grades 3-7) (N=354)
Predicted	-	29.9	48.9	47.4
Actual	-	67.8	59.6	54.2
Effect Size	-	-2.81	0.57	0.44

Value-Added Measures				
<i>For the 2004-05 and 2005-06 school years, cohorts of students at Brooklyn Excelsior will reduce by one-half the gap between the baseline performance and grade level on the Northwest Evaluation Association (NWEA) Total Reading Battery.⁵</i>				
Results (in percents)				
Mean NCE	School Year			
	2003-04	2004-05 (Grades 2-5) (N=86)	2005-06 (Grade 3-6) (N=90)	2006-07
Baseline	-	43.7	47.5	-
Target	-	46.9	48.8	-
Actual	-	42.1	53.3	-
Cohorts Made				
Target	-	(2 of 4)	(3 of 4)	-
<i>Each year, each grade-level cohort of students will reduce by one-half the gap between the percent at or above Level 3 on the previous year's State ELA exam and seventy-five percent (75%) at or above Level 3 on the current year's State ELA exam. If a grade-level cohort exceeds seventy-five percent (75%) at or above Level 3 in the previous year, the cohort is expected to show at least an increase in the current year.</i>				
Results (in percents)				
Percent Level 3 & 4 on NYSTP	School Year			
	2003-04	2004-05	2005-06	2006-07 (Grades 4-7) (N=187)
Baseline	-	-	-	58.3
Target	-	-	-	66.7
Actual	-	-	-	56.7
Cohorts Made				
Target	-	-	-	(1 of 4)

Mathematics

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

Outcomes: Brooklyn Excelsior has met its mathematics goal. Its performance on the state examination has shown steady improvement, from 24 percent of 4th grade students scoring at the proficient level in 2003-04 to 82 percent of students in 3rd through 7th grade proficient in 2006-07. Except for its first year of operation, the school has consistently achieved the AMO and outperformed its local school district. In 2004-05 Brooklyn Excelsior performed much worse than predicted in comparison to demographically similar schools state-wide. In the next two years, however, the school performed considerably better than predicted. In terms of growth, no cohorts achieved their targets in 2004-05, but in each of the subsequent two years all but one of the cohorts achieved their target and overall performance improved.

⁵ This measure existed in the school's original Accountability Plan, but was not included when the plan was revised in 2006.

Absolute Measures				
<i>Each year, seventy-five percent (75%) of third through eighth graders who are enrolled in at least their second year will perform at or above Level 3 on the New York State Testing Program (NYSTP) Mathematics assessment.</i>				
Results (in percents)				
Grade	School Year			
	2003-04 ⁶ (N=38)	2004-05 (N=32)	2005-06 ⁷ (N=188)	2006-07 (N=255)
3	-	-	NA	94.9
4	23.7	65.6	NA	86.8
5	-	-	NA	82.9
6	-	-	NA	80.4
7	-	-	-	46.9
8	-	-	-	-
All	23.7	65.6	71.3	82.4
<i>Each year, the school's aggregate Performance Index on the NYSTP Mathematics assessment will meet the Annual Measurable Objective set forth in the state's NCLB accountability system.</i>				
Results (in percents)				
Index	School Year			
	2003-04 (N=38)	2004-05 (N=65)	2005-06 (N=262)	2006-07 (N=349)
PI	108	148	163	181
AMO	136	142	86	86

Comparative Measures				
<i>Each year, the percent of all tested students who are enrolled in at least their second year and performing at or above Level 3 on the State Exam will be greater than that of all students in the same tested grades in the local school district.</i>				
Results (in percents)				
Comparison	School Year			
	2003-04 (Grade 4)	2004-05 (Grade 4)	2005-06 (Grades 3-6)	2006-07 (Grades 3-7)
School	23.7	65.6	71.3	82.4
District	53.8	65.3	49.4	53.5
<i>Each year, the school will exceed its predicted level of performance on the State Exam by at least a small Effect Size (performing higher than expected to a small degree) according to a regression analysis controlling for students eligible for free lunch among all public schools in New York State.</i>				
Results (in percents)				
Index	School Year			
	2003-04	2004-05 (Grade 4) (N=65)	2005-06 (Grades 3-6) (N=262)	2006-07 (Grades 3-7) (N=349)
Predicted	-	55.4	57.3	64.1
Actual	-	84.3	69.8	81.9
Effect Size	-	-2.78	0.63	1.02

⁶ This was the school's first year of operation so results for all students tested are presented.

⁷ In 2005-06 New York State implemented English language arts and mathematics exams in 3rd through 8th grade. Prior to that time, exams in these subjects were administered only in 4th and 8th grade. The school did not report grade-specific results for 2005-06.

Value-Added Measures				
<i>For the 2004-05 and 2005-06 school years, cohorts of students at Brooklyn Excelsior will reduce by one-half the gap between the baseline performance and grade level on the Northwest Evaluation Association (NWEA) Math Battery.⁸</i>				
Results (in percents)				
Mean NCE	School Year			
	2003-04	2004-05 (Grades 2-5) (N=78)	2005-06 (Grades 3-6) (N=90)	2006-07
Baseline	-	42.6	46.2	-
Target	-	46.3	48.1	-
Actual	-	40.8	52.1	-
Cohorts Made Target	-	(0 of 4)	(3 of 4)	-
<i>Each year, each grade-level cohort of students will reduce by one-half the gap between the percent at or above Level 3 on the previous year's State Mathematics exam and seventy-five percent (75%) at or above Level 3 on the current year's State Mathematics exam. If a grade-level cohort exceeds seventy-five percent (75%) at or above Level 3 in the previous year, the cohort is expected to show at least an increase in the current year.</i>				
Results (in percents)				
Percent Level 3 & 4 on NYSTP	School Year			
	2003-04	2004-05	2005-06	2006-07 (Grades 4-7) (N=190)
Baseline	-	-	-	65.3
Target	-	-	-	70.2
Actual	-	-	-	76.3
Cohorts Made Target	-	-	-	(3 of 4)

Science

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

Outcomes: Brooklyn Excelsior has met its science goal. It demonstrated steady progress over the first four years of operation, with 35 percent of 4th grade students proficient in 2003-04 rising to 98 percent proficient in 2006-07. Although comparison data is not yet available for 2006-07, it appears likely that the school has outperformed the local district in both of the last two years.

⁸ This measure pertains to the school's original Accountability Plan; it was not included when the plan was revised in 2006.

Absolute Measures				
<i>Each year, seventy-five percent (75%) of students in each grade tested, who are enrolled in at least their second year, will perform at or above Level 3 on the New York State Testing Program (NYSTP) Science assessment.</i>				
Results (in percents)				
Grade	School Year			
	2003-04 (N=37)	2004-05 (N=23)	2005-06 (N=50)	2006-07 (N=54)
4	35.1	47.8	80.0	98.1
8	-	-	-	-

Comparative Measures				
<i>Each year in each grade tested, the percent of students who are enrolled in at least their second year and performing at or above Level 3 on the State Exam will be greater than that of students in the respective grade in the local school district.</i>				
Results (in percents)				
Comparison	School Year			
	2003-04 (Grade 4)	2004-05 (Grade 4)	2005-06 (Grade 4)	2006-07 (Grade 4)
School	35.1	47.8	80.0	98.1
District	NA	60	51	NA

Social Studies

Accountability Plan Goal: *Students will be proficient in Social Studies.*

Outcomes: Brooklyn Excelsior has met its social studies goal. The school first enrolled a 5th grade in 2004-05, and in that year 48 percent of students were proficient on the 5th grade state examination. The school's proficiency rate rose to 89 percent in 2005-06 and was 87 percent in 2006-07. Comparison data were not available.

Absolute Measures				
<i>Each year, seventy-five percent (75%) of students in each grade tested, who are enrolled in at least their second year, will perform at or above Level 3 on the New York State Testing Program (NYSTP) Social Studies assessment.</i>				
Results (in percents)				
Grade	School Year			
	2003-04 (N=0)	2004-05 (N=29)	2005-06 (N=45)	2006-07 (N=45)
5	-	48.3	88.9	86.7
8	-	-	-	-

Comparative Measures				
<i>Each year in each grade tested, the percent of students who are enrolled in at least their second year and performing at or above Level 3 on the State Exam will be greater than that of students in the respective grade in the local school district.</i>				
Results (in percents)				
Comparison	School Year			
	2003-04	2004-05 (Grade 5)	2005-06 (Grade 5)	2006-07 (Grade 5)
School	-	48.3	88.9	86.7
District	-	NA	NA	NA

NCLB

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

Outcomes: Brooklyn Excelsior met its NCLB goal. It has consistently been deemed in good standing under the state's NCLB accountability system.

Absolute Measures				
<i>Under the state's NCLB Accountability system, the school's Accountability Status will be "Good Standing" each year.</i>				
Results				
Status	School Year			
	2003-04	2004-05	2005-06	2006-07
Good Standing	Yes	Yes	Yes	Yes

<p>Benchmark 1B</p> <p>Use of Assessment Data</p>	<p>1B</p> <p>The school has a system to gather assessment and evaluation data and to use it to improve instructional effectiveness and student learning.</p>
---	--

The school regularly administered a wide variety of standardized and school-developed assessments. The assessments have been used to evaluate progress against Accountability Plan goals, to identify students at risk of academic failure, and in the case of English language arts and mathematics to evaluate and modify instructional content. The school leadership communicates results to the school's board of trustees and its teaching staff, as well as to parents regarding their child's individual performance. While the school makes use of the standardized assessments to evaluate overall programmatic effectiveness, the school has not used the standardized and school-developed assessments to monitor systematically the delivery of day-to-day classroom instruction.

Along with state-mandated assessments, the school has used mock versions of the state test at the beginning of the year and the Northwest Evaluation Association Measures of Academic Performance (NWEA MAP) three times each year to evaluate student performance. Within individual classes, teachers regularly administered performance assessments that were either textbook-based or teacher-developed. The school's combination of standardized, textbook, and teacher-developed assessments has generated substantial data about student performance, particularly in core subjects.

In interviews conducted at the time of the renewal inspection visit, teachers and administrators invariably referenced state test results when discussing academic performance. The school's leadership monitors performance closely, including hand scoring mock state assessments and conducting itemized analyses with support from NHA staff. Last year, based on the analysis of mock and actual English language arts assessments, the administration uncovered a school-wide pattern of weakness in listening and editing skills. As a result, the school modified weekly Open Court reading assessments to prioritize these skills. Similarly, the school recently adopted a new mathematics text in an effort to improve alignment of the mathematics curriculum with state standards.

In addition, with the support of NHA the school has compared student performance on the NWEA – MAP with that of the state English language arts and mathematics examinations. This deliberate effort stands in contrast to the early years of the charter in which the validity of the NWEA as a measure of New York's performance standards was simply stipulated. By examining student state test performance in terms of their scaled scores on the NWEA, the school has been able to use the latter as a predictor of the likelihood that students will pass the state examinations, as well as an indicator of the alignment of the curriculum to state performance standards.

Brooklyn Excelsior communicated state examination results to staff who were, at the time of the renewal inspection visit, well aware of the school's performance in English language arts and mathematics as well as how the school's performance compared to the local school district. The school also communicated results to parents, including regular messages about their child's individual performance. The school's computer program for tracking student performance, AtSchool, was accessible to parents and guardians on the Internet. Each family had access to a username and password that enabled family members to view their child's grades at any point in time. In addition, the school issued bi-monthly progress reports and quarterly report cards for each student. Parents of students struggling in one or more subjects have received mid-term letters informing them that their child "is on the verge of failing" for a marking period. The letters included

information on all graded assignments during the marking period. Some teachers also provided parents with supplemental assessment information such as the rubrics that they use to evaluate student work. As a result, families felt well-informed about their children's progress.

Since the school's inception, Brooklyn Excelsior's board has had a Student Performance, Curriculum and Assessment Committee responsible for monitoring school test performance. The board has made academic accountability a permanent item on its meeting agendas, and has a performance "dashboard", which NHA updates monthly. School board members were well versed in particular performance measures, for example, the benefits and limitations of using the NWEA assessment as an interim measure and predictor of student performance on state tests.

During the course of the charter period, the teaching staff has become more familiar with assessment data. According to the Institute's annual inspection reports, teachers did not use the NWEA or other assessments early in the charter period. Institute staff noted that in the first two years Brooklyn Excelsior administrators were not clear on how to use the NWEA assessments to help teachers strengthen their instructional practices and staff members were unable to explain how the NWEA-MAP testing system was connected to state performance standards. While the school administration had begun to share student data regularly with the staff and provided many opportunities (e.g., full staff meetings and grade level meetings) to discuss the data, there was limited evidence that teachers acted on the information.

By the third-year of the charter period, Brooklyn Excelsior administrators reported using a variety of additional measures (including Reading Assist Institute's (RAI) literacy assessment, and the STAR Early Literacy assessment) to monitor the effectiveness of the academic program and to make instructional decisions. At the time, school administrators also reported using the NWEA – MAP to make decisions about student placement, to identify students for summer school, and to pinpoint professional development topics.

At the time of the renewal inspection visit, Brooklyn Excelsior was regularly examining accountability goal attainment, identifying at-risk students, ensuring the alignment of the curriculum, and even keeping track of individual student performance; however, the school was generally not using the assessment data to drive day-to-day instruction. Teachers did rely on English language arts and mathematics results from the previous year to develop class groupings. These groupings reflect more effective use of data than earlier in the charter period, because underperforming students now receive additional, targeted support from paraprofessionals and the instructional support team.

Despite these improvements, however, few teachers were able to articulate specific examples or instances of differentiating instructional content in response to the performance data, and administrators acknowledged that teachers have not yet received adequate training on the use of the NWEA data that could inform instruction on an ongoing basis.

At the time of the renewal inspection visit, teachers were required to generate an analysis of student performance based on a matrix of data generated from student assessments they had administered in their classes and to present the number of items students answered correctly on a practice test of the state examination. While their analysis of the matrix represented a significant amount of work, it was not clear that it was actually being used to modify overall classroom instruction. Rather, its use appeared to be limited to identifying skill areas for the most deficient students. Teachers had received NWEA testing binders and were "encouraged" to "triangulate data"; however, as in previous years their actual use of the data was still limited.

Notwithstanding frequent and ongoing discussions at grade meetings, the teachers were ultimately, according to the principal, held accountable for how well their students perform on the state examinations. The principal asserted that “at grade level planning meetings, data has been disseminated and discussed, but not as much as I would want it to be.” He claimed that the assistant principals ensure that students at-risk have been identified and grouped for instruction and that data is being used to inform the instruction of those groups. He reported that the focus of the data from the point of the classroom teacher is the needs of the most deficient students, rather than the overall progress of the entire student population.

Brooklyn Excelsior was immersed in state examination results as indicators of goal attainment. The school has been actively engaged in correlating a variety of assessments with the state examinations. The principal stresses that teachers are held accountable for student performance on state assessments. While these are all laudable qualities in themselves, the school leadership has not yet used the assessment results to actively monitor the delivery of instruction and to prepare teachers to become better able to determine the scope of their student’s learning and thereby to improve their teaching practice.

Benchmark 1C Curriculum	1C The school has a clearly defined and aligned curriculum and uses it to prepare students to meet state performance standards.
--	--

Brooklyn Excelsior has defined its curriculum based on commercial materials using state standards as a consistent reference point. The school has become cognizant of the extent to which off-the-shelf materials require adaptation for alignment with state standards and has made progress modifying instructional materials for that reason.

According to the report of the Third-Year Inspection Visit, while teachers closely followed the school's English language arts and mathematics textbooks at the time and were expected to link them to state standards in their lesson plans, NHA representatives reported that alignment of the school's curriculum with state standards was still a "work in progress". The school was using Open Court for English language arts, which is generally aligned with the state performance standards; however, its mathematics textbooks, Saxon Math, used in most grades at the time of the third-year inspection, were not well aligned with the state standards. As a result, many teachers using Saxon Math, especially those at the upper grades, reported supplementing the mathematics curriculum. While such individual teacher initiative may be laudable, it was not based on a systematic school-wide effort that would ensure a seamless curriculum from grade to grade.

Recently, the school replaced Saxon Math with Real Math for kindergarten through 6th grade. The school continued to use Saxon Math in 7th and 8th grades. For English language arts the school continued to rely primarily on Open Court through 5th grade and McDougall Littell in the upper grades. The school recently adopted the University of California's FOSS (Full Option Science System) science curriculum.

There has been some effort to establish consistent expectations for the evaluation of writing using a school-wide rubric; however, the current writing curriculum lacks the consistency and rigor of other subjects. In some grades, the writing program follows the Lucy Calkins curriculum, while in other grades teachers reported that they developed the writing program by translating New York standards into assignments that are integrated with other parts of the educational program.

Brooklyn Excelsior has been attentive to the alignment of the texts to state standards, and in recent years has consistently evaluated and revised instructional content accordingly. For example, analysis of last year's state test results led the school during the summer to substantially reorganize and supplement Open Court reading in order to place greater emphasis on listening and editing skills. The school's work included modifying weekly Open Court assessments to align them more closely with the state assessments. The changes have strengthened relationship of the curriculum to the English language arts standards.

Administrators attribute the selection of FOSS science to its alignment with state standards and ability to engage students. Similarly, in an effort to achieve closer alignment with state standards, the school has replaced Saxon Math with Real Math in the elementary grades and has adjusted unit sequences to match the testing calendar.

Despite meaningful attention to curriculum alignment, the curricular materials still left teachers heavily dependent on textbooks for day-to-day instruction. The pacing guides presented to the

renewal inspection team were generally limited to restating standards or to outlining general overall allocations of classroom time (e.g., 30 minutes for writing, 20 minutes for reading, etc.). Lesson plans tended to be mechanical documents. They were treated as a formality by both the teachers who developed them and by the administrators responsible for reviewing them. As a result, textbooks remain the default determinant of content and pacing. Where the text is sound, discrete lessons have a coherent focus and structure. Where, as in writing, the text is not defined or lacks strong alignment with state standards, lesson content and performance criteria often lack coherence and depth.

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

Instructional Leadership

The school's ability to focus on academic performance has improved dramatically in the last two years. Previously, the school experienced ongoing instability in administrative leadership and related staff morale problems. The school had three principals in its first three and one-half years and staff turnover was high. During the Third-Year Inspection Visit, inspectors found teachers to be inexperienced – 12 of 24 were in their first year – and morale to be low. Although the current principal is in his second full year at the school, his prior experience in the NHA organization and as a middle school principal has enabled him to create stability and establish a coherent leadership structure.

According to the report of the Third-Year Inspection Visit which was written at the beginning of the current principal's tenure at the school, Brooklyn Excelsior administrators reported conducting a "holistic" ranking of teachers based on the quality of their instruction, their ability to manage classrooms, and student assessment results. Despite these assertions, teachers could not identify the priorities in teacher evaluations. While Brooklyn Excelsior had several tools that administrators and teachers could use to craft a coherent and consistent approach to improving the quality of classroom instruction, teachers and administrators did not yet have a shared understanding of how the various structures and supports fit together. Perhaps, because of the turnover in principals, the Third-Year Report also indicates that teachers and administrators did not have a common understanding of what constitutes effective instruction. Despite the various tools that administrators used to provide teachers with feedback on their practice, administrators did not use these tools in a way that lead to systematic and ongoing conversations about instructional quality.

In the school's fifth year of instruction, the principal was providing effective leadership. He demonstrated an accurate understanding of the school's current performance, had established a common understanding of its educational priorities, and evaluated the school's strengths and weaknesses fairly. In interviews, staff members consistently identified him as the primary instructional leader at the school. He established a clear focus on success as defined in the Accountability Plan, and during the renewal visit he received praise from administrators, teachers and parents. They report that he is accessible and "follows through with what he says." As a result, the school runs smoothly on a day-to-day basis.

The framework for evaluating teachers has the potential, as designed, to generate meaningful data about their classroom instruction. The school has clear expectations for lesson plan development and classroom observations. The school's administrators used fairly rigorous procedures to structure classroom observations, whether the purpose is a walkthrough, performance feedback, or formal observation. For example, the school's formal observation form has 90 items for review covering a wide range of classroom instructional issues including lesson plans, learning objectives, activities, assessments, systems and routines, mode of instruction, student engagement, individualization of instruction and discipline. The form was thorough but also so comprehensive that effective implementation required an experienced administrator, such as the principal, to complete the full range of topics.

The leadership structure has delegated assistant principals the responsibility to provide instructional leadership on a day-to-day basis. Each assistant principal had responsibility for the three grades that comprise his or her floor of the school. Among their stated job responsibilities, the assistant principals were expected to assist in planning, implementing, evaluating and remediating the school program, including evaluation of staff. They reviewed lesson plans, led weekly grade level meetings and conducted informal and formal teacher evaluations. The assistant principals spent a substantial part of their days observing classes.

Each current assistant principal was new to the position and had limited experience with instructional coaching, support and evaluation. As a result, their effectiveness to date has been limited. For example, the renewal inspection team's review of a sample of evaluated lesson plans indicated that the assistant principals' comments were cursory and typically focused on basic compliance with the required elements rather than addressing quality. The team observed several assistant principal-led teacher meetings at which issues related to improving instruction, such as lesson planning, were supplanted by administrative matters. Teachers reported receiving formal feedback related to delivery of instructional content but were rarely able to articulate examples of substantive feedback that helped them improve their teaching skills or their implementation of the curriculum.

In practice, the school often relies on instructional leadership through informal or *ad hoc* means. One teacher reported that she improves as a teacher primarily through hallway conversations with her colleagues. Some teachers rely on specialists from the instructional support team whose primary responsibility was to work with at risk students, but whose substantial teaching experience enables them to model skills like small group instruction. Others look to an NHA national staff member, who is in the school part-time to provide effective issue-specific guidance. Acting as the school's dean of instruction, he has played a central role in revising and realigning Open Court assessments based on an item analysis of last year's state English language arts assessment. In addition to the instructional support team and the dean, the school has a "teacher mentor." While the principal praised the person in the position, she had just assumed the role at the time of the renewal inspection visit. As such, her effectiveness could not be determined.

The instructional specialists, dean, and teacher mentor have been critical resources for developing the competence of the many novice teachers. At the time of the renewal inspection visit, the effective and productive use of their time appeared to rest on a series of *ad hoc* decisions based on immediate priorities, rather than as part of a leadership system, integrated with the assistant principal. While the principal was undoubtedly generally aware of the various support activities taking place at a particular time, there was limited evidence that the various support structures were coordinated. In interviews, the assistant principals indicated that they relied on veteran teachers on their floor and within a grade to help peers that the assistant principal had identified as needing special support.

This approach did not maximize the additional professional resources that the board and NHA had made available for coaching and instructional improvement.

Quality of Instruction

At the time of the visit, the quality of instruction varied widely. Lessons were generally structured around expectations for a learning goal and teachers have made strides in using strategies that facilitate differentiated instruction. However, instruction in a number of classes showed fundamental weakness in classroom management or organizational detail, and student engagement in those classrooms was correspondingly low.

In its Second-Year Report, the Institute concluded that with many new teachers to train Brooklyn Excelsior's teaching was uneven, often slow, and dictated by worksheet requirements. In particular, teachers needed to increase the rigor of their instruction and their expectations for students. In contrast, according to the Third-Year Report, lessons were more focused and purposeful with teachers posting learning objectives for each lesson and closely following the school's master schedule. During this visit, classroom observations indicated that teachers used interactive direct instruction, frequently posing questions to students. Because of the whole class format, teachers had limited opportunity to provide additional instructional support to students with diverse learning needs; teachers appeared to provide one level and one type of instruction to all students. The inspection team saw very little evidence of students working in small groups or of individual instruction or tutoring

Currently, the school had established consistent expectations for lesson plan structure and teachers generally adhere to that structure when teaching. Virtually every classroom that the renewal inspection team observed had a learning objective ("SWBAT" – Students Will Be Able To...) posted clearly on the white board. Most lessons followed the structure and content of the lesson plan and had a discernible link to the SWBAT. In addition, most classes began with a "Do Now" designed to help students focus quickly.

Over the last two years, the school has made strides in promoting strategies that facilitate differentiated instruction. During the Third Year Inspection, the inspection team noted that delivery of instruction was predominantly in whole group format with very little differentiation of content or student-student interaction. During the renewal inspection, visitors found that – particularly in the elementary grades -- teachers were attentive to differentiation. Each lesson plan contained a strategy for differentiation of the content. Teachers consistently used student performance information to create groupings that they believed would improve student learning. In some cases the groups were designed to allow targeted instruction for high needs students by the classroom teacher, paraprofessional or student support team member. In other cases, such as one of the kindergarten classes, the groupings intentionally combined high performing students with ones who were struggling so that students would have an opportunity to learn from each other.

In addition to the efforts at differentiation, the renewal inspection team found isolated examples of high quality instruction at almost every grade level. In one 5th grade classroom, students were engaged in a self-guided discussion that included references back to the text. In one 4th grade classroom the teacher used various methods to check student understanding on an ongoing basis (e.g., thumbs up/thumbs down). In an 8th grade classroom, the teacher frequently asked students to respond to each other's statements and ideas. In a 3rd grade reading class, the teacher asked effective

questions to keep students focused as she read. Other teachers led teacher-centered classes that engaged students by combining high expectations for preparation with Socratic-style questioning. By contrast, instruction in a substantial number of classes showed fundamental weakness or inattention to detail. In a number of cases, the SWBAT reflected an activity rather than a learning objective (e.g., “create spinning tops” [2nd grade science] or “choose the correct replacement for each underlined word” [7th grade English language arts]). In several classes, inspectors observed teachers attempting to project overhead images onto a white board that was covered in writing. The projections were difficult if not impossible to read and seriously undermined the effectiveness of the lesson. Transitions in some classes were slow with the Do Now lasting, in some cases, as much as 20 minutes. In other classes, teachers struggled constantly with classroom discipline to the extent that less than half the class appeared to be fully engaged in the content of the lesson. Low-level student misconduct included constant side conversations or aimless walking around the classroom. In other classrooms, students were unable to identify for visitors the assignment on which they were supposed to be working. Written assignments rarely demanded higher order thinking and written teacher feedback on rubrics did not typically reflect specific expectations or results (e.g., “keep striving,” “keep reading,” or “need to work harder”). Several teachers acknowledged that they lack effective tools or strategies for maintaining an orderly classroom.

At-Risk Students

Brooklyn Excelsior devoted substantial resources to helping students who were struggling academically based on assessment data and teacher recommendation. The school offered in-class paraprofessional support, informal support from classroom teachers, and voluntary after-school, Saturday and summer school programs. Each of these programs had sound strategies for helping struggling students but, at the time of the school visit, the programs had not been fully implemented, limiting their effectiveness.

Consistent with the school’s original charter application, Brooklyn Excelsior “identifies students performing at Level 1 and Level 2 and works proactively to increase the students’ level of knowledge.” The school relied on data from the previous year’s state tests and from the NWEA combined with classroom teacher recommendations to identify students who are at risk of scoring at Level 2 or lower on state tests. The instructional support team was responsible for leading the process of identifying students.

The first line of support for struggling students was a cadre of paraprofessionals that support classroom instruction. In addition, the school offers after school and Saturday school programs. Content for both the after school and Saturday school programs aligns with the state assessment schedule. At the time of the renewal visit, the fifth grade after school and Saturday programs focused on social studies while the upper grades were about to begin an English language arts program using Kaplan test preparation materials. The school’s instructional support team provides both push-in and pullout services to identified students. That team currently works with approximately 40 students. In addition, several teachers reported working with students before school and at breaks or lunch.

The primary responsibility of paraprofessionals is to support small group instruction in the classroom under the direction of an at-risk coordinator. Students are generally categorized as high, medium or low performing and grouped accordingly in order to facilitate targeted, in-class, small group instruction. At the time of the visit, the instructional support team’s focus was English language arts for grades 6 and 7, and social studies (Document Based Questions) for grade 5. The Team has brief collaborative exchanges with the classroom teachers to ensure that strategies align with classroom

instruction and individual student needs. The instructional support team is currently working with approximately 40 students in 5th through 7th grades.

Several factors still limit the strong potential of the school's instructional support efforts. Teachers in some grades, particularly the third and fourth grades, highly value the in-class support that paraprofessionals provide. However, the renewal inspection team found through staff interviews and observations that a notable number of classroom teachers and paraprofessionals, particularly in the upper grades, do not regularly coordinate on the support to be provided. Some teachers reported that they give the paraprofessional the plan for a class only when the paraprofessional arrives for that lesson. As a result, they find it difficult to coordinate effectively with the paraprofessional. Other teachers report that even when they have provided teaching materials well in advance of a class they have found the paraprofessional to be unprepared and ineffective. At the time of the visit, five paraprofessionals were new and described as "not as skilled." The at-risk coordinator expressed concern that some teachers do not make effective use of paraprofessionals because they are reluctant to relinquish control of their classes. Direct observation indicated that some paraprofessionals work actively with students either individually or in small groups; others circulate in the classrooms but have little interaction with students and, at best, may have a mildly positive effect on the learning environment; still other paraprofessionals merely observe and do not appear to contribute to student learning.

The school has not yet demonstrated the effectiveness of its after school and Saturday programs. The school encourages regular classroom teachers to provide after school and Saturday instruction and compensates them for the additional time; a large majority of teachers participate. As a result, students can usually receive supplemental instruction from teachers that already know their learning strengths and weaknesses, and students are likely to benefit from having continuity between classroom and after school instruction. On the other hand, the programs are entirely voluntary. The school is concerned that it cannot mandate student attendance because of potential transportation challenges. Even though administrators anticipate strong attendance as the relevant state test dates approach, they cannot ensure the attendance of students that most need support. At the time of the visit, the school reported strong participation but did not have records documenting attendance.

The school's special education program seemed to be structured in a manner to meet the needs of students, as identified on their Individualized Education Programs (IEPs). It consisted of two professional staff, one of whom serves as the director for special education as well as being the K-4 special education teacher. The other member of the team teaches students with special education needs in 5th through 8th grades. Special education staff members have established a clear process for identifying students who may be in need of special education services. The school currently has approximately 40 students with IEPs and appeared to be in compliance with special education requirements. Nevertheless, a significant number of teachers, although aware of the students with IEPs in their classes, were not able to articulate the process that the special education staff had developed for identifying students with special needs and reported only limited engagement with the special education staff in planning instruction. The special education staff generally constructed its own schedules based on their independent assessment of student and teacher needs.

<p>Benchmark 1E</p> <p>Student Order & Discipline</p>	<p>1E The school's culture allows and promotes a culture of learning.</p>
---	---

The school has a safe and orderly environment, as well as a discipline policy and a code of conduct; however, the implementation of the code and policies has been inconsistent. Under these conditions, teachers develop their own classroom management systems and expectations for student behavior with mixed success

On prior visits, inspection teams have found the learning environment to be safe and orderly, and the renewal inspection yielded a similar conclusion. Hall monitors and other adults are present in the hallways during transitions. Administrators as well as security personnel support teachers in monitoring student conduct between classes. Thus, the school devotes the resources needed to meet its expectations for conduct.

The school has also made progress in formalizing those expectations for student conduct. The Third Year Inspection report noted that there was no school-wide discipline policy. BECS has now instituted a discipline policy and teachers are aware of “non-negotiables” for conduct including, according to one teacher, “no fighting, hitting, chewing gum or calling out.”

The generally orderly environment does not necessarily lead to disciplined classrooms. Teachers and administrators report that there is no common approach to classroom discipline. The Third Year Inspection Team found that each teacher was using a different type of behavior management; inspectors on the renewal team found a similar pattern. One assistant principal reported that teachers have their own systems. Another acknowledged that some “individual teachers have a better handle on classroom management than others” and defended the situation by saying that “that is going to be universal, no matter where you go.”

In some classrooms, students were attentive and consistently engaged in learning. In other classrooms, student engagement was mixed and teachers relied on support from paraprofessionals to maintain focus and discipline. The paraprofessionals sometimes helped with discipline by circulating in the classroom. Yet in other classrooms, teachers constantly struggled with discipline and acknowledged that they “don’t know what else to do.” Inspectors observed that the same group of students may experience dramatically different learning environments from one class to another. For example, an 8th grade teacher in one subject had extremely high standards for student conduct and students were consistently engaged. Another teacher in the same grade, who continually struggled with student behavior, acknowledged candidly that the students “don’t behave; they talk; they don’t pay attention.”

<p>Benchmark 1F</p> <p>Professional Development</p>	<p>1F</p> <p>The school's professional development program assists teachers in meeting student academic needs and school goals, by addressing identified shortcomings in student learning and teacher pedagogical skill and content knowledge.</p>
---	--

Brooklyn Excelsior invests significant staffing resources and time in professional development activities. NHA provides an intensive induction training for new teachers and similarly concentrated professional development for returning teachers. The three assistant principals have primary responsibility for staff evaluation and coaching in addition to leading team meetings. The school also has a teacher mentor on staff, and NHA provides a part time dean of instruction who, according to the principal, is at the Brooklyn Excelsior site approximately half the days in a typical month.

According to teachers, valuable professional development has come from NHA staff and others outside the school building. For example, much of the NHA teacher induction program focuses on classroom management and other teaching skills in addition to implementation of NHA curricular materials. One teacher reported to site visitors that “no matter where I go, I will be able to take what I learned this summer with me.” The principal identifies NHA’s roving dean of instruction as a primary resource to support instructional practices as well as use of the curriculum. An assistant principal and a number of teachers noted the dean of instruction’s value in developing instructional resources and helping them address instructional issues on an *ad hoc* basis. NHA also supports many teachers in pursuing graduate work while they teach. The special education team reports that a local charter school resource center has been a valuable source of professional development and guidance on special education issues.

The school has a loosely defined but potentially useful teacher mentor position. At the time of the renewal visit, the position was in transition with a new mentor about to start. A number of teachers reported that they had found the previous mentor to be a valuable professional development resource. One of the assistant principals expressed high expectations for the new mentor based on the mentor’s previous experience as a school administrator for ten years and the mentor’s demonstrated understanding of key issues during interviews.

Despite providing a range of resources and opportunities, the school still lacks a coherent, comprehensive strategy for professional development. For example, the school has not trained teachers effectively on the use of the NWEA assessment results to inform instruction despite having identified the need to do so at least two years ago. During the Third Year Inspection, visitors found that teachers had access to NWEA results but needed focused guidance on how to use those results to inform instruction. At the time of the renewal inspection, the situation remained virtually unchanged. The principal identified the school’s goal for teachers to use the NWEA, mock state assessments and the actual state tests to triangulate needs of students but acknowledged that the school “still needs to train teachers on effective use of the NWEA” in order to make the plan effective.

Professional development meetings do not address the priorities identified by the leadership and the staff. Instead, they reflect a scattershot approach. For example, the purpose of consecutive meetings in November and early December progressed from “how teachers can implement writing in mathematics,” to “a knowledge base of project based learning and how to apply it in the classroom,” to “ways to involve parents in the classroom and the school.” At weekly grade level meetings the

inspection team observed that professional development priorities are often supplanted by administrative housekeeping. Meeting topics that had a significant instructional component, such as how to work with students who had not mastered the “skill of the week,” were addressed on a mechanical level related to organization and record keeping.

The school’s inconsistent implementation of professional development priorities may be a reflection of the assistant principal’s inexperience. Each division of the school has an assistant principal who the dean of instruction describes as the “primary resource for improving instruction.” Each of those assistant principals is new to the position and two are working outside the grade levels and/or content priorities of their previous teaching responsibilities. Interviews with the assistant principals and other administrators indicate that they have a clear priority to work with staff to improve classroom instruction but receive little guidance regarding how to carry out that obligation effectively. Perhaps as a result, teachers report relying on informal avenues of support such as more experienced peers, the instructional support specialists and NHA’s dean of instruction as their most effective in-school professional development resources.

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

Brooklyn Excelsior Charter School does not have non-academic student outcomes in its current Accountability Plan.

<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>
--	---

Brooklyn Excelsior’s mission, as presented in its current Accountability Plan and the application for charter renewal, reads as follows:

Working in partnership with parents and community, Brooklyn Excelsior Charter School will offer a challenging character-based education by providing a strong curriculum and an atmosphere of high expectations.

The school identifies the following key design elements:

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

The school is successfully implementing most key design elements related to the educational program. The school aims to provide a “back to basics” education consistent with the NHA program and to monitor student performance in order to identify learning gaps. The class schedule places a strong emphasis on English language arts and mathematics in all grades, with English language arts typically meeting for two or more hours per day and mathematics meeting for 90 minutes. As discussed in sections 1.B. and 1.D.3, above, the school gathers student performance data from a number of sources and monitors student performance closely on an individual and grade-level basis. While the school references Core Knowledge content as a key design element, the Core Knowledge framework was never mentioned during the renewal inspection and the team saw no evidence of that type of curriculum with the possible exception of the Junior Great Books reading program for advanced students in the middle grades.

The school’s effort to emphasize character development continues to be more mechanical than substantive. During the Third Year Inspection, the inspection team found the monthly moral focus to be the primary strategy by which the school fosters character development. Despite the formal

school-wide requirement of concentrating on a particular trait, there was at the time “scant evidence of [moral focus] ...being a living part of the school.” Similar to the Third-Year Inspection, the renewal inspection team found the moral focus posted consistently in each classroom. The primary activity related to the moral focus is a weekly writing assignment based on a moral focus “prompt.” To support this effort, the assistant principal for the middle grades distributes value-related writing prompts to teachers in those grades. However, those assignments appear to be discrete activities and there was no evidence of efforts to link the assignments either to the curriculum or to student conduct. Teachers describe them as “an additional assessment point” without having defined the criteria for that assessment. With the notable exception of physical education classes, the team did not observe efforts to link the moral focus to regular classroom instruction or student conduct. The Renewal Application indicates that over 90 percent of parents in the first three years and 72 percent in the fourth year of the charter period responded positively to the parent survey item “My child’s school delivers on its promise of moral guidance.” However, given the annual response rates, less than two-thirds of *all parents in the school* asserted that they were satisfied.

The school has made progress in addressing another priority: fostering parent involvement. During the Third-Year Inspection Visit, parents expressed frustration at feeling ignored by the board and the administration. Subsequently, the board instituted a standing board-meeting agenda item of public comment to ensure an opportunity for parent input. Last year, for example, parents engaged the school’s leadership with concerns about student behavior on the buses to and from school. To the school’s credit, the board and administration were open and available to parents to discuss and work on resolving those issues.

In addition, the school administration informs parents through a weekly newsletter about activities at the school. Parents reported that they were well-informed about their children’s academic progress and about supplemental programs (such as the optional after school and Saturday programs). Members of a parent focus group indicated that teachers are accessible and responsive when contacted about student issues. They believe that the current leadership is much more open and accessible than the leadership had been in the past.

Nevertheless, parent engagement remains mostly limited to addressing their own children’s needs or to raising particular concerns. During the Third Year Inspection Visit, parents expressed frustration at the lack of a Parent-Teacher Association or parent-teacher committees that had been promised. The school still has not established structures like the committees referenced in the design elements that would be likely to foster more consistent, proactive parent engagement. Brooklyn Excelsior has not been faithful to this key design element.

The school has been consistent in meeting its goal of providing a safe and orderly learning environment. Each year Brooklyn Excelsior publishes a parent-student handbook. Contained within the handbook is the school’s code of conduct. Brooklyn Excelsior follows this code of conduct so that a safe and orderly learning environment can be provided for all students. As discussed in Part 1.E., above, teachers and students have a common understanding of the “non-negotiables” for conduct around the school building, and the school provides the resources to monitor conduct effectively.

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

Board Oversight

Since the school's inception, Brooklyn Excelsior's board of trustees has demonstrated integrity and diligence in carrying out its governance responsibilities. Structurally, the board has three standing committees: 1) the Executive Committee (authorized to make decisions on follow-up items from board meetings); 2) the Human Resource and Training Committee (providing oversight for staff evaluations, hiring and dismissals, as well as a forum for feedback from staff on school policies and procedures); and 3) the Student Performance, Curriculum and Assessment Committee (monitoring the school's test performance, ensuring compliance with federal statutes, and monitoring execution of, and changes to, the school's curriculum and establishing specific goals and metrics with the principal regarding student performance). The school continues to engage NHA as its management partner.

The board understands the core business of the school—student achievement—in sufficient depth for it to provide effective oversight. The board has made academic accountability a permanent item on its meeting agenda, and has a performance “dashboard”, which provides aggregate performance data on key academic and organizational goals and indicators, and that NHA updates monthly. In interviews, board members demonstrate sound understanding of the board's role in overseeing student performance and being able to track progress towards meeting educational goals. They are articulate in discussing particular measures, for example, the benefits and limitations of using the NWEA assessment as an interim measure and predictor of student performance on state tests.

The board's interaction with NHA indicates a professional and productive contractor relationship. The evolution of the relationship is reflected in the latest principal hiring. According to board members, after experiencing a short tenure for several principals, they were able to articulate to NHA a clearer vision of their leadership priorities. NHA was responsible for producing qualified candidates and was able to recommend a previous Brooklyn Excelsior candidate who had subsequently worked in the NHA network. The resulting selection of the current incumbent benefited from the board's improved understanding of the school's needs in combination with NHA's ability to produce a strong candidate whose capabilities had already been assessed on the ground.

The board has developed a similarly sound governance-management relationship with the school's staff. Board members execute their oversight role in a way that focuses on educational outcomes and holds management accountable for achieving the desired results. For example, when English language arts performance was unsatisfactory, the board charged the school's management with developing and presenting proposed actions for discussion. Rather than adopting the resulting action plan at the board level, they have treated it as a management document and continue to focus their governance activity on evaluating whether the desired results follow from implementation of that plan.

The board's efforts have been enhanced by the stability and ongoing commitment of four founding members. As the board replaces departing members and considers expansion it has, to its credit, sought to identify specific needs and areas of expertise that will strengthen its decision-making capacity.

Board Policies and Processes

With certain exceptions, the Brooklyn Excelsior board of trustees has instituted and maintained appropriate policies, systems and processes by working with NHA, and the school appears to have abided by them. Over time, the policy situation has improved with more policies reflecting New York (as opposed to national) specifics than when the school was first chartered, although minor exceptions were also noted. The school board took the initiative to update the enrollment policy to not admit students after the sixth grade in an effort to improve school culture and learning. Current policy status included the following.

- National Heritage Academies supplies the school with a comprehensive set of policies, some of which have been updated over time. The school also produces a parent handbook that is updated annually.
- The school had an informal complaint policy that was represented as effective, but not incorporated into the written complaint policy in the charter, but was in the Parental Relations Services section of the school's *Parent and Student Handbook*. Also, the formal complaint policy fails to state that only violations of law or the school's charter may be appealed to the Institute or the Board of Regents.
- The Family Educational Rights and Privacy Act (FERPA) policy and procedures did not include an access log that should be kept with each student's folder to detail access, nor was a list of persons with regular access kept per federal regulations. The policy also did not let parents know if copies of student records would be available and if so, any associated reproduction costs.
- The dress code did not have a religious exemption for hats, and the earring policy for males may be subject to legal challenge.
- The school had not passed a supervision policy for those employees appointed on an emergency conditional basis as required by the Act.

Over the term of the school's charters, the school board generally appeared to be abiding by the conflict of interest provisions in its code of ethics and by-laws, the latter having been expanded during the initial charter term. At the time of the renewal inspection visit one school trustee was consulting for NHA on charter development projects outside of New York State. The school board was aware of this conflict and stated that the trustee properly recused himself from voting on matters related to NHA and its management contract with the school. Also, on one occasion the school's board of trustees did not meet per its by-laws due to lack of quorum, but the board otherwise appeared to have abided by the provisions in its by-laws. A few minor deficiencies in the by-laws were noted as follows.

- The committee sections do not specify that an executive committee must consist of at least five members rather than three per the section 226 of the Education Law, and the

authority of standing committees section lacked a provision required by section 712 of the Not-For-Profit Corporations Law.

- The provision related to the removal of officers (with or without cause at any time) is not in compliance with subdivision 226(8) of the Education Law, which specifies procedures for such removal.
- Lastly, the by-laws would benefit if the amendment section referenced the Institute's approval of material changes as set forth in the charter agreement.

The above changes will be incorporated into the renewal charter by-laws.

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

In surveys and at a meeting held at the school at the time of the renewal inspection visit, parents reported overall positive attitudes about the school including teachers' expectations; availability and responsiveness of teachers and administrators; and communication regarding their children's progress. On the most recent parental survey, responses for questions related to overall parent satisfaction and their children's experience.

In 2003-04, 2004-05, and 2005-06, more than 90 percent of responses to the parent survey indicated overall satisfaction with Brooklyn Excelsior. In 2006-07, close to 85 percent of responses were positive. The 2006-07 results do not meet the school's goal of at least 90 percent of parents indicating their overall satisfaction with the school's administration and educational program. Moreover, the response rate in 2006-07 was only 41 percent -- slightly more than half of the school's goal of having 75 percent of parents respond. The school generally ranks low in comparison to other NHA schools and showed a decline on some survey items from the previous year.

The vast majority of parents responding to the most recent survey feel well informed about how their children are doing. This positive attitude is the result of the school's providing both school-wide and individual student performance information to parents. Each Friday, students take home a folder containing "everything needed for the week" in addition to a weekly newsletter. Parents must sign the folder, thereby engaging them with their children's work. A family can find out how its child is doing through a password protected section of the school's website. In addition, teachers send home weekly student progress reports in hard copy. Information about individual student performance on standardized assessments such as the state test or the NWEA is explained in detail and with charts to help parents interpret the results.

Parents reported that the school's leadership is visible, engaged, and accessible. They noted that the principal, in particular, is easy to contact. According to parents, his door is "always open" and they seem generally satisfied with how issues are resolved. On the survey last spring, 80 percent of respondents indicated that they believe the principal is "continually improving the school."

Despite operating in a temporary facility in the 2003-04 school year and moving to its permanent facility some distance away at the start of 2004-05, Brooklyn Excelsior re-enrolled 75 percent of its students. Its re-enrollment has improved after that second year with about 80 percent of students re-enrolling in the subsequent two years. The school is a popular school choice for families. According to the Renewal Application, it has and continues to maintain a waiting list of over 1,000 students.

<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>
---	---

As part of its renewal legal review, the Institute examined compliance issues raised in Brooklyn Excelsior's Short-Term Planning Year renewal report. While the school had violated provisions in its charter related to facilities in 2004, there were no further facility related issues of any substance. In addition, the school had no further problems related to the Safe Schools Against Violence in Education (SAVE) emergency plan or violent incident reporting with the State Education Department.

During the renewal inspection visit, the Institute reviewed the teaching staff's qualifications for compliance with the Act's limits on non-certified teachers and for being "highly qualified" under the No Child Left behind Act of 2001 (NCLB). Particular attention was paid to teacher certification because at the time of the renewal visit the school was on a corrective plan imposed by the Institute related thereto. In 2007 the State Education Department had threatened to place the school on probation if it did not remediate its teacher certification violations. The Institute helped the school avoid probation by directing the school to make hiring/retention decisions by the end of September 2007 in accordance with certification requirements, and to be in full compliance by December 2007 or face probation by the State University Trustees. On the whole, the school was close to meeting the teacher certification requirements, and if all applications pending before the State Education Department were granted, would have been in compliance by the December corrective plan deadline as follows.

- The school had its limit of five uncertified teachers, two of which were self-reported as not being in compliance with the NCLB highly qualified teacher requirements. A third teacher from the uncertified group was in violation of the Charter Schools Act's teaching experience requirements for uncertified teachers, but had submitted an application for certification that was listed as not ready for review on the State Education Department's TEACH system. Another member of the uncertified group had an application for certification pending that did appear ready for review.
- The school employed two teaching interns in master's degree programs who were not certified. In both cases, the interns had submitted certification applications that were pending.
- An instructor who the school represented as a long term substitute for a position the school was trying to fill was not state certified and was not NCLB highly qualified but had taken the proper state content specialty examination (which would comply with the NCLB) and was awaiting results.
- One additional NCLB violation was self-reported but it related to only part of a teacher's duties.

The school's board of trustees has noted the certification deficiencies and has been closely reviewing the situation in an effort to bring the school into compliance.

A few, mostly minor, compliance issues were noted including minor violations of the Open Meetings Law and out-of-date employment posters.

The school uses the law firm of Hiscock and Barclay as its outside counsel and maintains an active relationship. The school board has also retained special labor counsel for a pending union recognition matter before the Public Employees Relations Board.

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

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

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

Although the school uses the budget to direct its resources, it has not let program needs go unattended due to budgetary constraints. As a result, the school has consistently spent more money than initially budgeted in three of four operating years. The risk of budget overruns is born by NHA, due to the nature of its contract with the school. The arrangement provides a financial incentive to NHA to closely monitor the budget. During its first four years of operation, NHA contributed \$3.7 million to offset an excess of expenses over revenues. These funds were contributed to the school and are not a loan to be repaid. While not bearing the risk of budget overruns is an obvious advantage to the school, the arrangement does not allow the school to accumulate significant reserves or other assets.

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

The school's annual audit reports on internal control over financial reporting and compliance with laws, regulations and grants did not disclose any material weaknesses, or instances of non-compliance. The lack of deficiencies in these independent reports provides some, but certainly not absolute, assurance that the school has maintained adequate internal controls and procedures. The purposes of the reports are not to provide assurance on internal control over financial reporting or an opinion on compliance. Internal control can be expected to provide only reasonable, not absolute, assurance to the school's management and board that objectives will be achieved.

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

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

The school board's oversight of its agreement with its management partner has been active and has helped to further the achievement of the school's goals. Significantly, the school's lease includes a purchase option which is reportedly unique for NHA affiliated schools. Financial oversight by the school board has generally been effective. The school board's oversight procedures have included a review of financial reports, approval of budgets and revisions, approval of the audit contract and authorization of the use of school board funds.

<p>Benchmark 3C</p> <p>Financial Reporting</p>	<p>3C</p> <p>The school has complied with financial reporting requirements. The school has provided the State University Board of Trustees and the State Education Department with required financial reports on time, and such reports have been complete and have followed generally accepted accounting principles.</p>
--	--

Financial reporting is most useful for the school's board, the Institute and SED when it is timely. The school has met its financial reporting requirements without exception. The annual budget and quarterly financial reports and audited financial statement were all filed on time.

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

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

<p>Benchmark 3D</p> <p>Financial Condition</p>	<p>3D</p> <p>The school has maintained adequate financial resources to ensure stable operations and has monitored and successfully managed cash flow. Critical financial needs of the school are not dependent on variable income (grants, donations and fundraising).</p>
--	--

The school's financial condition is to a large extent dependent on the financial viability of its management partner and a continuance of the relationship. NHA, founded in 1995, is a private for-profit education management organization. NHA operates 55 schools in six states. Currently it operates three charter schools in New York State including the Buffalo United Charter School. As a profitable private sector company, NHA has access to funds in the capital markets that dwarf the availability of philanthropic funds that many non-profits rely on. NHA's overall financial strength contributes to the financial stability of the school.

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

Currently, the school is financially stable primarily due to its relationship with NHA. During its first four years of operation, NHA contributed \$3.7 million to offset an excess of expenses over revenues. These funds were contributed to the school and are not a loan to be repaid. Although the nature of the management contract does not allow the school to accumulate significant assets, continuation under this model does not necessitate such accumulation. As a result, the school has no capital assets and unrestricted net assets of only \$58,908. However, based on observations at the school and interviews with school staff, the school has ample resources to carry out its program.

The Board's decision to partner with NHA provided access to start-up capital and some overall stability. By partnering with NHA, the school is able to benefit from economies of scale related to some purchases and was able to secure a suitable facility.

The school's facility lease is for a one year term, with the right to renew in additional one year terms. The lease has a purchase option. The facility arrangement provides the school with a suitable facility that accommodates its academic program needs. However, the school must devote significant resources to pay for the facility, which experienced significant cost overruns during reconstruction. In FY 2007, the school paid slightly more than \$3 million in occupancy costs or 39 percent of total expenses. The facility costs are the primary reason for the school's high cost structure which has only been sustainable because NHA has consistently demonstrated the willingness and ability to invest necessary resources to ensure the school's program is adequately supported. The school's lease does not contain an escalator clause, so that over time occupancy costs will be a smaller percentage of the school's budget. While schools that spend more than 25 percent on facilities often must sacrifice many elements of a quality educational program, there was no indication observed or indicated in interviews with school staff that the school does not have sufficient resources to operate its program.

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

2004	2005	2006	2007
\$10,359.28	\$10,957.57	\$13,152.47	\$12,524.57

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

The trustees of Brooklyn Excelsior seek to renew the school's charter to continue its kindergarten through 8th grade education program, drawing on a student population from the Bedford-Stuyvesant and Bushwick neighborhoods of Brooklyn. Given its current track record of student achievement and avowed plans, the school is poised to continue to fulfill its mission.

Brooklyn Excelsior's Renewal Application indicates that the school would continue with the current leadership structure consisting of a principal and three assistant principals, as well as the support of a director of school quality. The people holding these positions would play a key role in the succession plan should there need to be a change in school leadership. The school has set forth a staffing plan, which, as presented in its Renewal Application, does not vary during the five years of the next charter period.

The school plans to enroll 704 students in kindergarten through 8th grade in each of the five years of the next charter period. It will enroll 80 new kindergarteners each year and, given the projected enrollment pattern, replace students who leave the school in all grades. With the exception of kindergarten with four classes, all the other grades will have three classes of students. Brooklyn Excelsior's yearly calendar parallels that of the New York City Department of Education, in order to be in alignment with the city's student transportation services. The 2007-08 school calendar contains 182 days of instruction. The school would continue to operate with the expanded nine-period school day that it introduced at the beginning of the 2006-07 school year. Brooklyn Excelsior is deemed to provide sufficient instructional time to meet all legal requirements and to allow the school to meet its proposed Accountability Plan goals.

Considering Brooklyn Excelsior's current academic success and its determination to sustain the systems it has in place, the key structural elements of its school plans are reasonable, feasible, and achievable.

<p>Benchmark 4B</p> <p>Plans for the Educational Program</p>	<p>4B</p> <p>The school has clearly laid out its plans for its educational program, shown that it can implement that program and such program will allow the school to meet its Accountability Plan goals.</p>
--	--

In its Renewal Application, Brooklyn Excelsior reiterates its commitment to provide a high quality education, with a strong moral focus, to all of its students and pledges to work actively to ensure that all of its students are prepared to enter a demanding high school program. The school would continue to pursue its original mission statement:

Working in partnership with parents and community, Brooklyn Excelsior Charter School will offer a challenging character-based education by providing a strong curriculum and an atmosphere of high expectations.

The main goals for the educational program would continue to be:

- To provide each student with a program of study characterized by excellent instruction, and a strong, balanced core curriculum aligned with New York State's learning standards;
- To encourage parental and staff involvement through parent-teacher committees,
- To implement a code of conduct designed to provide students with a safe, and orderly school environment in which learning can take place without disruption; and,
- To focus on character development of all students by emphasizing a different character quality each month.

Brooklyn Excelsior plans to offer the same educational program which has been in place since the beginning of the 2006-07 school year. The enhancements implemented since then include revisions to the social studies curriculum materials, the utilization of Real Math in most of the grades, and the initial use of the Lucy Calkins Units of Study-Writing Process program. In addition to modifications in the instructional content, the school at the time added the following staff positions: an additional assistant principal, a guidance counselor, a new teacher mentor, a reading specialist, and three additional paraprofessionals

The Renewal Application indicates that Brooklyn Excelsior has and would continue to focus on high academic achievement for all students, that it is working to ensure that its curriculum remains challenging and rigorous, and that it strives to provide all students with the learning opportunities they need to demonstrate content-area mastery in the core subjects.

Given the continuity of the plans with the program that the school already has in place, the plans are feasible. Given the strength and stability of the board and its productive relationship with NHA, NHA's resource commitment to the school, the principal's leadership, and the potential for greater stability in staff and staff supervision, the plans are reasonable. Given the performance of the school in its initial charter period, the school's ability to meet its future Accountability Plan goals is achievable.

<p>Benchmark 4C</p> <p>Plans for the Governance Structure</p>	<p>4C</p> <p>The school has provided a reasonable, feasible and achievable governance structure for the term of the next charter.</p>
---	---

The school has provided a reasonable, feasible and achievable governance structure for the term of the next charter that does not include any material changes from the present structure. The school's board of trustees understands its duties and responsibilities related to the school as well as its oversight role with respect to its management company. The school provided a set of legally sufficient by-laws, a clear code of ethics that details the expected conduct of school stakeholders, and a draft management contract based on the prior contract. Responses to interview questions and other evidence, including specific questions regarding management company oversight by the school board, demonstrate that the school's governance model is sustainable for a five-year renewal term.

<p>Benchmark 4D</p> <p>Fiscal & Facility Plans</p>	<p>4 D</p> <p>The school has provided a reasonable, feasible and achievable appropriate five-year fiscal plan for the term of next charter, including plans for an adequate facility.</p>
--	---

The school's fiscal plan is reasonable and appropriate given the management company model under which it intends to continue to operate. There are no new facility issues, as the school intends to remain at its current location. Fiscally, the school plans to continue to contract with NHA to provide all aspects of the education program. The school intends to modestly increase its enrollment to 704 students by the 2008-09 school year and remain at that level for the duration of the next charter. The school has had consistently strong enrollment demand and sports a large waiting list of more than 700 students.

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

The plan reasonably assumes annual increases in per-pupil aid of 1.5 percent, which is less than one fifth of the historical average increase of 7.5 percent in New York City since FY 2000. However, there is no guarantee that future increases will continue at historical levels. Paid enrollment is budgeted at 100 percent of the planned enrollment. This assumption is optimistic, but given strong enrollment demand is not considered unreasonable. The planned modest increase in enrollment over the current level should partially mitigate the high occupancy costs associated with the school.

APPENDIX

An Overview of Renewal Requirements

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

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

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

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

Statutory and Regulatory Considerations

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

¹ See § 2850 of the New York Education Law.

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

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

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

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

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

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

³ Education Law § 2851(4).

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

⁵ See Education Law § 2852(2).

⁶ See Education Law § 2852(5).

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

Process for Initial Renewals

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

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

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

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

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

The application is reviewed by Institute staff. The staff also conducts a desk audit to both gather additional evidence as well as verify the evidence the school has submitted. This audit includes examination of the school's charter, including amendments, Accountability Plan, Accountability Plan

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

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

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

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

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

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

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

- *Early Renewal*: available to a school that after three years of operation has accumulated three years of data in multiple grades on all or nearly all of the standardized assessment measures set forth in its Accountability Plan and for the last two years has met or come close to meeting its Accountability Plan academic goals based on its performance on those measures. In addition, the State University must find that the educational program, as assessed by the Qualitative Education Benchmarks, is sound and effective. Early Renewal will be for a full-term of five years only.

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

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

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

board of trustees, administrative team, academic program, organizational structure, and such plans, if implemented, would lead to the school likely meeting its standardized assessment measures set forth in its Accountability Plan during the next charter period. Whether to permit a school to submit an application for a Restructuring Renewal is at the discretion of the State University.

- *Non-Renewal:* where a school does not present a case for any kind of renewal, the charter will not be renewed and the charter will be terminated upon its expiration.

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