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April 15, 2013

VIA EMAIL

Mr. Bill Clarke
Director, Charter School Office
Room 471 EBA
State Education Department
98 Washington Avenue
Albany, NY 12234

Dear Mr. Clarke:

Re: COMMUNITY Charter School – Charter Renewal Application

This letter and its attachments constitute the response of COMMUNITY Charter School (“CCS”) to the State Education Department’s (“SED’s”) March 15, 2013 notice of non-renewal recommendation. An index to the attachments follows.

This letter also respectfully requests that CCS be afforded an opportunity to appear for no longer than 15 minutes before the Board of Regents (“Regents”) on April 22-23, 2013, prior to their vote on CCS’s charter-renewal application.

The Regents Should Reject SED’s Recommendation And Grant CCS A Renewal Charter

This letter and the accompanying evidence is intended to address SED’s criticisms and to demonstrate that each of the problems SED identified has been corrected. CCS acknowledges that the goal for education is increased rigor resulting in proficiency. It struggled after its charter last was renewed, and it now has implemented a Restart Plan that is a proven success in New York City and will be a success in Buffalo. Indeed, assessment evidence already reveals statistically-significant growth in ELA and Math since September 2012. SED’s non-renewal recommendation did not properly credit the Restart Plan and its consequences.

Rather, SED found that (1) CCS has not demonstrated the ability to operate in an educationally-sound manner, (2) approving the renewal application is not likely to improve student learning and achievement and materially further the purposes set out the Charter School Act, and (3) approving the renewal application would not have a significant educational benefit to CCS’s students. Respectfully, SED’s findings are inaccurate, as they ignored available evidence of CCS’s success.

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CCS has demonstrated the ability to operate in an educationally-sound manner

SED's finding that CCS has not operated in an educationally-sound manner is flawed because it is based only on CCS's State assessment scores and leadership turnover, ignoring the Restart Plan and consequential academic growth. The data explained in the accompanying affidavit of Jeremy Finn, Ph.D. demonstrates that CCS students have achieved statistically-significant growth as reflected in the fall and winter AIMSweb¹ assessments. Parallel assessments reflecting the Common Core reveal dramatic increases in proficiency among all testing grades.

This remarkable growth is, of course, an effect of the educationally-sound manner in which CCS now operates. Using the platform of its Restart Plan, CCS re-built an engaged Board of Trustees and administrative leadership team. It should not be faulted for removing ineffective Board members and administrators and replacing them with effective leaders. Rather, as noted by Dr. Jerry Newman and Mr. Ricigliano, CCS should be credited for reconstituting its Board with engaged community leaders who possess the expertise necessary to successfully govern the school.

In addition to the new Trustees, the Board engaged a new administrative team led by Head of Schools Denise Luka. Consultant Frank Herstek, Ed.D's guidance and coaching gives him a unique opportunity to analyze and report on the effectiveness of the Trustees and administrative team. Dr. Herstek opines that Ms. Luka and her team are operating the school in an educationally-sound manner, reporting that "*CCS now functions as a best-practices elementary school, and the remarkable efforts being undertaken have resulted in demonstrable academic growth already.*"

Contrary to SED's findings, when all the evidence is considered, it becomes clear that the Restart Plan is working, is certain to continue to work under Ms. Luka's leadership, and as a result, CCS is operating in an educationally-sound manner.

Approving the renewal application is likely to improve student learning and achievement and materially further the purposes set out in the Charter School Act

Despite persuasive evidence to the contrary, SED determined that approving CCS's charter renewal application is not likely to improve student learning and achievement. SED's analysis is unsound, because it did not take into account CCS's Restart Plan nor did it credit the consequences of the Plan to date. The Restart Plan was designed by the Center for Education Innovation-Public Education Association ("CEI-PEA"), and, as explained in the supporting affidavits of Frank San Felice and Seymour Fliegel, versions of the Restart Plan have

¹ Notably, Pearson, the creator of AIMSweb, also creates the New York State ELA and Math exams.

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been implemented in New York City schools with demonstrable success over time. CCS's Restart Plan provides for even more intensive supports, and it is apparent to educational scholars that the school already has improved.

SED's position is that future promise of success is insufficient to support a renewal recommendation. Even if "future promise" is all that CCS were offering – and we are showing that CCS in fact offers much more – SED's bald position would be inconsistent with the requirement that the renewal of the charter is "*likely to improve student learning. . .*" In assessing whether a school meets this requirement, the school's anticipated progress must be considered, as the inquiry focuses on prospective student learning.

CCS does offer more by way of the Restart Plan. Seymour Fliegel and others describe the rigor of the Restart Plan, and Dr. Finn has analyzed demonstrable evidence of *already-achieved academic growth*. Together, there exists sufficient evidence of contemporaneous improvement in student learning, whether CCS is compared to the surrounding Buffalo Public Schools ("BPS") or its own past performance. CCS's purposeful action *has already and will continue* to result in improved student learning. As a result, approving the renewal application is likely to improve student learning and achievement.

Approving the renewal application would have a significant educational benefit to the students expected to attend CCS

Approving CCS's renewal application will result in a significant educational benefit to CCS students, because it will protect them from attending the failing (and unsafe) BPS. Even if CCS's Restart Plan were not credited, Commissioner King agrees that moving students from one low-performing school to another in Buffalo is not beneficial: "The biggest underlying challenge, whether we were to close Lafayette or close Waterfront [two of the many priority BPS schools], is that if the district is not able to develop high-quality [schools as] options, *the mere shuffle of students is not an improvement.*"² Distinguished Educator Judy Elliot, Ph.D. agrees that the BPS is in serious trouble despite a turnaround plan that has been several years in the making: "There's very little evidence that things have changed in the schools. . . . The principals will tell you 'Rome is burning.' That's a quote they use all the time in meetings."³

² Mary Pasciak, *Funds for 4 Failing Buffalo Schools Reaping Little*, The Buffalo News (April 10, 2013), <http://www.buffalonews.com/apps/pbcs.dll/article?AID=/20130410/CITYANDREGION/130419805>.

³ Mary Pasciak, *Expert Sees Little Change in City Schools*, The Buffalo News (March 23, 2013), <http://www.buffalonews.com/apps/pbcs.dll/article?AID=/20130323/CITYANDREGION/130329564>.

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The narrative is quite different at CCS. Despite struggling in the past, it has effectively implemented a Restart Plan. In addition to its successful implementation that already has yielded growth and is certain to continue to result in improved academic performance, CCS is *safe*. It is a stable presence in an otherwise unsettled inner-city neighborhood. It provides 300 children with a supportive and engaging educational environment that is far better than the BPS. There exist numerous examples of why CCS is superior to the BPS:⁴

| BPS | CCS |
|--|--|
| 10-36% Teacher Turnover | 4% Teacher Turnover |
| Up to 40% Out-of-School Suspension Rate | 18% Out-of-School Suspension Rate |
| Physical Violence and Sexual Misconduct | Safe Environment |
| Too Few Adults to Maintain Order | Two Certified Teachers in Each Classroom, Math and ELA Title I Teachers |
| Lack of Professional Support | ELA and Math Instructional Coaches, PICCS Program Professional Development |
| Turnaround Plans Rejected by SED | Restart Plan Already Proven to Work |
| Obesity and No Physical Activity | Healthy Food, Physical Education, and Health Education in Curriculum |
| Conflict with Parent and Family Associations | Engaged Family Association and Strong Connection with Neighborhood |

All this evidence demonstrates that shuttering CCS would be harmful to students, as it certainly will deprive them of a stable educational environment and foist them into the turmoil that the SED and the Regents have found impossible to remediate.

In summary, SED's recommendation is infirm because it discounted or chose to ignore evidence of CCS's already-accomplished growth and increased proficiency. Its rationale for ignoring that data is that "[t]he possibility of future promise is insufficient to overcome the School's cumulative record of low academic achievement, legal non-compliance and inability to operate in an organizationally sound manner. . . ." Ignored in all of this is that CCS already has reorganized and implemented changes that are *proven* to increase academic performance and,

⁴ This information is compiled from the attached affidavits and recently-published information about BPS.

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indeed, the fall/winter 2012/13 data shows that academic performance has improved. Moreover, even if the Regents have some concern over the historical data – which we contend they should not – they should remain ever mindful that these issues are far outweighed by what the outcomes will be for the children if they return to the BPS.

Respectfully, CCS should be granted a three-year renewal charter based on the overwhelming evidence contained in the accompanying affidavits and data. In this regard, CCS requests that the Board of Regents exercise their discretion to provide the school and its students the opportunity to reap the benefits that are sure to come from CCS's restructuring.

Respectfully submitted,



Lisa A. Coppola

Attachments

cc: Merryl H. Tisch, Chancellor - RegentTisch@mail.nysed.gov
Anthony S. Bottar, Vice Chancellor - RegentBottar@mail.nysed.gov
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AFFIDAVIT OF SEYMOUR FLIEGEL

STATE OF NEW YORK)
)
COUNTY OF KINGS) ss:

SEYMOUR FLIEGEL, being duly sworn, deposes and says:

1. I am currently President and Gilder Senior Fellow of the Center for Educational Innovation – Public Education Association (CEI-PEA), a New York City-based nonprofit organization that creates successful public schools and educational programs. CEI-PEA works with more than 220 public schools in the New York City area, as well as schools in Baltimore, Boston, Chicago, Cleveland, Columbus, Paterson (NJ), Philadelphia and Washington, DC, to implement quality educational programs. Our organization is particularly recognized for its ability to turn around low-performing public schools—both district and charter—which we have demonstrated through effective implementation of federal, state and district-funded school improvement initiatives.

2. I am a proud product of the New York City public school system and earned my bachelor and master degrees from City College of New York. I have worked with New York City and other urban public schools for five decades. I started my career as a teacher, then became an assistant principal and principal. In 1975, I became the Director of Alternative Education for New York City’s Community District 4 and began the transformation of New York City public schools described in my book, *Miracle in East Harlem* (Random House, 1993). In 1989, having served five years as Deputy Superintendent in District 4, I became Superintendent of District 28 in Queens. In 1993, I launched CEI-PEA first as a project to

document best practices in building school networks and accountability systems. Today, CEI-PEA is one of the largest nonprofit organizations in the country that works directly with public schools to improve teaching and learning. Our annual operating budget is \$16.5 million, we are contracted to provide school support services to 172 New York City public schools, and we operate the federally-funded Partnership for Innovation in Compensation for Charter Schools (PICCS) in 31 public charter schools in New York and New Jersey. Outside of his CEI-PEA work, Sy serves on the advisory boards of The Gilder Lehrman Institute of American History, the Greater Opportunities Board, Donna Hanover's Cool Schools, Harlem's Center for Education and The Young Women's Leadership School. He was also on the nominating committee for the Dana Awards for Pioneering Achievements in Education.

3. CEI-PEA first became involved with COMMUNITY Charter School (CCS) almost three years ago when the school joined a group of Buffalo-based charter schools in a joint application for a federal Teacher Incentive Fund grant. The grant application was led by CEI-PEA and our organization serves as the lead for the funded program known as PICCS. Through the five-year grant, we are able to provide CCS with a wealth of resources that were missing at the school prior to the project implementation, including access to a data warehouse that allows teachers and school leaders to monitor student achievement and progress through interim, formative and summative assessment data. We also provide intensive training and professional development to help the staff build "data cultures" capable of using this wealth of information to shape curriculum and instruction that meets the needs of all learners.

4. In the spring and summer of 2011, CEI-PEA became aware of continuing problems at CCS that were impeding the effective implementation of PICCS and utilization of the resources and support described above. We became deeply involved in reviewing the school and developing a comprehensive plan to address the problems in leadership and instruction that had led to low student achievement. CEI-PEA staff worked closely with CCS leadership to establish a “restart” plan for the school that is modeled in great part on the successful “restart” approach that CEI-PEA was contracted to implement with several New York City public schools through an “Educational Partnership Organization” contract in 2011-2012. In the following paragraphs, I describe the restart model used in the New York City schools and early positive outcomes the model has had in one of the restart schools, Intermediate School 136 (IS 136) in Brooklyn, New York. This successful restart model informed CCS’s charter renewal application and CEI-PEA has been helping implement the model since September 2012 as a supplement to our support through the PICCS initiative.

5. CEI-PEA’s restart model is based on the school support program established through our Partnership Support Organization (PSO) contract with the New York City Department of Education. PSOs provide a wide range of support to New York City public schools, similar to those provided by a traditional school district. School leaders are able to select from a wide range of organizations that have been approved to serve as a PSO, thus ensuring school buy-in to the partnership. CEI-PEA was first contracted as a PSO in 2007 and is currently providing 172 schools with customized support to help teachers and school leaders accelerate learning among the more than 100,000 students attending the schools. CEI-PEA delivers services to schools through on-site, embedded professional development as well as through a network

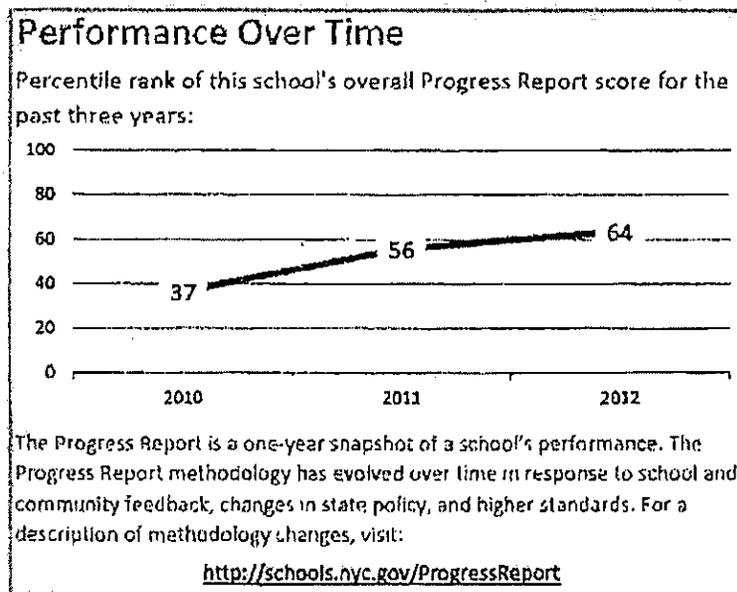
system in which schools identify collective challenges for network-wide professional development.

6. Data from last school year (2011-2012) shows that CEI-PEA serves schools with an overall demographic need index that is higher than the median peer index of other New York City public schools but CEI-PEA schools out-performed other New York City schools on the New York State ELA and math assessments. CEI-PEA schools also out-performed New York City schools in the two prior school years. However, we do not have correlating need data for those years. It is reasonable to state that the need of our PSO schools in prior years was comparable, if not higher, than the New York City average need index.

7. Based on CEI-PEA's exceptional performance as a PSO, our organization was encouraged to submit a contract proposal to become an "Educational Partnership Organization" (EPO). Approved in 2011 as an EPO, CEI-PEA was then contracted to help three New York City schools undergo a "Restart" process intended to help these "persistently low achieving" schools become quality public schools. This initiative is a result of New York State's successful "Race to the Top" federal grant application that included a provision for schools that are on the New York State "persistently low achieving" list to use funds from the federal School Improvement Grant to implement school-based reforms aimed at increasing student achievement. CEI-PEA was able to work intensely with these schools for one year on their Restart efforts and while this is not a sufficient amount of time to turn around a low-performing school, data on professional practice, learning environment and student growth indicates that the schools are gaining momentum.

8. Intermediate School 136 (IS 136) in Brooklyn was one of the Restart schools that CEI-PEA partnered with through the 2011-2012 school year. On the school's 2011-2012 Progress Report, issued by the New York City Department of Education, IS 136 earned an overall score of "B," which indicates that the school is making greater progress than the year prior when it earned a "C." Furthermore, the percentile rank of the school's overall Progress Report showed significant improvement from the prior two years, as evidenced in Figure 1, below.

Figure 1: IS 136 Performance Over Time on NYC Progress Report



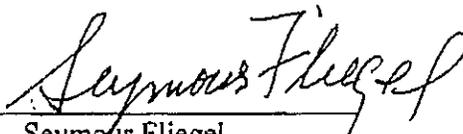
The school's area of most significant improvement was in student growth. IS 136 out-performed its peer schools and the overall average for New York City schools in terms of how much individual students at the school improved on state tests in English and Math between 2011 and 2012. For a school-wide perspective on improvement in overall student achievement, Figure 2,

below, shows the decline in the percentage of students performing at Level 1 and increase in percentage of students performing at Levels 3 and 4 on NYS assessments.

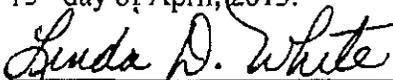
Figure 2: Three-Year Change in Student Performance at IS 136

| | ELA | ELA | MATH | MATH |
|--------------|---------------------------------------|---|---------------------------------------|---|
| MS 136 | CHANGE IN % LEVEL 1 FROM 2010 TO 2012 | CHANGE IN % LEVEL 3 AND 4 FROM 2010 TO 2012 | CHANGE IN % LEVEL 1 FROM 2010 TO 2012 | CHANGE IN % LEVEL 3 AND 4 FROM 2010 TO 2012 |
| ALL STUDENTS | -5.9 | 3.1 | -5.6 | 4.4 |
| ELL STUDENTS | -18.5 | -0.2 | -12.9 | 5.5 |
| IEP STUDENTS | -23.2 | 3.1 | -13.6 | 5.2 |

9. The Restart model put in place at CCS in September 2012 is based on the model used at IS 136 but is even more intensive as it is being coupled with implementation of PICCS at the school. As documented by the PICCS external evaluation firm Measurement Inc., PICCS has been proven as a highly effective school improvement model that has led to significant gains in student achievement at participating schools. With both the Restart and PICCS initiatives in place—and already fully funded through 2015—I am confident that CEI-PEA will be able to help CCS turn into an effective school that provides its students with a quality public education.


 Seymour Fliegel

Sworn to before me this
15th day of April, 2013.


 Notary Public

LINDA D. WHITE
 Notary Public, State of New York
 No. 01WH6047112
 Qualified in Kings County
 Commission Expires Aug. 28, 2014

AFFIDAVIT OF FRANK SAN FELICE

STATE OF NEW YORK)
)
COUNTY OF KINGS) ss:

FRANK SAN FELICE being duly sworn, deposes and says:

1. I have over 40 years experience in education and am currently Director of the Partnership for Innovation in Compensation for Charter Schools (PICCS). I have assisted community groups in the design and development of charter school applications since advent of the New York State charter legislation in 1998 and regularly assist charter schools in their renewal process. For 12 years, I served as the Assistant Superintendent for Instructional Services for a New York State Board of Cooperative Educational Services (BOCES). I also worked as a social studies teacher, academic department chairperson, middle school administrator and special project director.

2. I hold a Bachelor of Arts from Marist College and a Master of Science from SUNY New Paltz. I also completed 60+ post-Master's degree credit hours Educational Administration from Kansas University.

3. As Director of PICCS, I have led the successful development of five federal Teacher Incentive Fund (TIF) grant applications. Across the five grants, there are 31 participating charter schools located in New York City, Buffalo and New Jersey State. The grants fund implementation of a comprehensive school improvement model at each of the participating schools. The model includes: 1) creation of robust data systems and data cultures

that allows staff to effectively use data to guide curricular, instructional and resources decisions; 2) implementation of teacher and principal evaluation systems that measure effectiveness related to achieving student growth targets and professional practice; 3) performance-based compensation that is aligned with the annual evaluation program.

4. Community Charter School (CCS) joined PICCS in 2010 and is now in its third year of implementing the PICCS model. As Director of PICCS, I have made frequent site visits to CCS and worked closely with its leadership team to address the many problems evident when the school first joined the project in 2010. In spring and summer 2012, I helped craft the school's charter renewal application, which includes a rigorous implementation of PICCS as part of the proposed "Restart" model. During my most recent site visit in April 2013, I was delighted to find that the school is now meeting and exceeding all benchmarks in its Restart plan and is effectively implementing PICCS throughout the school.

5. During my latest site visit, I noted the following specific improvements in practice:

a. The instructional coaches in ELA and math that were hired at the beginning of the school year are effectively implementing curricular and instructional changes to drive student improvements. These changes include use of regular interim assessments to monitor student progress and individualize/target instructional resources appropriately.

b. The Head of Schools and instructional coaches perform frequent walkthroughs that document specific feedback on teachers' and teaching assistants' instructional practices. They review the findings with the staff and identify strategies to address problem areas and then provide resources, training, in-classroom support and/or professional development to realize those strategies.

c. Instructional leaders are regularly attending training in the Danielson Framework for Teaching, which is the model used for assessing professional practice. This training is provided by The Danielson Group through the PICCS project, which is the foremost set of trainers in the Danielson model. This training results in a certification process that ensures that these individuals are able to effectively conduct reviews of professional practice, which form 60% of the teachers and teaching assistants' annual evaluation that is tied to performance-based compensation.

d. Dan Ricigliano (Board of Trustees President) and Sara DeLena (Board of Trustees Member) have both attended training in the implementation of VAL-ED (Vanderbilt Assessment of Leadership in Education), which is the framework being used to assess the effectiveness of school leaders. This training prepares them to provide frequent observation-based reviews of the Head of Schools as well as conduct a year-end summative assessment that determines performance-based compensation for the school leader.

e. The Individualized Learning Plans (ILPs) are now being appropriately implemented at the school. A mid-year progress report for each student in the pilot ILP program was sent home to parents. The reports provided progress data for in-school work as well as progress related to after-school tutoring provided by Huntington. The reports indicated how well students performed on interim and formative assessments as well as a breakdown of the skills they will be working on throughout the rest of the school year.

6. Along with the dramatic improvements in school-wide practices that I observed during my site visit, I had the opportunity to review student outcome data that clearly demonstrates that the Restart plan is already having a dramatic impact:

a. Student attendance has risen from an average of 91% in 2010-11 and 2011-12 school years to 93% for the current 2012-13 school year.

b. Assessments designed to parallel the NYSED math and ELA assessments demonstrate student improvement in all grades. The ELA and Math Instructional Coaches used the new NYS Common Core Assessments to create mock assessments that are as closely aligned to the new format and content as possible. The Instructional Coaches used Performance Plus (for ELA multiple

choice questions and some written responses) and Pearson EnVision (for math multiple choice questions) as well as the sample common core questions that were released on Engage NY to develop the parallel assessment. The goal of the assessment is to give the school a projection of how students will perform on the new assessments.

c. The first parallel assessment was given in January 2013; the second parallel assessment was given in March 2013. From January to March, student proficiency increased in all grade levels in both math and ELA, as illustrated in the table below.

Table 1: Percentage of Students Meeting Proficiency on Parallel Assessments Comparison of January to March 2013

| Grade & Subject | JANUARY % Students at Levels 3 & 4 (Proficiency) | MARCH % Students at Levels 3 & 4 (Proficiency) | PERCENTAGE POINT +/- Proficiency Increase from January to March |
|-----------------|---|---|--|
| Grade 3 – ELA | 38% | 64% | +26% |
| Grade 3 – Math | 30% | 42% | +12% |
| Grade 4 – ELA | 41% | 47% | +6% |
| Grade 4 – Math | 17% | 32% | +15% |
| Grade 5 – ELA | 60% | 66% | +6% |
| Grade 5 – Math | 14% | 28% | +14% |
| Grade 6 – ELA | 22% | 55% | +33% |
| Grade 6 – Math | 11% | 24% | +13% |

Supporting data for this table is provided in Denise Luka's affidavit.

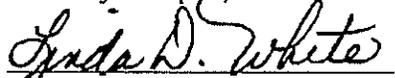
d. Further analysis of the January to March 2013 parallel assessment data shows shifts upward across the four performance levels within each grade/subject assessment as well.

7. Having worked with numerous charter schools to turn around low performance, I am confident that CCS is now doing everything right to “restart” the school and provide a quality education to its students. Through PICCS, we are able to provide intensive and fully-funded support and resources to the school throughout the remaining two years of the

proposed turn around process. By that time (2014-2015 school year), based on the current upward trends in professional practice and student achievement, I am confident that the school will be able to sustain a high quality educational program for the children of Buffalo, New York.


Frank Safr Felice

Sworn to before me this
15th day of April, 2013.


Notary Public

LINDA D. WHITE
Notary Public, State of New York
No. 01WH6047112
Qualified in Kings County
Commission Expires Aug. 28, 2014

LINDA D. WHITE
Notary Public, State of New York
No. 01WH6047112
Qualified in Kings County
Commission Expires Aug. 28, 2014

AFFIDAVIT OF SHELLY MENENDEZ, Ph.D.

STATE OF ILLINOIS)
)
CITY OF NAPERVILLE) ss:

SHELLY MENENDEZ, Ph.D., being duly sworn, deposes and says:

1. I have conducted independent evaluations of schools and educational programs for the past 15 years and am currently Senior Research Associate for Evaluation Services at Measurement Incorporated. I conceptualize and direct evaluation studies that include quantitative and qualitative methodologies for a variety of clients, particularly those operating programs funded through the federal Teacher Incentive Fund (TIF).

2. I hold a Doctor of Philosophy and Master of Arts in Developmental Psychology, specialization in Applied Developmental Psychology, from Fordham University. I also hold a Bachelor of Arts in Psychology and History from Keuka College. My publications and presentations include studies of 21st Century Community Learning Center programs, Reading First programs, and comprehensive school reform initiatives, as well as reports on TIF-funded program.

3. Since 2007, I have served on the evaluation team for PICCS: Partnership for Innovation in Compensation for Charter Schools. PICCS is a comprehensive school improvement program targeted at public charter schools that currently includes 31 schools across New York and New Jersey. The evaluation follows the five funded cohorts of PICCS schools: a 2007 cohort; 2 cohorts that launched in 2010; and 2 cohorts that launched in 2012.

COMMUNITY Charter School (CCS) is part of the 2010 cohort located in Buffalo, New York.

COMMUNITY Charter School (CCS) is part of the 2010 cohort located in Buffalo, New York. The evaluation provides three valuable sets of information on the following aspects of the project: 1) implementation of PICCS core elements at the school and classroom levels; 2) impact of the project on student achievement and other educational outcomes; 3) link between project implementation and outcomes.

4. The research efforts for the first two years of each cohort focus on gathering baseline and formative data on the design and initial stages of PICCS implementation. The third year evaluation builds upon this earlier work and extends it in two important ways. First, it incorporates more refined indicators of program implementation and instructional change. Second, it follows PICCS schools over a longer period of time to better gauge the extent of implementation and change. As CCS is in its third year of PICCS implementation, our team is currently collecting data through surveys and site visits to assess indicators of program implementation and instructional change. Included in this affidavit is a summary of preliminary findings for the third-year implementation of PICCS at CCS as well as a summary of findings from the broader PICCS project that demonstrates the efficacy of the model.

5. CCS is showing a marked increase in implementation of the key elements of PICCS for the 2012-2013 school year, which represents its third year of participation in the PICCS initiative. The following are findings derived from interviews and focus groups with the Leadership Team (Head of Schools, two Assistant Principals, Chief Information Officer, Math Instructional Coach, ELA Instructional Coach) and teachers in April 2013:

a. The leadership team reported that significant changes have occurred in their school from last year. The ELA Instructional Coach further indicated that

she feels that the school “has grown so much just from September.” One Assistant Principal stated, “Prior to PICCS, we didn’t have the infrastructure to allow for data use, observations, professional learning communities, etc.” Now CCS has embraced important school reform efforts. They all agreed that their school is stronger academically compared to last year. One person noted that teachers didn’t realize how much they weren’t teaching until now. They feel that the data component has had a big impact as well as the walkthroughs and the evaluation process.

b. One Assistant Principal commented on four big changes/improvements this year: more reflection, more support, more accountability and more collaboration.

c. The team also commented on how PICCS helped them to recreate a vision for CCS. The Head of Schools noted that “All of the pieces have come together in one large quilt. PICCS staff has helped us to connect the pieces and help our faculty see the connections. They might not have before, but the ‘aha’ is there now. We are all working hard toward a common vision.”

d. Regarding specific changes in the way CCS operates, the leadership team spoke highly of the new teacher evaluation process, which they feel is a “valuable and empowering tool. Collecting evidence and tying to the rubric allows for transparency. It makes the process unbiased. We are able to show teachers, ‘this is where you are at and this is the evidence,’” according to the Principal.

e. One Assistant Principal provided an example of support that was borne out of the teacher evaluation process. She commented that she worked with a teacher to improve her classroom management skills. She recommended that the teacher observe three different teachers to get ideas about classroom management. They then reconvened to talk about what strategies could work for her. It was all done in a supportive manner.

f. Teachers backed up statements made by the leadership team in a separate focus group. Comments about the teacher evaluation process were positive. They feel that the process leaves open the opportunity for growth. As a teacher, they are able to reflect and think about where to focus their efforts.

g. Teachers talked about their school wide effort to improve instruction. They have all evaluations posted on a wall (anonymously) so that everyone can see how the school is doing. The teachers feel that it helps them to take ownership of their school and not just their classrooms. It has brought teachers together.

h. Teachers talked about the big changes to their use of data. One teacher stated, “We have a whole new culture of data use. When you work in a big district, you don’t have access to all the data that you want. However, through the [PICCS] data warehouse, we have access to our student’s scores.”

i. Teachers feel that their increased data accessibility and use has helped them to develop appropriate ILP goals. They have learned to disaggregate the data and then narrow in on instruction that is needed. One teacher stated, “It pushes us to focus on important standards. It’s the RTI model, in essence.”

6. CCS’s level of PICCS implementation mirrors findings from the implementation study of the first cohort of PICCS schools that launched in 2007, which showed that Year 3 of implementation is when leadership and teachers are able to move from experiencing “inputs” (training, professional development) to producing “outputs” (changes in professional practice). The percentage of teachers who found PICCS professional development to be valuable to their teaching started high and grew over the implementation period for the original cohort of PICCS schools, as evidenced in the table on the following page.

**Percent of Teachers Who “Agreed” and “Strongly Agreed”
with statements about PICCS Professional Development
Four-Year Comparison
Original PICCS Cohort (launched in 2007)**

| PICCS Professional Development... | 2009 | 2010 | 2011 | 2012 |
|--|-------------|-------------|-------------|-------------|
| Filled a gap in my knowledge of teaching methods. | 49% | 58% | 66% | 86% |
| Provided me with new techniques for teaching | 77% | 87% | 86% | 89% |
| Provided me with useful feedback about my teaching | 69% | 80% | 86% | 88% |
| Encouraged me to pay closer attention to particular things I was doing in my classroom | 86% | 91% | 90% | 91% |
| Led me to try new things | 86% | 90% | 89% | 90% |
| Introduced me to new materials and resources | 74% | 79% | 83% | 85% |

7. The most significant finding in regards to implementation for the original cohort of PICCS schools is the level of implementation of key “drivers” for improved

professional practice in the PICCS model. Throughout the grant period, teachers increased their implementation of high-quality instructional practices. In some cases, the percentages rose sharply during the final year of the grant.

**Percent of Teachers Reporting “More Implementation”
of key drivers for improved professional practice in the PICCS model
Three Year Comparison*
Original PICCS Cohort (launched in 2007)**

| | 2010 | 2011 | 2012 |
|---|------|------|------|
| Planning | | | |
| Creating curricular maps | n/a | 38% | 60% |
| Aligning curriculum with state standards | n/a | 52% | 71% |
| Planning instruction that builds on student interests and experiences | n/a | 59% | 69% |
| Selecting and adapting curricular and instructional material that meet student needs | 52% | 52% | 76% |
| Classroom Environment | | | |
| Creating a classroom environment that promotes respect and rapport | 49% | 51% | 62% |
| Managing classroom procedures and routines to maximize instructional time | 54% | 53% | 68% |
| Organizing time and classroom space to accommodate diverse learning experiences | 49% | 42% | 65% |
| Instruction | | | |
| Jointly planning/teaching a lesson with another teacher | 48% | 54% | 61% |
| Integrating curriculum across subject areas | n/a | 60% | 65% |
| Differentiating instruction in response to differences in student readiness and needs | 55% | 50% | 75% |
| Using teaching strategies that encourage higher levels of thinking: questioning strategies, discovery learning, discussion techniques, active inquiry | 55% | 47% | 74% |
| Using facilitation and/or coaching as instructional methods | n/a | 50% | 67% |
| Providing explicit and direct instruction | 46% | 47% | 64% |
| Providing opportunities for students to reflect on their learning | 49% | 53% | 66% |
| Involving students in experiential, hands-on learning | 47% | 54% | 67% |

| | 2010 | 2011 | 2012 |
|---|-------------|-------------|-------------|
| Providing opportunities for cooperative and/or peer group learning | n/a | 57% | 66% |
| Making learning student centered | n/a | 53% | 70% |
| Integrating technology into instruction | n/a | 57% | 69% |
| Using and managing flexible classroom grouping structures | n/a | 54% | 66% |
| Assessment and Data | | | |
| Tracking student progress using multiple assessment methods (formal and informal) | n/a | 62% | 70% |
| Administering benchmark assessments or quizzes | n/a | 58% | 67% |
| Reviewing student test results with other teachers | n/a | 59% | 68% |
| Providing students with systematic and constructive feedback on their learning | 47% | 58% | 69% |
| Using data and assessments to inform classroom practice and instruction | 53% | 68% | 74% |
| Using assessment data to assess/identify students' strengths and weaknesses | n/a | 68% | 75% |
| Professional Responsibilities | | | |
| Assessing and improving practice through self-reflection and self-assessment | 48% | 59% | 67% |
| Downloading and using peer-reviewed learning experiences/units of instruction | n/a | 37% | 48% |
| Documenting learning experiences/units of instruction and sharing them with my colleagues | n/a | 51% | 61% |

** Due to changes made in the surveys, data are not available for all areas of instruction every year. Data on instructional changes were not documented in 2009.*

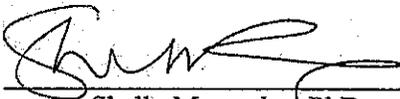
8. PICCS has been proven to be an effective model for producing changes in professional practice that are associated with an increase in student academic performance based on outcomes after five-years of implementation among the original cohort of PICCS schools. Measurement Incorporated collected student outcome data on New York State assessments for grades 3-8 for the period of 2006 (one year prior to implementation of PICCS as baseline data) to 2012 (the final year of the grant for the original cohort of schools). Over this seven-year period,

PICCS schools posted the greatest gains in both ELA and math student achievement when compared to other New York City charter schools (the original cohort was comprised solely of New York City-based charter schools) and all New York State public schools.

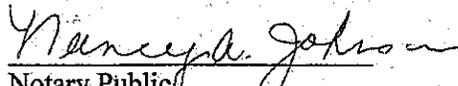
Gains in Student Achievement
Seven-Year Comparison
2006-2012

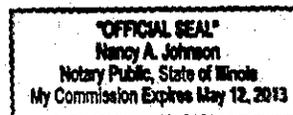
| NYS Assessment | NYS Schools | NYC Charter Schools | PICCS Schools |
|-------------------------------------|---------------|---------------------|---------------|
| ELA NYS assessments for grades 3-8 | 7 point gain | 11 point gain | 13 point gain |
| Math NYS assessments for grades 3-8 | 14 point gain | 27 point gain | 30 point gain |

9. Should CCS continue to accelerate its level of implementation of PICCS as it has over the 2012-2013 school year, research suggests that the school may be in a position to realize significant gains in student achievement over time.


Shelly Menendez, PhD

Sworn to before me this
15th day of April, 2013.


Nancy A. Johnson
Notary Public



AFFIDAVIT OF DANIEL S. RICIGLIANO

STATE OF NEW YORK)
)
COUNTY OF ERIE) ss:

DANIEL S. RICIGLIANO, being duly sworn, deposes and says:

1. I am the President of the Board of Trustees (the "Board") at COMMUNITY Charter School ("CCS") and am a certified public accountant in Buffalo, New York. I have a MBA from the State University of New York at Buffalo. I have taught accounting and income tax principles at Buffalo State College since 1975. I make this affidavit in support of CCS's charter renewal application.

History of CCS

2. CCS opened in 2002 to provide inner-city children with a safe education alternative to the failing Buffalo Public Schools. We started as a kindergarten-through fourth-grade school, and we later added grades five and six. After our initial charter, we were granted successive renewal charters, the last of which was a four-year charter that will expire on June 30, 2013. Today, 298 students are enrolled in the school. There are two classes per grade, and approximately 22 to 25 students are in each class. We have sixty-one employees.

3. From its inception until 2009, CCS's state assessment scores generally increased from year to year. When the State assessment scores for the 2010-2011 school year were released and we saw that they had fallen, the Board realized that widespread changes had to

be made at the school in order to increase academic performance. The Board immediately tasked its then-Principal, Carol Smith, with creating a plan to improve academic performance.

CCS's Education Consultants Are Making A Difference

4. At the beginning of the 2011-2012 school year, we contracted with Frank Herstek, Ed.D. to mentor Ms. Smith and act as a consultant to the Board. He conducted a culture and climate survey, and we learned that morale was low, the staff was concerned with the her leadership, and the she was not using best practices for instruction and was resistant to using them.

5. Over the next few months, as we worked with Dr. Herstek to identify CCS's challenges, we also continued to evaluate Ms. Smith. Based on the results of the evaluation, the results of the culture and climate survey, and other indications of poor leadership, the Board decided to place Ms. Smith on administrative leave and later terminated her.

6. The Board hired an interim Principal. She worked with the Center for Educational Innovation – Public Education Association (“CEI-PEA”) and Dr. Herstek to develop and implement a School Improvement Plan (the “Restart Plan”) designed to improve academic performance at the school. New York City schools used the Restart Plan with great success, and working with experienced expert consultants, we modified it to address and eliminate CCS's weaknesses. The Restart Plan is detailed in CCS's charter renewal application delivered to SED in August 2012.

New Leadership Team Is Engaged And Results-Oriented

7. The Restart Plan called for a strong academic leadership team. In September 2012, we hired Denise Luka, a school leader with years of experience and expertise with School Improvement Plans, as our Head of Schools. We also hired two assistant principals, ELA and Math instructional coaches, and a chief information officer (“CIO”).

8. The Board holds CCS’s leadership team accountable for academic improvement. Last summer, we implemented the Vanderbilt Assessment of Leadership in Education¹ tool to evaluate the effectiveness of our Head of Schools. The evaluation is a 360-degree, comprehensive tool that includes feedback from the Board, teachers, and other members of the leadership team. As shown in the organizational chart attached as Exhibit A, the Head of Schools reports to the Board, and the assistant principals, instructional coaches, and CIO report to the Head of Schools.

The Reconstituted Board Brings Expertise, Discipline, and An Expectation of Rigor

9. The Restart Plan also called for increasing the strength of our Board. We worked closely with leaders in the Western New York community, including Leadership Buffalo,² to recruit new Board members who have the necessary expertise to meaningfully contribute to the school. Our reconstituted Board has 11 members, including educators from BOCES, D’Youville College, and Buffalo State College, two attorneys, two CPAs, a former public school teacher, a parent, a local community activist, and the chief

¹ The PICCS incentive program in which CCS participates mandates the use of this well-recognized evaluation.

² Leadership Buffalo is an educational organization that provides extensive leadership training to members of the Buffalo-business community.

operations officer from the Boys & Girls Club of Buffalo, Inc. Each of our Board members has a unique skill set that benefits the school, and they are leaders in their professions.

10. The new Board members have gone through an induction program that includes training from our consultants about the Board's obligation to govern the school. Each Board member reviewed and agreed to abide by the Board's performance expectations, by-laws, and code of ethics. Sample copies of the Board member agreement and trustee performance expectations are attached as Exhibit B.

11. With Dr. Herstek's assistance, the Board created committees in the areas of education, accounting and finance, human capital management, and marketing. Our education committee meets with the Head of Schools, the assistant principals, and the CIO to analyze and reflect on student assessment data. The education committee then reports back to the Board on the progress the students are making, any adjustments the leadership team has decided to make to increase progress, and what additional resources, if any, are needed from the Board to promote academic improvement. Notably, CCS's leadership team now is required to report monthly on and provide analysis of data so that the education committee is fully apprised of academic growth and proficiency, challenges, strategies for addressing challenges, and outcomes. The transparency that comes with regular reporting improves the work product of our teachers, educational coaches, and leadership team – and what's most important – it increases academic rigor and outcomes for our students. The evidence since September reveals that there has been statistically-significant academic growth among our students in Math and ELA.

The Board Is Engaged In Its Professional Development Obligations

12. The Board participates in monthly professional development sessions on topics such as data evaluation, our conflicts of interest policy, the Open Meetings Law, and teacher evaluations. Dr. Herstek has trained the Board on CCS's charter commitments, goals, and the key elements of the Restart Plan. Naturally, we use that information to evaluate our leadership team's progress in implementing the Restart Plan. We also regularly invite management experts and members of other boards of education to observe our meetings and provide feedback and critique so that we can continue to improve as a governing body.

13. As part of the Restart Plan, we developed a self-evaluation tool for the Board. In contrast to the Boards of previous years, the reconstituted Board fully is engaged and prepared to hold each other and our chosen school leaders accountable for CCS's progress. Each Board member must perform a self-evaluation and is evaluated by the other Board members. As the Board president, I oversee this process, and if warranted, I will address any concerns with fellow Board members. We all must achieve positive evaluation results to remain on the Board.

SED's Site Visit and Non-Renewal Recommendation

14. In collaboration with our administrators and teachers, we are improving our school. The Restart Plan has worked in New York City schools, and it already is working at CCS. The unfortunate reality is, though, that when SED visited our school in September 2012, we had just implemented the Restart Plan and, as a result, had not yet fully embedded it into the school nor had we yet to see the positive growth that is readily evident today. Still, we thought that the overwhelming data and evidence we presented about the Restart Plan would give SED

confidence in its certain outcome – academic rigor and increased proficiency among our students. Many of our Board members had hoped to meet with SED during their September site visit to discuss this progress. However, the SED representatives waited until the day before the meeting to set the time, and I was the only Board member able to attend.

15. It was then more than three months before we were provided the draft site visit report. In January 2013, when we finally received the draft report, we were disappointed that SED did not credit any of the already-implemented strategies designed to improving academic performance. We immediately responded to the report in detail and addressed its inaccuracies, and we included pages of data showing our students' marked improvement. However, *Sally Bachofer told me that SED would not consider it*, because the response was supposed to be limited to correcting typographical errors.

16. I reached out to Deputy Commissioner Slentz to request another site visit so that SED could see the progress that we made. That correspondence is attached as Exhibit C. William Clarke and Sally Bachofer came to the school in February, and Denise Luka spoke with them at length about the school's growth.

17. It became apparent to me that SED credited the evidence of our academic growth because, on March 4, 2013, Mr. Clarke called to say that SED was recommending to the Board of Regents that our charter renewal application be granted. However, the next day, he called again and told us that we would be hearing from Deputy Commissioner Slentz about our

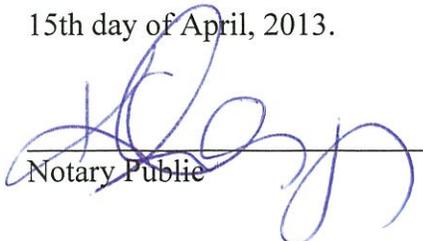
charter renewal application. Email correspondence memorializing these discussions is attached as Exhibit D. Mr. Slentz did not contact me thereafter.

18. Instead, on March 15, 2013, I received SED's formal notice that it plans to recommend that the Board of Regents deny our charter renewal application. Its recommendation is fundamentally flawed, because SED did not consider all of the available evidence of CCS's recent success, even though we provided that evidence to SED in our response to its site visit report and again when Mr. Clarke and Ms. Bachofer visited our school in February.

19. We now are providing that evidence (and more) to the Board of Regents. We understand that the Regents' Emergency Regulations compel the members of the Board to review our submissions, and we thank Your Honors for doing so. I wish to emphasize that we are submitting overwhelming proof that our students have shown remarkable growth as a result of our Restart Plan and the commitment of the professionals who serve those students. We know that CCS will succeed in the future if given the opportunity. We respectfully request that the Board of Regents grant CCS a three-year renewal charter.

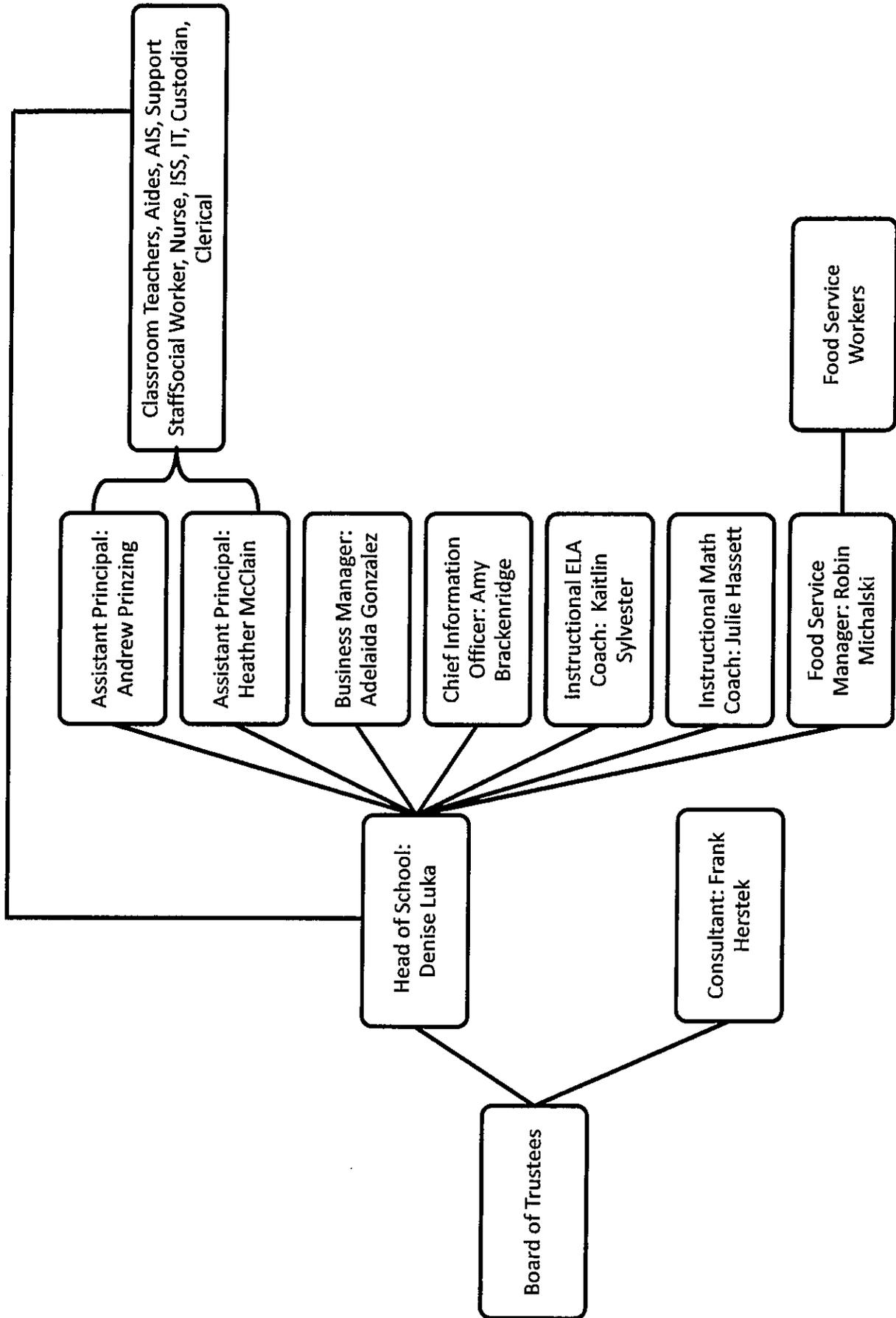

Daniel S. Ricigliano

Sworn to before me this
15th day of April, 2013.


Notary Public

KIMBERLY A. GEORGER
NOTARY PUBLIC, STATE OF NEW YORK
REGISTRATION No. 02GE6209221
QUALIFIED IN ERIE COUNTY
My Commission Expires March 30, 2017

COMMUNITY Charter School Organizational Chart



Attachment—Board Member Agreement and COMMUNITY Charter School Individual Trustee Performance Expectations

BOARD MEMBER AGREEMENT

COMMUNITY Charter School Board of Trustees

I, _____ understand that as a member of the Board of Trustees of COMMUNITY Charter School I have a legal and ethical responsibility to ensure that the school furthers its mission and achieves the objectives set out in its charter. I assert that I understand and support the purpose, mission and objectives of the school, and I will act responsibly and prudently as its steward.

I have read, understand and hereby commit to comply with the Governance Plan outlined in the charter, the school's by-laws and Code of Ethics and the Individual Trustee Performance Expectation document that outline my responsibilities to the school and to the Board. I will participate actively in monthly board meetings and carry out board and committee assignments. If I ever find myself in a situation where I am unable to fulfill these expectations I will resign from the Board.

I also agree to participate fully in the school's annual evaluation of Trustees. I understand that the evaluation is an essential element of the school's commitment to effectiveness and continuous improvement and that professional development for Trustees and other initiatives to support school governance will be based largely on data collected during the Trustee evaluation process. I further understand that a consistent rating of "effective" or higher is a condition of my continued service as a Trustee.

In turn, COMMUNITY Charter School will be responsible to me in several ways:

1. I will be sent, without request, monthly financial statements and an update of organizational activities that allow me to meet my "Duty of Care," "prudent person" and related responsibilities.
2. The school will support my development as a Trustee—and the continuous improvement of the board as a whole—by offering appropriate opportunities for professional development.
3. Board members and the Head of School will work in good faith with me towards achievement of our goals.

_____ Date: _____

Member, Board of Directors

_____ Date: _____

Chair, Board of Directors

_____ Date: _____

COMMUNITY Charter School Individual Trustee Performance Expectations

General Responsibilities:

Each Trustee is responsible for participating actively in the work of the COMMUNITY Charter School Board of Trustees and the life of the school. Each Trustee is expected to affirm and strive to fulfill the performance expectations outlined below. These expectations are to be clearly articulated prior to nominating any candidate as a board member. The COMMUNITY Charter School Board will nominate the candidate only after s/he has agreed to fulfill these expectations. In addition to the responsibilities below, individual Trustees are expected to help one another and the board as a whole to fulfill the responsibilities and requirements set forth in the charter, the by-laws, the Code of Ethics and the New York State Charter School Law.

Specific Responsibilities:

1. Believe in and be an active advocate and ambassador for the values, mission, and vision of COMMUNITY Charter School.
2. Work with fellow board members to fulfill the obligations of board membership.
3. Behave in ways that clearly contribute to the effective operations of the Board of Trustees:
 - * Focus on the good of the school
 - * Participate fully and meaningfully in board discussions and board and committee activities
 - * Participate fully and purposefully in Board training and other professional development
 - * Support board decisions once they are made
 - * Participate in annual evaluations of the board and of individual Trustees
 - * Build awareness of and vigilance towards governance matters rather than management.
4. Regularly attend board and committee meetings. Prepare for these meetings by reviewing materials and bringing the materials to meetings. If unable to attend, notify the board or committee chair.
5. Be prepared to contribute approximately 8-12 hours per month toward board service which includes:
 - * Attending a monthly regular board meeting
 - * Participating on at least one board committee
 - * Reading materials and preparing for meetings
 - * Attending events at the school, assisting with fundraising and other ambassador tasks as needed
6. Keep informed about the school and its issues by reviewing materials, participating in discussions, and asking strategic questions.
7. Use professional expertise and experience for the benefit of COMMUNITY Charter School.
9. Comply fully with the requirements regarding potential conflicts of interest set forth in the by-laws, the New York State Charter School Law and the General Municipal Law.

The logo for Juno Message Center, featuring a stylized 'J' icon followed by the text 'JUNO Message Center'.

From: Daniel Ricigliano <riciglia@juno.com>

To: kslentz@mail.nysed.gov

Cc: RegentBennett@mail.nysed.gov, dryan3@mail.nysed.gov, jreid@bonadio.com, littmamj@buffalostate.edu, saradelena@aol.com, browe@bgcbuffalo.org, tojon7@aol.com, tashamiller202@msn.com, kballard@e1b.org, gamblerj@dyc.edu, lawyerhoffman@aol.com

Sent: Wed, Jan 23, 2013 01:38 PM

Subject: Phone conference request

Ken Slentz, Deputy Commissioner, NYS Education Department

Dear Deputy Commissioner Slentz:

We am writing this email to provide you with information that we believe you should be aware of, as a result of two site visits conducted by the staff of the Charter School Office and the lead investigator Susan Gibbons.

We request a phone conference with you to make you aware of the **turnaround plan** that was enacted in August 2012, and has proved to be highly effective in the operations of Community Charter School, in Buffalo NY. The entire Board of Trustees is 100% behind the changes that have been enacted and support the school as a viable productive component of our community.

COMMUNITY Charter School is an urban school affected by a **97% poverty rate**. **Yet we believe that each and every child will succeed both socially and academically, given the number of changes implemented in our turnaround plan.**

During our phone conference we would like to focus on the following substantive changes that have taken place and more accurately reflect how the school is currently functioning.

We believe that the SED site review report does not fully reflect the impact of the changes that have been made, and said report paints a picture that distorts our students performance and the total impact of the climate and a culture focused wholly on student achievement.

The changes we will discuss are as follows :

1. School Governance, Leadership
2. Evaluation, Teacher Evaluation/Performance,
3. Merit Compensation,
4. Staff Development,
5. Data on Improved Student Performance/Rigor/Monitoring,
6. Parent Support,
7. legislative Support, etc.

We hope to be able to conduct this phone conference with our educational consultant, PICCS Staff and building leaders as well as with Board members.

Out of respect for your time we are available to do this on the following dates. January 28,30,31 or Feb.1. **An after hour conference** We are aware that the Board of Regents meets on February 11 & 12, and we hope to be able to express our experiences with the turnaround in hopes of having them grant us a 2-3 year extension to further our progress with these needy students : **Community Charter School.**

Thank you for your attention in this matter. (If necessary we will travel to Albany to meet personally.)
We await your response in order to plan accordingly.

Sincerely,
Board of Trustees
COMMUNITY Charter School
Daniel S. Ricigliano, Board President



404 Edison Avenue Buffalo, NY 14215
Phone (716) 833-5967 Fax (716) 833-5985
www.commcharter.org

Heather McClain
Assistant Principal

Denise Luka
Interim Head of School

Andrew Prinzing
Assistant Principal

January 24, 2013

The Board of Trustees respectfully requests another site team visit from State Education Department to reassess the changes that have been implemented at COMMUNITY Charter School since the September 2012 site visit.

Board of Trustees
COMMUNITY Charter School
Daniel S. Ricigliano, President

The logo for JUNO Message Center, featuring the word "JUNO" in a bold, sans-serif font with a small square icon to its left, followed by the words "Message Center" in a smaller, regular font.

From: Daniel Ricigliano <riciglia@juno.com>

To: WCLARKE@MAIL.NYSED.GOV

Sent: Fri, Mar 08, 2013 10:35 AM

Subject: Conference call

Dear Director Clarke

This email serves a written memorandum of understanding confirming our conference call with you on Monday, March 4, 2013 at approximately 4PM.

Present with you was Leslie Templeton. From Community Charter School, were myself, HOS Denise Luka, consultants Frank Herstek, Pat Pitts, Paulette Gandel.

During this call you indicated to us that SED would recommend to the Regents a one year renewal for Community Charter School from July 1, 2013 - June 30, 2014.

On Tuesday March 5, 2013, we again had another conference call with you at approximately 4:30PM, during which you indicated to us that Deputy commissioner Ken Slentz would be contacting us to discuss our renewal application.

If my understanding contains any inaccuracies, kindly inform me.

Daniel S Ricigliano
President, Board of Trustees
Community Charter School

AFFIDAVIT OF DENISE LUKA

STATE OF NEW YORK)
)
COUNTY OF ERIE) ss:

DENISE LUKA, being duly sworn, deposes and says:

1. I am the Head of Schools at COMMUNITY Charter School (“CCS”). I make this affidavit in response to the State Education Department’s (“SED’s”) decision to recommend to the Board of Regents that CCS’s charter renewal application be denied. Respectfully, SED’s recommendation does not take into account the many positive changes that we have made at CCS this past year or the data that reveals our students rapidly are improving in the areas of ELA and Math.

2. I accepted the Head of Schools position at CCS in September 2012. The Board of Trustees (the “Board”) was looking for a strong leader to implement a school improvement plan (the “Restart Plan”) designed by the school’s educational consultants from the Center for Educational Innovation-Public Education Association (“CEI-PEA”). For the last seven years, I have been an administrator, and I was a teacher for 19 years before that. I possess the necessary skills to increase the academic performance at the school. A copy of my curriculum vita is attached as Exhibit A. Prior to joining CCS, I was the principal at Buffalo Public School 59 (“PS 59”), a third-through eighth-grade school. CCS is a kindergarten-through sixth-grade school and, as I will discuss in more detail below, CCS is a considerably better learning environment than PS 59 in all respects.

The Restart Plan

3. When I began at CCS, I worked with CEI-PEA and devised strategies to accelerate the progress of the Restart Plan. The CEI-PEA Restart Plan has been used with success in New York City, and CCS already has shown strong improvements. A summary of the advancements we have made at CCS is attached as Exhibit B. A detailed explanation of the results of the Restart Plan was provided to SED in response to its September site visit report. That document is attached as Exhibit C.

4. When SED visited the school in September 2012, I had been there for less than three weeks, and many of the changes that we had put in place were still in the developing stages. Since then, we have seen positive results from the changes. As evident from the Restart Plan timeline and status chart attached as Exhibit D, and as discussed below, the majority of the changes now fully have been implemented.

5. Academic growth is a critical priority, and the Restart Plan initiatives already have resulted in academic growth. For example, the AIMSweb assessments that we administered in January and March show growth across all testing grades. We have drastically reduced the number of students needing intensive instruction.

Improvements In The Administrative Team

6. One of the first steps I took when I joined CCS was establishing a strong administrative team which we call the A-Team. Along with me, the A-Team includes two assistant principals responsible for asset development, discipline, and teacher observations; a

chief information officer who collects and analyzes student data and manages our mandated reporting; an instructional coach for ELA; and an instructional coach for Math. Both instructional coaches provide teachers with instructional support, share and discuss student data with teachers, facilitate horizontal grade-level meetings, and facilitate professional learning community (“PLC”) meetings for grade levels and subject-area teachers. The A-Team is results-oriented, transparent, and has internalized the high expectations of SED and the Regents. With the already-proven-successful Restart Plan, the A-Team will not rest until CCS students reap the benefits in all ways, including growth on State assessment tests.

7. Now that the A-Team is in place, the concerns about the instability of leadership team that were noted in SED’s September site visit report no longer exist. Indeed, the evidence collected during SED’s site visit indicates that the teachers felt that my new leadership team was making positive changes. SED’s site visit report states that the teachers “feel they have more input into professional development decisions than they have in the past. They feel accountable for student achievement, and claim to hold one another accountable.”

CCS’s Mission Embraces Rigor

8. We have refocused CCS’s mission to emphasize individualized learning plans (“ILPs”). In its September site visit report, SED concluded that teachers needed support collaborating with parents and students to create meaningful ILPs, and this now has been accomplished. In the beginning of the school year, we started transferring to a secure, web-based ILP program. Beginning with grades four through six, we have created ILPs for students who were targeted, based on data, and selected to participate in the PICCS pilot. The ILPs for those

students who are not scoring at proficiency on State assessments provide for additional tutoring through Huntington Learning Center which is present at CCS two days per week. Teachers meet in grade levels to discuss ILPs and monitor student growth. All of the parents with students in this ILP program attended our informational meetings, and they fully are involved with the creation of their child's ILP.

9. In keeping with CCS's mission, there now is a common definition of rigor that is known across the school, and it promotes increased rigor in the classroom which has resulted in improved academic performance.

Data-Driven Instruction Now Is The Norm

10. SED's September site visit report noted that CCS had a plan to increase the use of data in instructional decision-making, but the plan then was in its beginning stages. Because SED's site visit was at the beginning of the school year, the SED representatives were not present to witness the full effect of CCS's work. Through the AIMSweb program, an online assessment and data management program with a Response to Intervention tiered approach, we collect and analyze data from benchmark assessments. We also analyze data from assessments aligned with the New York State common core assessments that we administered in January and March. The results of these assessments show a marked improvement in academic performance. See Exhibit E.

11. CCS is part of the PICCS program lead by CEI-PEA. PICCS is an incentive program that ties teacher compensation to student achievement. The program has six

key components, including establishing professional learning communities, implementing teacher and leader evaluation systems, and developing and using a data warehouse. With respect to creating the data warehouse, there are 5 Steps and 19 Tasks in the process. When SED visited in September, we had reached Step 2, Task 5 of this process. We now fully have completed Step 2, and we already have worked through Steps 3 through 5 with respect to data from State assessments.¹ We currently are working through Steps 3 through 5 with respect to classroom data.

12. We share this data with teachers and teacher assistants at mandatory grade-level meetings, and it allows the entire team to identify possible areas of weakness in instruction as well as students who require additional support. We also have a new grading policy that accurately reflects the students' learning progress and a user-friendly reporting system to effectively communicate this information to parents.

Engaged Instructional Support Has Made A Difference Already

13. All teachers now receive extensive administrative support with preparing lesson plans. We require that they submit their lesson plans to the A-Team a week before the lessons are taught, and we review the plans and provide feedback so that they can modify their lessons if necessary before delivering them. We provide teachers with additional support through professional development focused on improving instruction practices. The A-Team informally observes each teacher and teacher assistant *at least once every two weeks* and provides immediate feedback based on the SED-approved Charlotte Danielson Framework for

¹ Step 3 is verifying causes, Step 4 is generating solutions, and Step 5 is implementing, monitoring, and achieving results.

Teaching.² We also use the Danielson Framework to formally evaluate teachers and teacher assistants in accordance with CCS's annual professional performance review plan and in connection with PICCS incentives.

14. The master school-day schedule has been revised to optimize the time available for purposeful instruction, and the new Math and ELA instructional coaches have established a common curriculum. There now are curriculum maps for all grades and subject areas, and the instructional coaches support our teachers in order to ensure universal implementation of the curriculum.

Intensive Classroom Support Has Been Implemented

15. Another part of the Restart Plan is maximizing the use of our teacher assistants. There is one teacher assistant in each classroom, and 70% of the teacher assistants are certified teachers. They circulate throughout the room, working with students individually and in small groups to support the skills taught by the teachers and assist with students who need more individualized instruction. A copy of our teacher assistant job description is attached as Exhibit F.

16. We have increased the use of technology in the school. As part of our technology plan, two technology teachers provide support in all of our classrooms. The classrooms are equipped with interactive white boards, and we have a mobile computer laboratory. In September 2012, SED criticized the teachers' ability to use this new technology

² The Charlotte Danielson Framework for Teaching is a research-based set of instructional components used nationally to evaluate teachers, and it is the evaluation tool chosen by the PICCS incentive to evaluate teacher performance under that program.

but failed to note that, at the time of the site visit, the teachers had only possessed the technology for two weeks. If SED representatives were to visit CCS today – and I welcome such a visit – they would see that the classroom teachers and teacher assistants have full mastery of all our new technology, and the technology teachers provide support to ensure that technology is fully incorporated in the curriculum.

Our Community Is Diverse, Engaged, and Needy

17. CCS also has made strong outreach efforts to enroll diverse students, including English language learners (“ELL”). CCS has contacted over a dozen local businesses, such as supermarkets located in neighborhoods with considerable immigrant populations, and has enrollment-information display tables in those businesses. We also reached out to community centers that service immigrant families and encouraged the families to enroll their children in CCS. We succeeded in enrolling five additional ELL students.

18. The student population at CCS is diverse. Almost 100% of our students identify themselves as being in a racial minority. They come from the most violent and poor neighborhoods in Buffalo. In fact, the most recent State-wide data shows that 93% of our students are eligible for free-and-reduced price lunches (our internal data reveals that number currently is even higher). CCS has a team-based approach to guarantee that these students receive the physical and emotional support that they need. We reach out to parents every day to ensure that our students are getting to school, and we have a 93% attendance rate as a result. We have a nurse and a social worker who provide services for those students who come to school sick, in need of medical attention, without clean clothes, or in need of emotional support.

Through the Western New York Food Bank Backpack program, we send food home with our children on the weekends. We organize food drives over Thanksgiving and Christmas, provide clothing and other donations to families in crisis, and we provide counseling and parenting classes for our families.

19. CCS has a strong Family-Teacher Organization (“FTO”) that meets monthly. Through the FTO, CCS has increased communication between teachers and parents concerning instruction. The FTO was instrumental in the success of CCS’s ILP program. It also plans family events at the school. This year, we have had a family fun night, a community meal to celebrate Thanksgiving, a cookie exchange during the December holiday season, and a Black history month celebration. We have an international festival and an end of the year picnic planned for June.

20. In addition to our family activities, the students are involved with extracurricular and community activities that are housed at, or supported by CCS, such as sports, chorus, Boy Scouts, cheerleading, and Girls on the Run, a program that builds self-esteem in young girls by training them to run a 5K race. We teach our students about civic responsibility through partnerships with agencies such as the Western New York Recycling Coalition. Our students also interact with the local community through our afterschool program with the Boys and Girls Club of Buffalo. Indeed, that agency, the Boy Scouts of America, the Common Council of the City of Buffalo, and local representatives from the New York State Legislature all support CCS in its renewal bid. Copies of their letters are attached as Exhibit G.

Safety and Discipline Is A Priority And Sets CCS Apart

21. Despite the multitude of programs and services that we provide for our students, we find that many parents enroll their children in CCS because it is a safe alternative to the unsafe Buffalo Public Schools, and our safe environment was noted during SED's site visit. Since then, we have instituted even more effective safety measures to ensure the protection of our students.

22. We pride ourselves on the discipline and order in our school. Over the past year, we have introduced behavior management programs in the classrooms. Students who exhibit positive behavior are awarded with tickets to exchange for school bookstore items. We also have a color system to track student behavior throughout the day. Each student starts on a neutral color, and if they exhibit positive behaviors, their color is moved to green. If they exhibit negative behaviors, they move to yellow and then red, which requires reflection on their behavior and its consequences. As a result of these and other interventions, the already low in- and out-of-school suspension rate has been further reduced.

Comparison Schools Reveal Approving The Renewal Provides A Significant Educational Benefit

23. The environment at CCS is stable and conducive to learning. This is a direct contrast to the environment at the local Buffalo Public Schools that the CCS students would attend if CCS were shut down. PS 59 is one of those schools, and I was a principal there for three years.

24. From my personal experience in the BPS, I am able to draw comparisons between, for example, PS 59 and CCS. CCS always has locked doors where, at PS 59 (a 3-8 building), the front door locks often were not secure, and people could enter the building without authorization. This led to incidents of violence in the school. In contrast, CCS is a secure building.

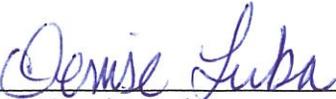
25. While at PS 59, I found that I simply did not have enough adults in the building to maintain order. Many classes had 30 or more students, and there were repeated acts of violence and sexual misconduct.

26. PS 59 is not the only school where these conditions exist. I also worked as a staff developer for the Buffalo Public Schools, and I traveled to other elementary schools in the same neighborhood as CCS. In contrast, at CCS, students have a safe and bright environment in which to learn. Having been in education for 26 years, it is my opinion that shutting down CCS and forcing the students to attend the local neighboring Buffalo Public Schools will cause actual harm to them.

Conclusion

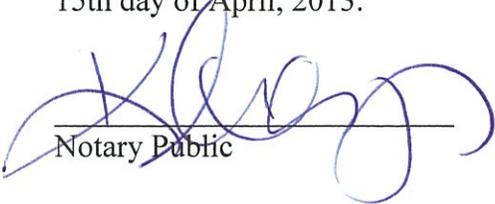
27. I lead CCS's administration. I know and appreciate the Regents' desire for increased rigor. My team and I are devoted to ensuring that this school is yet another in the string of successes using the CEI-PEA Restart Plan. We already have accomplished a statistically-significant increase in the assessment scores of our students on the AIMSweb assessment, which Dr. Finn discusses in his affidavit. Given the undeniable evidence of CCS's

significant positive growth and its history as a secure and nurturing educational environment, I respectfully request that the Board of Regents grant CCS a three-year renewal charter so that our students are not forced into the Buffalo Public School system.



Denise Luka

Sworn to before me this
15th day of April, 2013.



Notary Public

KIMBERLY A. GEORGER
NOTARY PUBLIC, STATE OF NEW YORK
REGISTRATION No. 02GE6203221
QUALIFIED IN ERIE COUNTY
My Commission Expires March 30, 2017

EXHIBIT A

Denise Luka
746 Columbus Parkway
Buffalo, New York 14213
(716) 474-0094
Deniseluka@gmail.com

Certification Areas:

2005-2006 **Certificate of Advanced Study in Educational Administration**
(SAS 2005, SDA 2006)

1994 **Reading Teacher**

1994 **English Teacher**

Education:

2008-2009 **Instructional Leadership Development Academy, Buffalo Public Schools**
Certificate of Completion

2006-2007 **Greater Buffalo Leadership Academy, Buffalo Public Schools**
Certificate of Completion

2004-2006 **Canisius College, Department of Educational Administration**
Certificate of Advanced Study in Educational Administration ~ GPA ~ 4.0

1990-1993 **State University at Brockport, Department of Education**
Master of Science in Reading Education ~ GPA ~ 3.9

1983-1987 **State University at Potsdam, Department of English**
Bachelor of Arts in English Education ~ GPA ~ 3.1

Teaching Experience:

2006-2007 **Staff Developer**
Buffalo Public School District

2004-2005 **Developmental Reading Teacher and AIS Coordinator, grade 6**
Batavia Middle School, Batavia City School District

2003-2004 **AIS Reading Teacher and Learning Center Coordinator, grade 8**
Batavia Middle School, Batavia City School District

1988-2003 **English Language Arts Teacher, grade 7**
Batavia Middle School, Batavia City School District

1987-1988 **English Language Arts Teacher, grade 9**
Churchville-Chili High School

Administrative Experience:

| | |
|--------------|--|
| 2012-present | Head of School Community Charter School |
| 2009-2012 | Principal Dr. Charles R. Drew Magnet School of Science, Buffalo Public Schools |
| 2007-2009 | Assistant Principal Bennett High School, Buffalo Public Schools |
| 2005 | Substitute Building Administrator City Honors High School, Buffalo Public Schools |
| 2005 | Administrative Intern Office of Curriculum, Buffalo Public Schools |
| 2005 | Administrative Intern South Park High School, Buffalo Public Schools |
| 2004-2005 | Administrative Assistant Batavia Middle School, Batavia City Schools |
| 2000-2004 | ELA Department Chairperson, grades 6-8 Batavia Middle School, Batavia City Schools |

Related Training and Coursework:

- Observation and Analysis of Teaching Training ~ 2012
- Unleashing the Power of Collaborative Inquiry Training ~ 2012
- LETRS Training ~ 2011
- Data Coaching Seminar ~ 2011
- Positive Behavior Intervention System Trainings ~ 2010-2012
- Buffalo Public Schools Instructional Leadership Development Academy ~ 2009-2010
- Institute of Academic Achievement Winter Institute ~ 2009
- Institute of Academic Achievement Administrators' Retreat ~ 2009
- Buffalo Public School Teacher Assistant Evaluation Tool Committee ~ 2009
- Violent and Descriptive Incident Report Seminar ~ 2008
- Buffalo Public School Improvement Plan Committee ~ 2008
- Data Analysis Seminar ~ 2008
- Institute of Academic Achievement Summer Institute ~ 2008
- Gang Violence Training ~ 2007
- Buffalo Public School District Summer Retreat ~ 2007
- Institute of Academic Achievement Summer Institute ~ 2007
- Buffalo Public School District Literacy Leadership Team Member ~ 2006-2007
- Buffalo Public Schools Aspiring Administrators' Leadership Academy ~ 2006-2007
- Buffalo Public School District Literacy Walk-Through Team Member ~ 2006-2007

- Charlotte Danielson's, "Framework for Teacher Evaluation" Training ~ 2005
- New York State Certified School Violence Program ~ 2005
- Association for Supervision and Curriculum Development (ASCD) Member ~ 2004-present

Leadership Experiences:

Principal, Dr. Charles R. Drew School of Science, Buffalo Public School District

- 2009-2012
- Change agent, oversee day-to-day school-based operations, instructional leadership, develop and implement action plan for sustained school leadership, create and monitor effective school climate for academic achievement of all students, collect, analyze and disaggregate behavioral and academic data to make informed decisions, support, monitor and assess high-quality/effective instruction, create, maintain and strengthen community and parental relationships, advocate for children, coordinate and facilitate professional learning opportunities and implement district-wide initiatives

Assistant Principal, Bennett High School, Buffalo Public School District

- 2007-2009
- Assist the principal with day-to-day school-based operations, instructional leadership, implement the Institute of Academic Achievement Smaller Learning Community model, provide literacy-based professional development to faculty and staff, conduct learning walks, observe and evaluate faculty, advocate for children, facilitate book studies, create and implement an action plan, support, monitor and promote district-wide initiatives, facilitate professional gatherings, monitor established targets, collect and disaggregate data, school discipline, facilitate parent conferences, collaborate with outside student support agencies and supervise student advisory program

Administrative Assistant and Intern, Batavia Middle School and Buffalo Public School District

- 2004-2005
- Batavia Middle School...AIS Extended Day Coordinator, Very Important Pupil Coordinator, and Improved Literacy and Numeracy Parent Volunteer Program Initiator and Coordinator
- Buffalo Public School District...Myriad of literacy-based initiatives and district-based experiences through Department of Curriculum

References:

Mr. John Jakubowski

Retired Principal ~ Batavia Middle School

96 Ross Street

Batavia, New York 14202

(585) 561-0808

Dr. Joseph Melvin

Superintendent Essex County Public Schools

Box 756

Tappahannock, Virginia 22560

(804) 443-4366

Dr. Catherine Battaglia

Retired Community Superintendent ~ Buffalo City Schools

62 Ivy League

Buffalo, New York 14202

(716) 308-3001



Heather McClain
Assistant Principal

Denise Luka
Head of School

Andrew Prinzing
Assistant Principal

Mission Statement

The mission of COMMUNITY Charter School is to improve student learning and achievement, and to meet or exceed the New York State Common Core Learning Standards. COMMUNITY Charter School is committed to providing students with the knowledge they need for academic achievement and social-emotional development. We are dedicated to providing learning opportunities for all students via individualized learning plans, data-driven instruction and communication between home and school. Utilizing the Search Institute's Developmental Asset model, students will acquire the necessary characteristics in order to be well-rounded, productive citizens and able to adapt to an ever-changing global society.

Authorizer: NYS Board of Regents
Enrollment: 298

Management Company: None
Grades Served: K-6

| | |
|----------------------------|-----|
| Economically Disadvantaged | 97% |
| Special Education Rate | 10% |
| Attendance Rate | 95% |
| African-American Students | 97% |
| White | 1% |
| Other | 2% |

Charter Term History

2001-2006
2006-2007
2007-2009
2009-2013

At COMMUNITY Charter School, we believe all students are capable of learning. A school Improvement Plan has been devised to include the following initiatives. This work is being accomplished through a partnership and collaboration with the Center for Educational Innovation-Public Education Association (CEI-PEA).

These initiatives describe the scope of the work **currently** being implemented to support teaching and learning, with the intended outcome of improved academic achievement:

- Established new leadership team consisting of Head of School, two Assistant Principals (responsible for asset development and discipline), and newly created positions of a Chief Information Officer, Instructional Literacy Coach and Instructional Numeracy Coach

- Maximized instructional day, due to revised master schedule (emphasis on purposeful, rigorous bell-to-bell instruction)
- Established an accountability system with a school-wide lesson planning template and expectations that tracked through weekly submissions
- Established mandatory grade-level meetings used as a tool for improved collaboration and data analysis
- Refocused our charter requirements for Individual Learning Plans (ILPs) through the use of technology and programmatically developed for targeted students, grades 4-6 (pilot program); Huntington Learning will provide after-school assistance to these students, as well
- Clarified and strengthened role of teacher aides (one per classroom, of which 12/14 are certified teachers) to support goal of improved student achievement, of which the administrative team oversees, rather than classroom teacher
- Instructional Leadership Team to promote distributed leadership which will result in school-wide decision making to engender a sense of ownership and community
- On-going, focused professional learning opportunities to support school-wide goals and individual faculty/staff needs. Programs are reviewed on a bi-annual basis
- The use of the Data-driven Dialogue process, as a systems change to emphasize the use of multiple data sources through triangulation (common formative assessments, summative assessments, parallel state assessments) to make informed instructional decisions and to be communicated to the Board of Trustees on a bimonthly basis
- Instituted a purposeful school-wide assessment calendar
- Professional Learning Communities devised to promote school-wide collaboration to engage a culture of "We", where all stakeholders are responsible for the success of students
- Charlotte Danielson Framework for Teaching, system to ensure teacher quality (APPR)
- Enhanced technology school-wide with addition of Polyvision Interactive White Boards and a mobile computer laboratory
- Reconstituted Board of Trustees to include financial, curricular and legal expertise for stability. The Board of Trustees has been expanded to eleven members.
- Home-school connection strengthened through the Family Teacher Organization (FTO) with a targeted communication plan that includes written and verbal contact
- Curriculum mapping of literacy and numeracy series to align with Common Core State Standards
- Implemented learning walks to provide immediate feedback to improve pedagogy
- Celebrating academic success through honor/merit roll recognition
- Diversity Plan developed and implemented to diversify school population...all application materials translated into Spanish (target audience refuge and Hispanic population of Buffalo's West side)
- Created a culture of trust and collaboration...a shift
- Developed and implemented Board of Trustees Committees...Budget and Finance, Education, Human Capital Management and Marketing
- Devised and implemented a Security Improvement Plan
- Implemented a school-wide literacy initiative
- Devised a office discipline referral document, to ensure precision in Violent and Disruptive Incident Reporting (VADIR)
- Established a partnership with Erie County Library Association

- Weekly A Team “Teacher Talk” meetings held to promote accountability and targeted instructional support
- Technology Plan development and implementation, to include the addition of two technology lead teachers, to serve in capacity of targeted technology support
- A monthly newsletter is created and disseminated to all CCS families, with articles written by each CCS administrator and faculty member
- Partnership established with Regional Charter School Consortium

For additional information, please contact Denise Luka, Community Charter School Head of School

dluka@commcharter.org

716-474-0094

COMMUNITY Charter School Response to NYSED Site Visit Report

Date of Site Visit: September 26-27, 2012
Date of Report: January 17, 2013
Date of Response: January 25, 2013

1. INSTRUCTION

Finding: After observing more than thirty classrooms during the two-day visit, minimal evidence of high quality, rigorous instruction was found. Additionally, instructional practices were not aligned to or reflective of the key design elements.

1a. NYSED Evidence: During the renewal site visit, team members visited twenty-seven classrooms, covering all grade levels and subject areas. Learning objectives were posted in many classrooms, but only about a third of the teachers communicated these objectives. Very few classes demonstrated appropriate use of instructional methods to maximize student learning. In most classrooms, checks for understanding, differentiation to meet individual student needs, and student feedback were not observed. While technology use was attempted in many classrooms, some teachers were observed struggling with use the equipment.

One of the school's foundational components is rigor; however, rigor was lacking in most classrooms observed. Additionally, the level of student engagement in learning varied considerably from one classroom to another. In many of the twenty-seven classrooms observed, students weren't outwardly disruptive, but were not actively engaged in the lesson either. For example, students weren't tracking the teacher, were distracted, or only a few students were contributing to the discussion. Teachers generally did not address these inattentive students unless they were outwardly disruptive. Observations showed almost 100% direct instruction, one "right" answer, and little to no follow up for incorrect responses. The site visit team observed whole class instruction almost three times as often as small groups, four times as often as independent learning, and over six times as often as pairs. There was no lesson adjustment for creativity, curiosity or individualization, despite claims of differentiated instruction, and pacing was uneven.

1a. COMMUNITY Supplemental Evidence: During Fall 2012, the focus of professional development at COMMUNITY has been on improving instructional practices to better align them with the school's key design elements. As proposed in COMMUNITY Charter School's renewal application, the school hired two Instructional Coaches (one for ELA and one for Math) this year in order to work directly with teachers in improving their instructional practices. Using the Danielson Framework for Teaching, each of our Instructional Coaches (ELA and Math) and each member of the Administrative Team conduct at least 8 weekly walk-throughs (for a total of 40 weekly walk-throughs) from which they provide teachers and teacher aides with immediate informal feedback in two forms: 1) evidence summaries from walk-throughs tied to specific Danielson Domains and Components; 2) summary of "Glows" and "Grows" that provides specific feedback and suggestions on what is/is not working in the classroom. Attached are samples from these walk-through documents (teachers' names blacked out) that demonstrate the focus on key issues addressed in the NYSED evidence cited above, including communication of learning objectives, checking for understanding, differentiation, student feedback and technology use. (See Attachment 1.) The goal with this ongoing informal feedback is to provide specific strategies for teachers and teacher aides to use in their own classrooms to meet the key design elements rather than just provide professional development in the abstract.

The Instructional Coaches established a common definition of “rigor” at the outset of the school year. The definition and related strategies for achieving rigor are based on Barbara Blackburn’s work¹ and the Instructional Coaches have used the following process to help teachers increase rigor in their classrooms:

1. Establish a common definition of “rigor” across all classrooms. Definition: Rigor is creating an environment in which each student is expected to learn at high levels; each student is supported so he/she can learn at high levels, and each student demonstrates learning at high levels. This definition and related documents that outline the elements of rigor and strategies for achieving rigor are on display in all classrooms to help teachers maintain a shared focus.
2. Teachers reflect on the definition of rigor in relation to their current classroom practices. The Instructional Coaches facilitated professional learning community (PLC) meetings for grade levels and subject area teachers to help them reflect on their current practices in relation to the aspects of content, complexity, support, guidance, focus and expectations.
3. Teachers discuss key strategies to increase rigor in their classrooms. The Instructional Coaches facilitated professional learning community (PLC) meetings for grade levels and subject area teachers to discuss 18 specific strategies for increasing rigor in their classrooms:
 - Raise level of content - Valuing depth
 - Raise level of content - Creating connections
 - Raise level of content - Increasing text difficulty
 - Raise level of content - Reviewing not repeating
 - Increase complexity - Complexity through projects
 - Increase complexity - Complexity with vocabulary
 - Increase complexity - Complexity in writing
 - Increase complexity - Complexity with review games
 - Give appropriate support and guidance - Scaffolding during reading activities
 - Give appropriate support and guidance - Providing clear expectations
 - Give appropriate support and guidance - Modeling expected instructional behaviors
 - Give appropriate support and guidance - Chunking big tasks
 - Open your focus - Open ended questions
 - Open your focus - Open ended choices for students
 - Raise expectations - Expecting the best
 - Raise expectations - Learning is not optional
 - Raise expectations - Expanding the vision
 - Raise expectations - Tracking progress
4. Classroom observations document practices related to student engagement. The Instructional Coaches conducted observations to document the amount of time students are engaged during an instructional period in the following: teacher lecture, individual student response during lecture/discussion, partnered or small group discussions, individual written responses, project or creative-based responses (individual, partner or small group). After the class session, the Instructional Coach and teacher review the amount of time students spent in various forms of engagement and then developed strategies to adjust the teacher’s lessons in order to increase student engagement based on the strategies listed above (see 3, above).
5. Continual review and revision of instructional practices. The elements of rigor and strategies for achieving rigor are embedded in the weekly walk-throughs and are evident in the documentation and recommended strategies for improvement that are provided to teachers following the walk-through.

1b. NYSED Evidence: Teachers stated that a common curriculum and consistent writing rubrics were lacking at COMMUNITY. While the School claims the use of the workshop model, there was no evidence of its implementation. While lesson plans were not a requirement throughout the course of the school’s

¹ See <http://www.barbarablackburnonline.com/rigor/>

term, they are recently a requirement for all teachers. The school leader requires that teachers to follow a common format, and lesson plans are reviewed weekly by administrators.

1b. COMMUNITY Supplemental Evidence: The Instructional Coaches that started in Fall 2012 established curriculum maps for all grades and subject areas. (See sample curriculum maps – Attachments 2 and 3.) These curriculum maps were distributed to teachers in October and reviewed on grade level and by subject area to ensure that teachers understand and are in agreement with the maps. In conjunction with this, teachers were provided with a guide and template for preparing lessons plans (see Attachments 4 and 5). Teachers were assigned to one of the three school administrators as the official reviewer for their lesson plans. Teachers submit their lessons plans to the administrator the Thursday prior to the week that the lessons are being taught and feedback is provided on Friday so that teachers can make appropriate modifications during prep periods on Friday or over the weekend. Currently, all teachers have up-to-date lesson plans. (See Attachments 6, 7 and 8 for sample completed lesson plans and the feedback provided by administrators.)

1c. NYSED Evidence: While Individual Learning Plans (ILPs) are a key design element, they are not fully implemented as intended. The existing ILP (Individualized Learning Plans) system is a form-based system in which the following information is intended to be maintained throughout the school year: student information, assessment data, areas of strength, improvement goal(s), intervention strategies, and asset development. The school acknowledged that the ILPs are good tools for planning purposes; however, in practice they are not used as intended. School leaders expressed the intent to more fully implement this system in the future through the Data Warehouse, which will allow teachers and parents access to information about individual students. Teachers will need support in collaborating with parents and students to create ILPs that are meaningful in the context of instruction.

1c. COMMUNITY Supplemental Evidence: The school began the process of transitioning from paper to a new web-based Individualized Learning Plan (ILP) program in Fall 2012. Teachers in grades 4, 5, and 6 are piloting the new program. They used spring 2012 NYS assessment data to initially identify students as ILP students. In order to prepare and support these teachers in implementing the new ILP program, CCS has done the following:

- Provided in-depth training in the use of the online ILP tool through the PICCS initiative.²
- Established and published an implementation timeline for the 2012-2013 school year. (See Attachment 9.)
- Informed parents of students assigned ILPs and held informational and parents meetings to make sure that parents understand the process and involve them in the creation of the ILP. (See Attachments 10 and 11.)
- Contracted with the Huntington Learning Center to provide ILP students with afterschool tutoring.
- Teachers meet in grade levels to discuss ILP student goals and monitor progress.
- Teachers meet (all) bi-monthly to discuss implementation, receive additional training in the web-based ILP tool and ensure fidelity of implementation.
- Identified ILP coaches—teachers who have been highly effective in implementing the new ILP process—to help roll out implementation to additional grade levels.

1d. NYSED Evidence: The site visit team observed minimal differentiation in the classrooms at COMMUNITY Charter School. However, the School does claim to provide specialized services to the 12 students with disabilities by utilizing the three special education teachers who “push in” to classes to work with these students. There are currently no English language learners enrolled.

² As discussed in the CCS charter renewal application, CCS is part of a federal-funded initiative known as PICCS (Partnership for Innovation in Compensation for Charter Schools) that provides a wide range of professional development services and resources to the school, including assistance in building data cultures, mapping curriculum, implementing differentiated instructional strategies such as Individualized Learning Plans (ILPs), implementing teacher and school leader evaluation systems, establishing professional learning communities (PLCs) and more. For more on the PICCS initiative, please go to www.piccs.org.

1d. COMMUNITY Supplemental Evidence: Please see 2. ASSESSMENT AND INSTRUCTIONAL DECISION MAKING for information about how teachers are learning to differentiate instruction through a data-driven decision making process. In terms of Special Education, following is a summary of students served, compliance status, and the school's strategies to provide high quality services to students with special needs:

- Thirteen students with LD or OHI classifications receive Consultant and/or Resource Room services and may receive related services as stated on their IEP's. Please see Attachment 12, which provides an overview of the students (names blacked out for confidentiality) and the services provided. For a brief description of the students' goals, program modifications and testing accommodations, please refer to the students' information forms, which are also included in Attachment 12.
- Nine students with 504 Plans are provided their level of service and/or program modifications as stated on their 504 Plans.
- Eighteen students with classifications as Speech Impaired have services provided by staff from the Buffalo Hearing and Speech Center. The center also provides the OT and PT services.
- Students' Initial, Annual Review, Reevaluation and 504 Plan meetings are in compliance. Parents are provided reminder letters/calls for upcoming meetings and if they are unable to attend, they are given the option of participating via a conference call. Parents are updated on their child's progress at other times throughout the year through phone calls, parent conferences, notes home and quarterly progress reports.
- Special Education Teachers collaborate with classroom teachers weekly and on an as needed basis. Special Education Teachers provide push-in services to students with CT services on their IEP's. These push-in services may include instructing a small group, providing program modifications, testing accommodations, and circulating to assist the special education student/s and/or any student in need of assistance. Pull-out services are provided to students with Resource Room services on their IEP's.
- The Child Study Team (CST) meets weekly to discuss student concerns. Current intervention data is reviewed as well as additional interventions implemented, as needed. Parents are contacted prior to their child's CST meeting, and a follow-up parent letter is sent home with each student with student goals, interventions and strategies to implement at home. The team reviews students' progress every six weeks with a follow-up letter updating progress. If the team recommends a referral to the Buffalo CSE, the parents are contacted, and if they are in agreement, the referral paperwork is completed and delivered to the CSE in a timely manner.
- If the CST, parent, or other professional requests an initial multi-disciplinary evaluation for a student, the student is treated as a student suspected of having a disability and is disciplined as a student with a disability. This school year there haven't been any students suspected of having a disability that have had a five-day consecutive out-of-school suspension or a ten-day cumulative in-school and/or out-of-school suspension.
- The Assistant Principal, Main Office Staff and Special Education Coordinator are in regular communication to ensure that students with disabilities and those suspected of having a disability are disciplined as a student having a disability. The Special Education Coordinator provides the Assistant Principal and Main Office staff with regular updates of these students, and in turn the Main Office staff provides the Special Education Coordinator with copies of Behavior Referrals of these students. The Special Education Coordinator records the students' ISS/OSS count for the purpose of requesting a Manifestation Determination Review, if warranted.

2. ASSESSMENT AND INSTRUCTIONAL DECISION MAKING

Finding: Although the school has a plan to increase the use of data to inform instructional decisions and promote student learning, the processes and strategies for implementation remain in the beginning stages.

2a. NYSED Evidence: The use of data in instructional decision-making was not observed. However, COMMUNITY has identified assessment and instructional decision-making as an area of programmatic growth. As a step to strengthen their data analysis capacity, COMMUNITY joined PICCS (Partnership for Innovation for Compensation for Charter Schools) in the fall of 2010. PICCS has provided the school with support in areas such as teacher evaluation and setting instructional expectations, and using data to inform instructional practice. PICCS has a five-step process for developing a data culture. According to school leaders, the school is currently on Step 2, Task 5 (out of 5 Steps, 19 Tasks) "Identifying a Student - Learning Problem" and "Building Data Literacy." The purpose of assessment data was unclear or unknown to most staff members when asked during the focus groups. Additionally, teachers were not using data to inform and guide instruction. School leaders spoke of targeting instruction to focus on students scoring in the middle range (scoring a 3 or 4) on New York State Assessments students, but this strategy has not yet been implemented and was not confirmed by observations.

2a. COMMUNITY Supplemental Evidence: Throughout Fall 2012, COMMUNITY Charter School moved intensely to advance development of a data culture and has moved teachers through all of the Tasks related to Step 2 in the PICCS Data Culture Development process:

Step 2 – Identifying a Student-Learning Problem

Task 5 – Build Data Literacy

Task 6 – Drill Down into Aggregate-Level Analysis

Task 7 – Drill Down into Disaggregate-Level Analysis

Task 8 – Drill Down into Strand-Level Analysis

Task 9 – Drill Down into Item-Level Analysis

Task 10 – Examine Student Work

Task 11 – Drill Down into Formative Assessments and other Local Student-Learning Data Sources

Task 12 – Identify a Student-Learning Problem and Goal.

Using the Data Warehouse, teachers developed and studied reports on student performance on common assessments (Task 5) to address the following (we note the Tasks addressed):

- Understand class performance at broad proficiency levels (Tasks 6 & 7)
- Examine those standards where a significant portion of the class did poorly (Task 8)
- Drill down to look more specifically at individual student performance (Tasks 8 and 9)
- Analyze items by question and student response (Tasks 9 and 10)
- Compare student performance on standards throughout the year based on interim assessments conducted every 6 to 8 weeks (Task 11)
- Identify trends over time at the individual student and classroom levels (Task 12).

Attached are sample reports from the Data Warehouse that show the kinds of data utilized by teachers throughout Fall 2012 (and ongoing) to identify student-learning problems. (See Attachment 13.)

Throughout Fall 2012, teachers worked with their supervisors to use this data to develop curricular and instructional practices that meet the needs of students in their classrooms. This has led to an increase in use of small-group instructional practices and given specific instructional goals to the teacher aides, who are able to work one-on-one with students to address areas of deficiency. As a sample of work conducted school wide, Attachment 14 provides photographs of the Grade 5 Math analysis process that all Grade 5 teachers engaged in at the outset of the school year. This process was then carried down to the individual classroom and student levels, as describe above in the Task process.

In Spring 2013, COMMUNITY Charter School is moving to the next level of building a data culture by entering the next three steps in the process, which move beyond identifying individual student needs and targeting learning practices. These steps help lead to larger reforms in curriculum and instruction that will naturally align with COMMUNITY's original key design elements:

Step 3 – Verifying Causes

Task 13 – Conduct Cause-and-Effect Analysis

Task 14 – Verify Causes through Research and Local Data

Step 4 – Generating Solutions

Task 15 – Build Your Logic Model

Task 16 – Refine Outcomes and Strategies

Task 17 – Develop a Monitoring Plan

Step 5 – Implementing, Monitoring & Achieving Results

Task 18 – Take Action and Monitor Results

Task 19 – Celebrate Success and Renew Collaborative Inquiry.

2b. NYSED Evidence: Recent changes to the data collection process include new local assessments, and the hiring of the Chief Information Officer (CIO), whose basic responsibilities include the collection, distribution, and interpretation of student data for the purpose of improving student instruction. The CIO's role is to determine what data would be useful to teachers, upload it into Performance Plus (their data tracking system), and then facilitate a school wide cultural shift to institutionalize daily data analysis. The CIO and coaches translate data for teachers, but the coaches support the instructional team in making decisions. No common formative assessments were given in the past, according to the school leaders, but adding appropriate assessments is a current goal. The school has discontinued the use of DIBELS and chosen to use AIMS Web— a web-based assessment, data management, and reporting system— that will be used three times each year.

2b. COMMUNITY Supplemental Evidence: Implementation of AIMS Web and the assessment tracker in the Performance PLUS component of the PICCS Data Warehouse has allowed COMMUNITY Charter School to quickly and dramatically increase our ability to collect, monitor and use data at all levels—from the classroom to school-wide leadership. At the November 29, 2012 meeting of the Board of Trustees, school leadership presented student progress data in both ELA and Math and discussed how this information is being used to guide professional development, curriculum modifications and instructional improvements in Spring 2013. In particular, note the use of a Response-to-Intervention (RTI) approach in which students are “tiered” based on common needs such that teachers can better use small group and one-on-one instructional practices. (See Attachments 15 and 16.)

2c. NYSED Evidence: Teachers receive minimal feedback on their instructional practice. In the past, teachers received two evaluations over the course of the school year, yet received no formal feedback on these evaluations. The school leader mentioned during the focus group that she is making attempts to increase the quality and quantity of classroom observations, her plans are to provide formal observations throughout the course of the school year, in addition to more frequent informal observations. On this site visit, school leaders were seen observing classrooms, and offering informal feedback to teachers on sticky notes. Teacher mentioned during the focus group that the sticky notes are helpful to them in making small, immediate adjustments to instruction.

2c. COMMUNITY Supplemental Evidence: As proposed in COMMUNITY Charter School's renewal application, the school hired two Instructional Coaches (one for ELA and one for Math) this year in order to work directly with teachers in improving their instructional practices. These individuals conduct 8 informal weekly walk-throughs (see item 1a, above, for information on the kind and amount of feedback provided from these walk-throughs). On average, each teacher and teacher aide now receives feedback on instruction at least once every two weeks. Teachers showing regression meet with an administrator and have more frequent walk-throughs. Walk-through data is both provided directly to the teacher and held in his/her teacher file in the office of the Head of School.

Starting this school year, COMMUNITY Charter School adopted a formal Teacher Evaluation process that is in compliance with NYSED's Race to the Top mandates and is aligned with the performance-based compensation program provided through PICCS (which is funded by a federal Teacher Incentive Fund grant). The latest teachers' contract that was negotiated in summer 2012 includes the Teacher Evaluation in the contract and, therefore, has full support of the union. The evaluation program includes two formal observations annually, using the Danielson Framework for Teaching. Data collected through these two formal observations and the walk-throughs are then used in a year-end Summative Assessment to give each teacher a HEDI score and rating in terms of professional practice. This score is aggregated with a Student Growth score that is calculated using NYSED assessments or AIMS-web assessments (which were approved as appropriate third-party growth assessments under NYSED's Race to the Top program) to arrive at an overall HEDI rating and score for each teacher. Note that this Teacher Evaluation Plan was included in COMMUNITY Charter School's charter renewal application. (See Attachment 17 – Teacher Evaluation Plan.)

While the overall plan for Teachers is the same for Teaching Assistants in terms of observations, student growth data and the Summative Assessment process, the areas included in scoring of Teaching Assistants in the professional practice section of the Teacher Evaluation are focused on the classroom support aspects of the Danielson Framework (see Attachment 18 for a copy of the Teaching Assistant job description and observation/assessment rubric).

All data and evidence used in the Summative Assessment portion of the Teacher Evaluation is provided to the teacher/teaching assistant and a copy is maintained in his/her teaching file in the office of the Head of School.

3. CLIMATE, CULTURE AND SAFETY

Finding: Although the school maintains an environment that appears physically safe, the school climate and culture do not fully support student achievement. There are inconsistencies in expectations for student learning and behavior.

3a. NYSED Evidence: During the focus group, parents expressed general satisfaction with the school's level of communication. Teachers use a new system, Performance Plus, to communicate student achievement with families. Home visits are conducted for the purpose of involving parents in the development of their children's individual plans. The school has planned events at the school, although it is difficult for some parents to attend because of timing or distance to the school. This school year, two family nights were planned, as well as quarterly parent-teacher conferences.

According to the renewal application, a survey administered to parents in the spring indicated high satisfaction levels. However, the number of parents that participated in this survey was only 54%. The parents that were interviewed were pleased with the school, citing student achievement, positive relationships with teachers, small class sizes, and responsiveness to individual students. Parents stated that although there is no school-wide homework policy, they are in favor of nightly homework.

3a. COMMUNITY Supplemental Evidence: COMMUNITY Charter School has had a high level of parent engagement in Fall 2012 activities and initiatives. 100% of the parents engaged in the pilot of the new ILP program engaged in the process by attending conferences to help shape the ILPs. (See item 1c for more information on the pilot web-based ILP program.)

COMMUNITY Charter School's Family Teacher Organization (FTO) has met monthly since the beginning of the school year. The goals of the FTO are to 1) increase family engagement at all school events; 2) strengthen partnerships with parents as instructional supports. FTO held the following events in Fall 2012:

- Family Fun Night (October 25th) - 80 parents attended this event, which was held in the evening and engaged the entire family to help ensure that parents could attend without the need for childcare, which can be another inhibiting factor to parent participation in events.
- Community Meal (November 15) – Over 100 people attended our second annual Thanksgiving celebration, which is open to families of students attending the school and the local community. Again, this event was held during out-of-school time and was open to the entire family.
- Cookie Exchange (followed our December Concert/School Assembly on December 20th) - Approximately 30 adults attended this event, which we coupled with a major school event in order increase the likelihood that parents would be able to attend.

FTP has scheduled the following events for Winter and Spring 2013:

- Black History Month Celebration (February) - FTO will have coffee, juice, and cookies for parents after the assembly in the cafeteria. At that social gathering, several teachers will talk about the state assessments coming up in April and share strategies parents can use at home to help students prepare.
- International Festival (March/April) – Each classroom will sign up to represent a different country and create posters and maps that teach about that part of the world. Parents will be engaged to prepare food from the region as well. At a school-wide assembly, classrooms will present their countries at individual tables where parents will help serve samples of food.
- End of the year picnic (June) - FTO will hold a cookout for the school community from 5:30-7:30 so working parents can attend.

In addition to the work of the FTO, COMMUNITY's school leadership has regularized communication with parents through a monthly newsletter that includes messages from the principal and assistant principal, highlights upcoming events, shares what the school is doing in terms of data-driven decision making and instructional changes, showcases student work, provides ideas for parents to support at-home learning and provides news for all grades (K-6). (See Attachments 19 and 20 for sample newsletters.)

Finally, as part of the ILP process, parents are asked to complete a survey to assist in development and ongoing refinement of the ILP (see item 1c). As of January 23, 2013, 80% of parents have returned this survey. We anticipate that this high level of survey completion will be reflected in the year-end survey to measure parent satisfaction as well.

3b. NYSED Evidence: Teachers indicated strong relationships between themselves and with students. Teacher assistants agreed that the climate is stronger this year, lacking the tension of the prior years. While school wide expectations for student behavior varied over the term of the charter, this year the school has worked to clearly defined acceptable student behavior this school year. The plan calls for students to receive "Gotcha" tickets when exhibiting appropriate student behavior. The site visit team did not observe any students rewarded with a ticket if they are "caught" doing the right thing.

Student behavior has improved in the current school year, as evidenced by fewer in-school suspensions (ISS) and other discipline infractions. Teachers have worked with social workers to reduce ISS time, they have student reflection forms which are sent home to parents, and assignments are provided to students in ISS, as they normally would be in class. Issues are addressed at the classroom level, where students know the consequences of their behavior. Students note that discipline is fair this school year, but not necessarily consistent from one teacher to another. Students also said that when other students are disruptive in class, their behavior is not consistently addressed by the teacher.

3b. COMMUNITY Supplemental Evidence: Gotcha tickets are redeemable for purchases at the school bookstore. While COMMUNITY does not record the number of Gotcha tickets handed out weekly, the school does keep records of the number of tickets "spent" at the bookstore. On average, 50 students a week spend Gotcha tickets on items ranging in cost from 1-5 tickets each. Note that some students are

saving their Gotcha tickets to participate in a year-end incentive program in which students that have earned (and saved) 200 tickets can take part in a trip to Martin's Fantasy Island, a local amusement park.

In addition to the Gotcha system to reward positive behaviors, all teachers now have a behavior management system in their classroom with rules and expectations clearly displayed for the students. The most frequently used system (in more than 90% of the classrooms) is a color system in which students start each day at a "neutral" status (no color) and based on their behavior they can move into yellow and then red (which require reflection and then consequences) or into green (positive behaviors). Students can move throughout the day, so that a day that may start out with behaviors that require the student to reflect on his/her actions (yellow) can turn to green as s/he improves his/her behaviors and actions.

In terms of ISS, the number of ISS cases remains lower than last year. At this time last year, there were 34 ISS cases and as of January 23, 2013, there have only been 24 cases. The cases are also being handled differently this year. The expectation is that students will not spend the entire day in ISS (with the severity of the incident taken into account). Rather, students reflect on the behavior that resulted in ISS and have the ability to return to the classroom. While they are in ISS, the students complete any work that is going on in their classroom in order to ensure that they don't lose ground academically.

3c. NYSED Evidence: The updated school facility is bright, clean, and has adequate space. In the focus group interviews, stakeholders stated that the school community is a safe learning environment.

3c. COMMUNITY Supplemental Evidence: COMMUNITY Charter School updated its security plan in the wake of the December school shooting in Connecticut and the release of information on best practices in school safety that has emerged following the incident. The updated security plan includes the following:

- Phone tree in place for all faculty and staff in case of emergency.
- When leaving the building all faculty and staff must sign in/out.
- One point of entry (front on East side) for all non-CCS employees.
- All visitors must wear a pass. Faculty and staff are directed to question anyone who does not have one on.
- FOBS will be installed on all classroom access corridor entrances.
- Lanyards must be worn at all times with FOB, key, and staff ID.
- Elevator will be locked (limited access).
- Do NOT prop any doors open; No exceptions.
- Evacuation drills will occur periodically throughout the year.
- Rosters must be carried on a clipboard; must take with you on all rapid releases; non-negotiable.
- All deliveries must be buzzed in.
- NEVER open door to let someone in.
- Be certain that all doors close behind you.
- Windows must be closed and locked at night.
- Do not dismiss until you are called.
- New arrival and dismissal procedures have been shared with parents.
- Boys and Girls Club and Huntington will dismiss from identified single point of entry.

4. ORGANIZATIONAL CAPACITY

Finding: The organizational structure lacks clearly delineated roles and relationships for staff, management, and board members. Accountability and evaluation systems for personnel and programs are under-developed and have not been fully implemented.

4a. NYSED Evidence: The staff structure of the school is not reflective of the organizational chart that was in the current charter, though the school provided a proposed change to the organizational chart in the renewal application, at the time of the renewal visit, prior to NYSED approval, it was already in use. The organizational chart has not yet been voted on by the Board. Furthermore, when asked who they report

to, teaching assistants indicated they “could go to anyone,” however, according to chart, teacher assistants should report to the Assistant Principals. The site visit team also noted that although all teaching assistants held teaching certificates, none were observed actually providing instruction. Their role appeared to be behavior management for individual students and some instructional support.

4a. COMMUNITY Supplemental Evidence: As a point of clarification, the Board voted to approve the revised organizational chart at the August 28, 2012 Board meeting (see Attachment 21 for Board meeting minutes). Since that time, the school hired a new school leader, a Chief Information Officer and two Instructional Coaches as proposed in the charter renewal and reflected in the organizational chart (see 6. SCHOOL LEADERSHIP for more information).

Reporting for Teaching Assistants was changed in September 2012 and, therefore, may have caused the confusion noted during the site visit. Previously, teaching assistants reported to their classroom teacher but now they report to the Assistant Principals. This reporting process has been clarified and is manifested in the revised job description (see Attachment 18) and was conveyed in a meeting of all teaching assistants that took place on September 20, 2012 (summarized in Attachment 18). The observation and evaluation processes used for teaching assistants also reflects the clarification of their roles and responsibilities and affirms that they report to the Assistant Principals as it is the APs who conduct the observations and summative assessment portions of each teaching assistant’s annual evaluation (see 2c for more on the teacher and teaching assistant evaluation system).

In terms of the instructional role of teaching assistants, this aspect of their job has been codified in the revised job description, which includes the following roles and responsibilities:

- Assist Teacher in supervision of learning activities, circulating and providing assistance and learning support to students
- Reinforce skills introduced/taught by the Teacher working with the students individually and in small groups
- Assist Teacher in checking and evaluating student’s work
- Utilize/make games, materials, stories, or other manipulative to assist student’s learning skills
- Assist Teacher in managing student behavior, maintaining class order, reinforcing school and class rules and maintaining records
- Assist/monitor hallways, lunchroom, restrooms, escorting of students, bus duty, etc.
- Assist Teacher in set up of equipment, preparing bulletin boards, classroom decorations, display of student work/activities, etc.
- Perform other duties/activities as assigned by Lead Teacher/Principal/Director.

Again, the revised job descriptions and new reporting procedures were reviewed with all teaching assistants at meeting on September 20, 2012 and have become the basis of their observation and evaluation program, as reflected in the observation rubric (see 2c for more on the teacher and teaching assistant evaluation system).

4b. NYSED Evidence: In the spring of 2012, the school brought on an entirely new leadership team. At the time of this site visit, the newest school leader was recently hired. In comparing overall evidence with those from the May, 2012 visit, it is clear that there are good intentions, high hopes, and plans for improvement – all inputs – but very little has changed on the ground.

4b. COMMUNITY Supplemental Evidence: In addition to the new principal, COMMUNITY hired a Chief Information Officer and two Instructional Coaches this fall. Since the site visit in September, a significant portion of the “restart” plan proposed in the charter renewal application has been implemented and is reflected, in part, in our supplemental evidence provided throughout this document. Among the key transformations are:

- Implementation of a shared definition and set of strategies to bring rigor to the academic program (see 1a).
- Implementation of weekly walk-throughs with informal (written) feedback to teachers and teaching assistants; a total of at least 40 walk-throughs completed weekly by the administrative team and instructional coaches (see 1a).
- Development and dissemination of common curriculum maps for all grades and subject areas to guide lesson planning (see 1b).
- Implementation of a common lesson planning process and template that includes weekly reviews of lesson plans to ensure quality and alignment with curriculum maps (see 1b).
- Pilot of a web-based Individualized Learning Plan (ILP) with full engagement of parents in the process (see 1c).
- Further progress in developing a school-wide data culture, including in-depth reviews of student data to inform instructional practices (see 2a).
- Implementation of AIMSweb (conducted 3 times annually) and interim assessments aligned to Common Core Learning Standards (conducted every 6 to 8 weeks) (see 2b).
- Adoption of a formal Teacher Evaluation system that was included in the new teachers' contract and measures both professional practices and teacher impact on student growth (see 2c).
- Expansion of events for parents offered by the school's Family Teacher Organization in order to provide opportunities during times more convenient to working parents (see 3a).
- Implementation of a monthly newsletter to parents (see 3a).
- Increase in percentage of parents completing surveys (see 3a).
- Successful implementation of positive youth behavior programs, including the "Gotcha" tickets program and classroom-based forms of monitoring student behavior (see 3b).
- Decline in the number of ISS cases and reform of the ISS program to provide appropriate forms of ISS based upon the incident (see 3b).
- Improvement of the school's security systems and protocols based on national best practices (see 3c).
- Clarification of the roles and responsibilities of teaching assistants to help increase their contributions in instruction (see 4a).
- Adoption of a formal School Leader Evaluation system that was included in the charter renewal request (see 5b).
- Adoption of a formal evaluation process for the Board of Trustees (see 5d).
- Expansion of the Board of Trustees to include 9 to 11 members and recruitment of 4 new members whose expertise reflect the school's priorities (see 5a).

5. BOARD OVERSIGHT AND GOVERNANCE

Finding: The Board has been unable to provide competent stewardship and oversight of the school due to the lack of policies, systems, and processes to ensure academic success, organizational viability and faithfulness to the charter.

5a. NYSED Evidence: At the time of the fourth Renewal Site Visit in September of 2012, the Board had received approval from SED for four additional members, but they did not start attending meetings until October 2012. The sole Trustee who attended the focus group expressed a concern about "overwhelming the new members." Turnover among Board membership has been problematic, with four members resigning over the past twelve months, and the two most senior members slated to serve out their terms and then, most likely, retire from the Board. One of these individual's term apparently ended on July 31, 2012, and there is no evidence of his being re-elected.

5a. COMMUNITY Supplemental Evidence: The addition of four more members to the Board of Trustees was presented and approved by vote at the November 15, 2012 Board meeting. At the same meeting, the four new members were voted into office: Kathleen Ballard, Robert Gamble, Alan Hoffman, and Erin Torcello. The current total number of Board members is 11 (the maximum now allowed under the revised

By-Laws). The due diligence process necessary to identify appropriate Board candidates, interview the candidates, and ensure that the candidates fully understood the responsibilities of becoming Board members took place in September and October (following notification from the NYSED of the allowance to increase the number of Board members). During that time the individuals who officially became Board members on November 15th participated in numerous school activities and meetings in order to be “up to speed” once officially taking office.

As a point of clarification regarding attendance at the site visit focus group meeting, Board members were informed in a timely manner of the site visit schedule and all planned to attend the focus group session. However, the schedule was changed at the last minute to accommodate the site visit team’s needs and, therefore, resulted in most Board members not being able to attend. A second point of clarification to the Board member’s remark of concern about “overwhelming new members.” This was intended to provide rationale for the due diligence process prior to appointment.

Based on the November 15th vote by the Board of Trustees, the Board will now be comprised of 9 to 11 members. With the current Board comprised of 11 members, even with as many as 3 retirements from the Board in the coming school year (the total suggested by NYSED in the site report), COMMUNITY will be able to remain in compliance during the time period while new Board members are identified, we conduct our due diligence and then elect them into office.

5b. NYSED Evidence: School leaders indicated there is daily contact with Board members. The Board recognizes its deficiencies and is working to rectify them. The Board’s approach to resolving issues or concerns seems to center on adding more inputs, without sufficient attention paid to results. Through their “Restart Plan,” they have made an attempt to address all issues at once, with no one issue fully addressed and resolved prior to addressing the next. The Board member who attended the focus group indicated that they have begun to implement their “restart” program, but several key positions have yet to be filled on the Board. Teachers report that the “restart” plan has been communicated to them. A system for assessing the performance of school leader was not in place at the time of the renewal site visit.

5b. COMMUNITY Supplemental Evidence: The Board of Directors participates in monthly professional development designed to build members’ capacities in key areas of school management, governance and accountability. The Board approved allocation of funds to make all of the key hires related to the Restart Plan, including a new Head of School, Chief Information Office and Instructional Coaches in ELA and Math. These individuals now report regularly to the Board through a standing agenda item: Administrative Report. During these reports, the administrative team presents specific outcome data related to key initiatives, as evidenced in the sample report to the Board summarized in the November 29, 2012 Board of Trustees meeting minutes (Attachment 22) and the AIMSweb data report presented at the latest Board meeting (see item 2b and Attachments 15 and 16).

As a point of clarification, a School Leader Evaluation System was established in summer 2012 and included in the charter renewal application. (See Attachment 23).

5c. NYSED Evidence: The Board has created a development plan which includes training sessions on such topics as conflicts of interest, Open Meetings Law, data evaluation and HEDI. During this site visit, the Board participated in a code of ethics training by their attorney. They intend to place more reliance on the committee structure, including retreats for the Education, Finance, Human Capital and Executive Committees. Ad hoc committees will be created to take on specific issues and tasks. During the Board of Trustees meeting, it was indicated that the committees had not been “formalized” and there were therefore no reports. When it came time to vote, the board did not have a quorum in place and hesitated to vote on one item, but proceeded to vote on another.

5c. COMMUNITY Supplemental Evidence: The Board of Trustees established the follow committees that have been meeting regularly throughout the school year:

- **Education Committee:** Comprised of Board members Sara DeLena, Robt Gamble, Kathleen Ballard, Tasha Miller, and Michael Littman, as well as the Head of school, Assistant Principal and the Chief Information Officer. The Education Committee meets 6 to 8 times annually. The most recent meetings took place on November 21, 2012 and January 17, 2013.
- **Accounting & Financial Management Committee:** Comprised of Board members Justin Reid (Treasurer) and Daniel Ricigliano (President), as well as the Head of School and Business Manager. The Accounting & Financial Management Committee meets 6 to 8 times annually. The most recent meeting took place on October 24, 2012.
- **Human Capital Management Committee:** Comprised of Board members A. Jones, T. Miller, R Vinceski, A Hoffman, and E. Torcello, as well as the Head of School and Business Manager. The Human Capital Management Committee meets 6 to 8 times annually. The most recent meetings took place on October 23, 2012 and December 4, 2012.
- **Executive Committee:** Comprised of Board members Littman, Ricigliano, Miller and Jones. The Executive Committee meets 3 to 5 times annually.
- **Ad Hoc Committees:** The Board currently has two ad hoc committees that meet as needed. The **Marketing Committee** is comprised of Board members Littman, Jones and McClain and met most recently on October 23, 2012. The **Board of Trustees Membership Committee** is comprised of Board members Littman, Miller and Ricigliano.

5d. NYSED Evidence: Currently, the board does not evaluate its own effectiveness. The Board member in attendance at the focus group indicated that a Board effectiveness evaluation will be conducted by an outside group. It is not evident that the Board has begun to make arrangements for this evaluation.

5d. COMMUNITY Supplemental Evidence: As a point of clarification, Frank Herstek has served as a consultant to the Board since August 2011. He provides guidance to the Board and will conduct the annual effectiveness evaluation. The first step in the evaluation process is a self-evaluation, in which the Board is currently engaging (see Attachment 24 for a copy of the Board self-assessment tool).

6. SCHOOL LEADERSHIP

Finding: The school has lacked consistent direction and leadership over time. Each school leader has brought differing priorities and means of operating. Although the new school leader has plans for the future the positive effects have not resulted.

6a. NYSED Evidence: The school leader that was in place when the renewal application was submitted was no longer in place. At the time of the visit, the school had a new leader, the third in the current term. The school plans to implement new professional development opportunities, and a few of these sessions have already been provided. Recent and upcoming professional development sessions include: training with BOCES, Doctrina training, and training on the implementation of the Common Core Learning Standards. When queried about recent changes at the school, the teachers responded that professional development has changed tremendously: there is new curriculum with an explicit focus on vocabulary and cross curricular activities. Teachers have learned how to analyze and use data, where previously they did not have the tools to do so. Teacher assistants indicated that they participate in professional development activities, specifically AIMSWeb, Reading Street, Danielson, and Understanding by Design.

Shifts in teacher attitudes were observed. In the focus group, teachers expressed that they feel they have more input into professional development decisions than they have in the past. They feel accountable for student achievement, and claim to hold one another accountable.

The administration has an open door policy for both teachers and parents. Teachers spoke of increased collaboration among staff, with monthly vertical collaborations and horizontal meetings by grade levels held every day during common planning time. The administration reviews the minutes from these meetings.

The new administration changed the daily schedule two weeks into the school year—scheduled naps and bathroom breaks have been eliminated, and grade level teachers have opportunities to meet on a daily basis.

Plans are to evaluate the school leaders using the Vanderbilt Assessment of Leadership tool, but it has not yet implemented. School leaders indicated that past low performance on state assessments was a result of not using data to inform instructional decision-making.

Classroom observations indicated that teacher assistants are underutilized. While most teaching assistants are certified teachers, the current schedule does not provide them with opportunities to plan lessons with teachers. Their time is spent primarily on behavior monitoring in the classroom. This year, teaching assistants spend eighty percent of their time with students and twenty percent on other “organizational” work. Teacher assistants are not currently formally evaluated. This is a change from last year, when teachers evaluated their assistants. Teaching assistants set personal goals through individualized performance plans.

6a. COMMUNITY Supplemental Evidence: In addition to the new principal, COMMUNITY hired a Chief Information Officer and two Instructional Coaches this fall. Since the site visit in September, a significant portion of the “restart” plan proposed in the charter renewal application has been implemented and is reflected, in part, in our supplemental evidence provided throughout this document. Please see item 4b for a list of some of the key accomplishments made since the opening of school this year.

Based on the mid-year review of student assessment data from AIMSweb, the school is already seeing a positive impact of these changes on student outcomes. Using a tiered system aligned with best practices in Response to Intervention, students are grouped into 3 tiers by grade level and subject area performance in order to help target interventions appropriately (tier 3 with the highest need to tier 1 with the lowest need for intensive interventions) as well as to inform grouping and pairing in the classroom. Note the following data related to tier movement from the beginning of the year to mid-year (following each round of AIMSweb assessments). Note that all but two classes show a decline in the percentage of students needing tier 3 intensive interventions, with the other two showing no change or only a slight increase. These early indicators of improvement show that our most at-risk students are making progress towards meeting grade-level standards.

| Grade Level & Subject | % Tier 3 – Fall 2012 | % Tier 3 – Winter 2012 | % Increase/Decline |
|---------------------------------|----------------------|------------------------|--------------------|
| K – Math | 12% | 7% | -5% |
| 1 st Grade – Math | 14% | 16% | +2% |
| 2 nd Grade – Math | 11% | 7% | -4% |
| 3 rd Grade – Math | 23% | 7% | -16% |
| 4 th Grade – Math | 31% | 15% | -16% |
| 5 th Grade – Math | 38% | 7% | -31% |
| 6 th Grade – Math | 47% | 47% | 0% |
| K – Reading | 14% | 3% | -11% |
| 1 st Grade – Reading | 6% | 0% | -6% |
| 2 nd Grade – Reading | 42% | 31% | -11% |
| 3 rd Grade – Reading | 33% | 24% | -9% |
| 4 th Grade – Reading | 29% | 27% | -2% |
| 5 th Grade – Reading | 38% | 7% | -31% |
| 6 th Grade – Reading | 33% | 25% | -8% |

7. MISSION AND DESIGN ELEMENTS

Finding: The school has not been completely and consistently faithful to its mission or the key design elements outlined in its charter. The school revised its mission statement, but confusion exists about which mission is in effect, as well as the rationale for the change.

7a. NYSED Evidence: The Board member indicated that the revision of the mission was focused on improving student achievement. The most recent iteration of the mission focuses on home/school relationships and an increase in communication. School leaders indicated that the mission focuses on academics with social and emotional health also highlighted.

7a. COMMUNITY Supplemental Evidence: COMMUNITY Charter School adopted the revised mission statement that follows in order to clearly articulate the school's commitment to addressing the full range of student needs that—taken as a whole—lead to improved student learning outcomes.

“The mission of COMMUNITY Charter School is to improve student learning and achievement, and to meet or exceed the NYS Common Core Learning Standards. COMMUNITY Charter School is committed to providing students with the knowledge they need for academic achievement and social-emotional development. We are dedicated to providing learning opportunities for all students via individualized learning plans, data driven instruction, and communication between home and school. Utilizing the Search Institute's Developmental Asset model, students will acquire the necessary characteristics in order to be well-rounded, productive citizens and able to adapt to an ever-changing global community.”

The revised mission statement was distributed to faculty in September 2012, is posted in the faculty room and serves as the first page of the faculty handbook (after the table of contents).

LIST OF ATTACHMENTS

- Attachment #1 – Documentation & Feedback Forms for Walk-throughs
- Attachment #2 – Sample ELA Curriculum Map
- Attachment #3 – Sample Math Curriculum Map
- Attachment #4 – Lesson Plan Submission Guide
- Attachment #5 – Lesson Plan Template
- Attachment #6 – Sample 3rd Grade ELA Lesson Plan & Administrator Feedback
- Attachment #7 – Sample 3rd Grade Math Lesson Plan & Administrator Feedback
- Attachment #8 – Sample Special Education Lesson Plan & Administrator Feedback
- Attachment #9 – ILP Implementation Timeline
- Attachment #10 - Letter to Families for ILP Implementation
- Attachment #11 - ILP Family Survey
- Attachment #12 - Special Education Services Summary
- Attachment #13 – Sample Data Reports
- Attachment #14 – Grade 5 Math Data Analysis Process Photos
- Attachment #15 – ELA Outcomes Data (Beginning and Mid-Year Comparison)
- Attachment #16 – Math Outcomes Data (Beginning and Mid-Year Comparison)
- Attachment #17 – CCS Teacher Evaluation Plan (August 2012)
- Attachment #18 – Teaching Assistant Job Description & Observation/Assessment Rubric
- Attachment #19 – CCS Newsletter, December 2012
- Attachment #20 – CCS Newsletter, January 2013
- Attachment #21 – August 28, 2012 Board of Trustees Meeting Minutes
- Attachment #22 – November 29, 2012 Board of Trustees Meeting Minutes
- Attachment #23 – CCS School Leaders Evaluation Plan (August 2012)
- Attachment #24 – CCS Board Self-Evaluation Form

EXHIBIT D

COMMUNITY Charter School Re-Start Implementation Timeline

Organizational Management

| Action Item | Deadline/Dates | Person/Entity Responsible | Status |
|---|-----------------|-----------------------------------|----------------------------|
| Update mission statement | July 12, 2012 | Board of Trustees | Complete |
| Hire Instructional Coaches for ELA and Math | October 1, 2012 | Board of Trustees, Head of School | Complete |
| Hire Re-start Director | October 1, 2012 | Board of Trustees, Head of School | Developing job description |
| Hire Re-start Coordinator | October 1, 2012 | Board of Trustees, Head of School | Developing job description |
| Hire Chief Information Center | October 1, 2012 | Board of Trustees, Head of School | Complete |

Board Development

| Action Item | Deadline/Dates | Person/Entity Responsible | Status |
|--|--|--|----------|
| Establish Board Development Committee, which will meet regularly to review the current membership status of the Board and recruit new members. | September 1, 2012 | Board of Trustees | Complete |
| Recruit new members for the Board of Trustees to bring total membership up to 7 (mid-way within the required range of 5 – 9 members) | September 15, 2012 | Board Development Committee & Leadership Buffalo | Complete |
| Provide induction program for new Board members | September 15, 2012 and ongoing as new Board members are brought on | Board of Trustees & Board Consultant | Complete |
| Provide ongoing training and development for Board members | September 15, 2012 and ongoing | Board Consultant | Complete |
| Each current Trustee will sign a Board Agreement at or before the commencement of the new charter term and then prior to appointment thereafter. | Spring 2013 | Board of Trustees and Board Consultant | Complete |

COMMUNITY Charter School Re-Start Implementation Timeline

| | | | |
|---|------------------|--|-------------|
| Conduct annual evaluation of Board (by external evaluator) | Spring 2013 | Board Consultant to identify external evaluator | In progress |
| Conduct review of the school's fiscal and oversight policies and practices; provide professional development to ensure that these policies and practices are clearly understood and implemented by fall | Fall 2012 | Board of Trustees and Board Consultant | Complete |
| Ad-hoc committee of the Board to secure financial disclosure forms from Trustees who resigned without completing them and to monitor completion and maintenance | Fall 2012 | Board Treasurer and Board Consultant | Complete |
| Establish an Advisory Board, comprised of non-Trustees with experience and/or expertise in areas that will be helpful to the Board and the school | October 15, 2012 | Board of Trustees, Board Consultant & Leadership Buffalo | Complete |

Staff Evaluation Systems

| Action Item | Deadline/Dates | Person/Entity Responsible | Status |
|---|-------------------------|---|----------|
| Submit APPR to NYSED | August 14, 2012 | Head of School & Teachers' Union | Complete |
| Develop teacher improvement plan and principal improvement plan templates for use with staff at "Developing" or "Ineffective" on APPR | August 14, 2012 | Board of Trustees, Head of School & Teachers' Union | Complete |
| Identify research-based system for teacher observations | Fall 2011 | Head of School & Teachers' Union | Complete |
| Introduce staff to the Danielson Framework | Fall 2011 – Spring 2012 | PICCS Staff | Complete |
| Train administrators in proper implementation of Danielson Framework, including observation techniques | Spring 2012 | 2 Teachers; PICCS provides training | Complete |

COMMUNITY Charter School Re-Start Implementation Timeline

| | | | |
|--|-----------|----------------|----------|
| Train staff in the way Danielson is used in the APPR to provide a score of 0 – 60 within the scoring and rating system | Fall 2012 | Head of School | Complete |
|--|-----------|----------------|----------|

Performance-Based Compensation System

| Action Item | Deadline/Dates | Person/Entity Responsible | Status |
|--|-------------------------|---|----------|
| Develop and implement Performance-Based Compensation Plan (PBCP) | Fall 2011 – Spring 2012 | Head of School | Complete |
| Make first payouts from PBCP | Fall 2012 | Head of School | Complete |
| Revise PBCP to align with APPR measures of effectiveness | Fall 2012 | Board of Trustees, Head of School & Teachers' Union | Complete |

Formative & Interim Assessments

| Action Item | Deadline/Dates | Person/Entity Responsible | Status |
|---|-----------------|--|----------|
| Select formative assessments aligned with APPR mandates from NYSED | August 14, 2012 | Head of School & Teachers' Union | Complete |
| Identify interim assessments for Math and ELA for all grades; establish timeline for implementation | October 1, 2012 | Head of School & Instructional Coaches | Complete |

Data Warehouse & Use

| Action Item | Deadline/Dates | Person/Entity Responsible | Status |
|---|----------------|---------------------------|----------|
| Establish Data Warehouse technology at school | Fall 2011 | Data Coordinator | Complete |

COMMUNITY Charter School Re-Start Implementation Timeline

| | | | |
|--|-------------------------|---|----------|
| Train key staff on Data Warehouse | Spring 2012 | Data Coordinator, Head of School, AP's, Lead Teachers | Complete |
| Train all teachers on instructional and curriculum tools in the Data Warehouse | Fall 2012 – Spring 2013 | Data Coordinator, Head of School | Complete |
| Transition from paper ILPs to iLP system in the Data Warehouse | January 1, 2012 | Data Coordinator & PICCS Staff | Complete |
| Provide training to teachers in developing a Data Culture | Fall 2012 – Spring 2013 | Head of School, Data Coordinator & PICCS Staff | Complete |

Curriculum Development & Instructional Improvement

| Action Item | Deadline/Dates | Person/Entity Responsible | Status |
|---|-------------------------|---|--|
| Implement Common Core | Fall 2012 | Head of School, Teachers & Instructional Coaches | Complete |
| Map curriculum across all grades and subject areas | October 15, 2012 | Head of School, Teachers & Instructional Coaches | Complete |
| Train highly effective teachers to serve as coaches for the Professional Learning Community (PLC) approach to school-wide collaboration | Fall 2011 – Spring 2012 | PICCS | PLC Coaches trained and certified, receiving additional training |
| Establish Collaborative Team groupings for the PLC approach | October 15, 2012 | Head of School, PLC Coach & Instructional Coaches | Complete |
| Establish meeting schedule for Collaborative Teams | October 15, 2012 | Head of School, PLC Coach & Instructional Coaches | Complete |
| Identify Collaborative Team Leaders effective teachers within each team grouping | October 15, 2012 | Head of School, PLC Coach & Instructional Coaches | Complete |

EXHIBIT E

Percentage of Students Meeting Proficiency on Parallel Assessments Comparison of January to March 2013

| Grade & Subject | JANUARY % Students at Levels 3 & 4 (Proficiency) | MARCH % Students at Levels 3 & 4 (Proficiency) | PERCENTAGE POINT +/- Proficiency Increase from January to March |
|-----------------|--|--|---|
| Grade 3 – ELA | 38% | 64% | +26 |
| Grade 3 – Math | 30% | 42% | +12 |
| Grade 4 – ELA | 41% | 47% | +6 |
| Grade 4 – Math | 17% | 32% | +15 |
| Grade 5 – ELA | 60% | 66% | +6 |
| Grade 5 – Math | 14% | 28% | +14 |
| Grade 6 – ELA | 22% | 55% | +33 |
| Grade 6 – Math | 11% | 24% | +13 |

Across all grades, CCS students showed increases in proficiency from January to March 2013, with the highest gains in Grade 3 and 6 ELA.

Keys for the ELA and Math Proficiency Comparison Graphs

On the following pages, we provide graphs that chart the growth in proficiency across all grade levels. Below are the color keys for both the charts that break out performance across all four levels of proficiency, as well as the charts that group levels at the cut-off between proficient/not proficient (Levels 3 & 4/Levels 1 & 2).

Key for 4-Level

Comparison Charts

Level 1: 0%-44%

Level 2: 45% - 64%

Level 3: 65% - 84%

Level 4: 85% - 100%

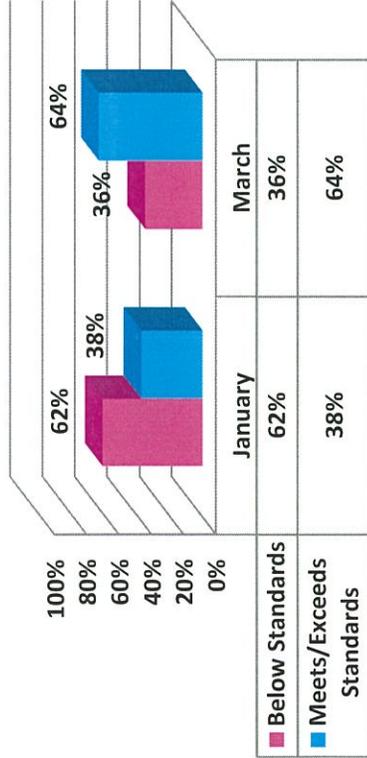
Key for Proficient/Not Proficient Comparison Charts

Below Standards (Levels 1 & 2): 0% - 64%

Meets/Exceeds Standards (Levels 3 & 4): 65% - 100%

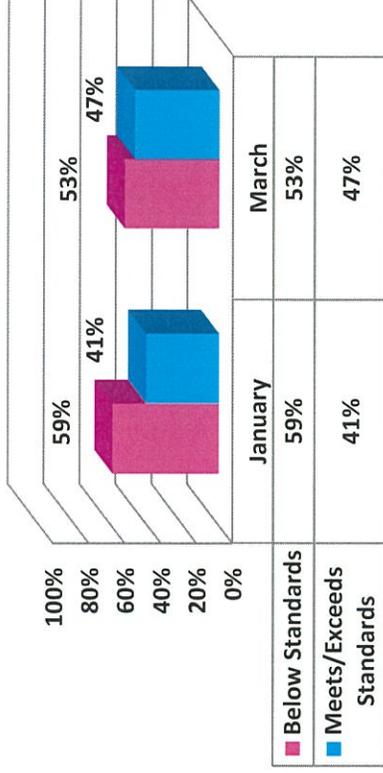
Grade 3 ELA

Proficiency Comparison January to March



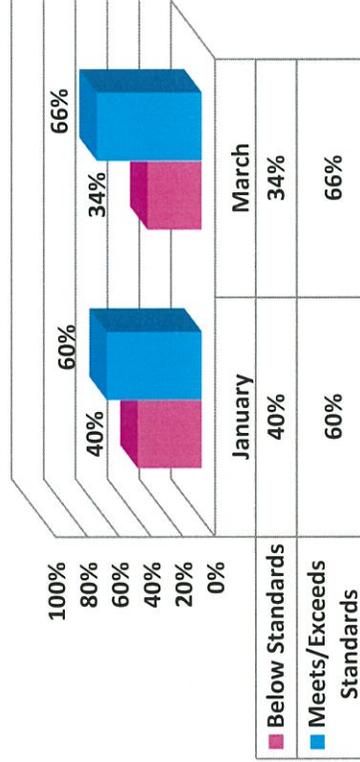
Grade 4 ELA

Proficiency Comparison January to March



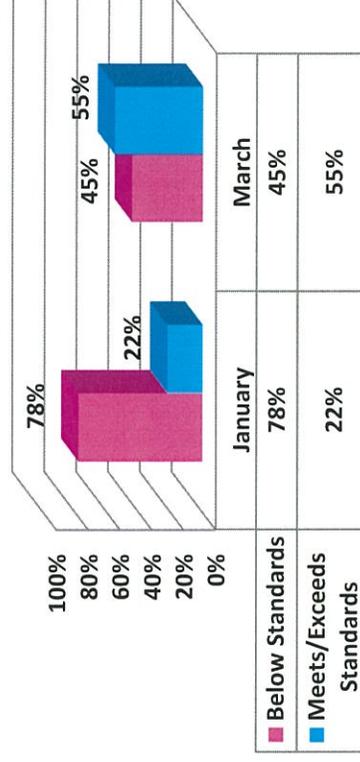
Grade 5 ELA

Proficiency Comparison January to March

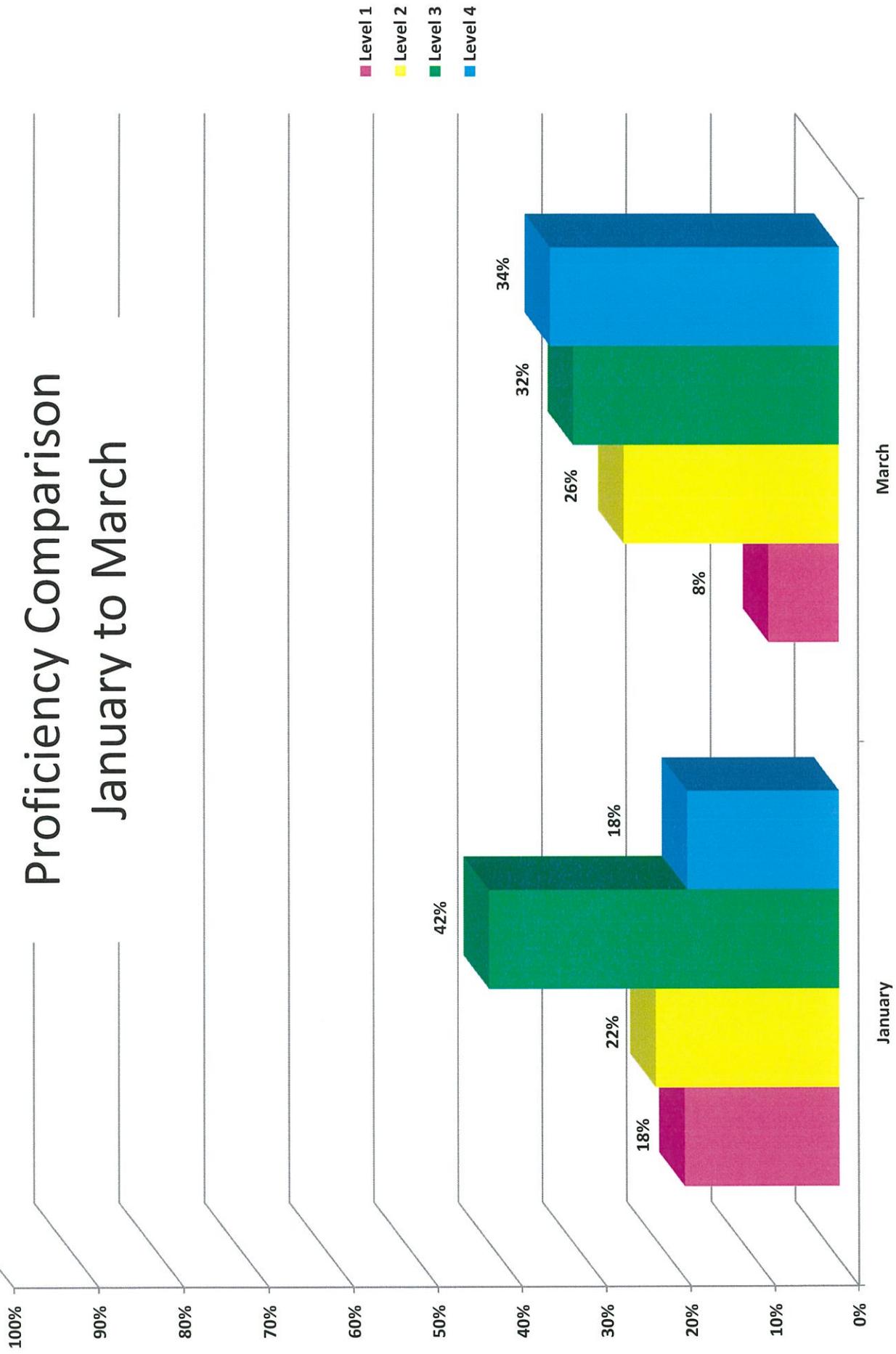


Grade 6 ELA

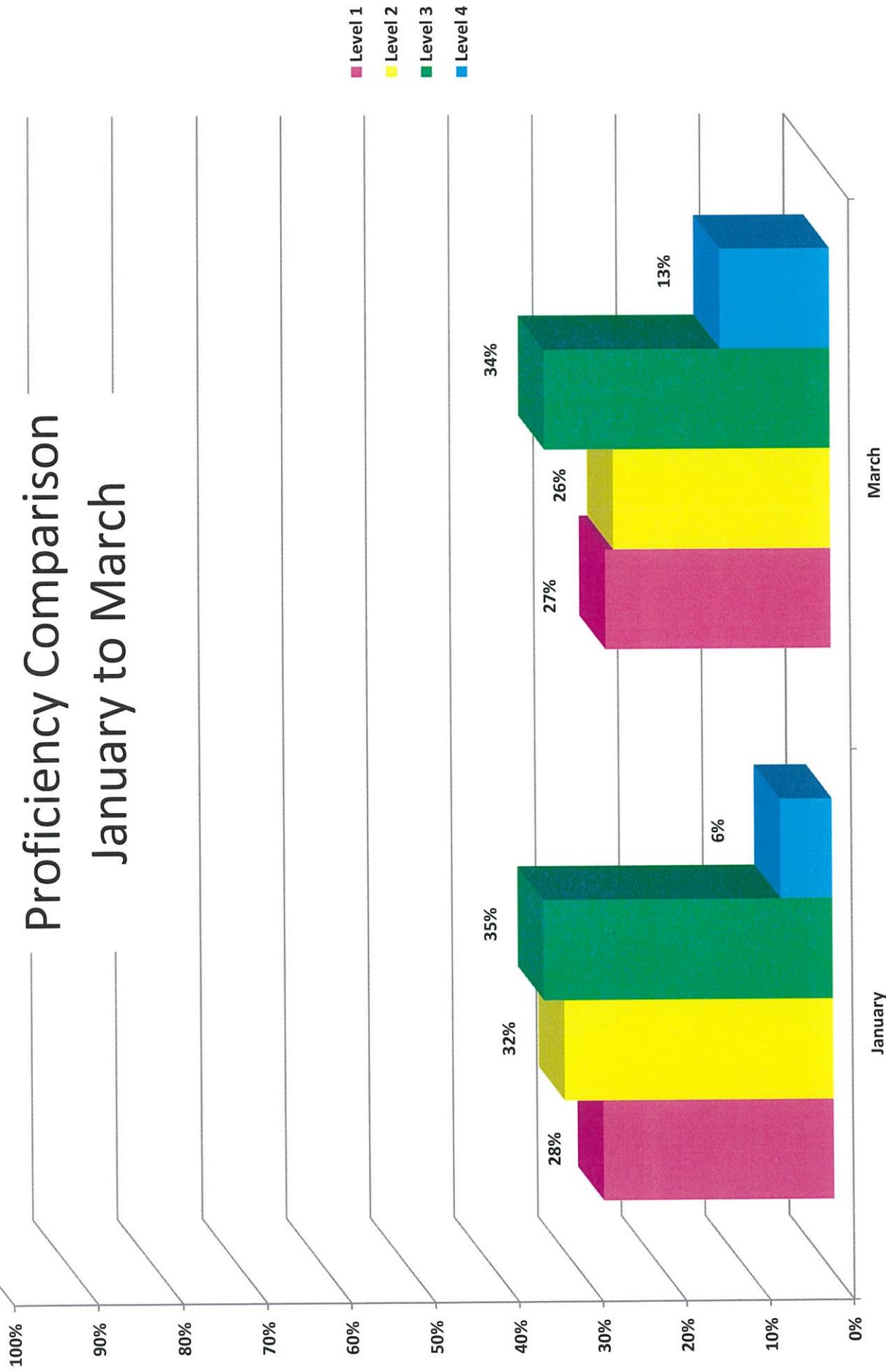
Proficiency Comparison January to March



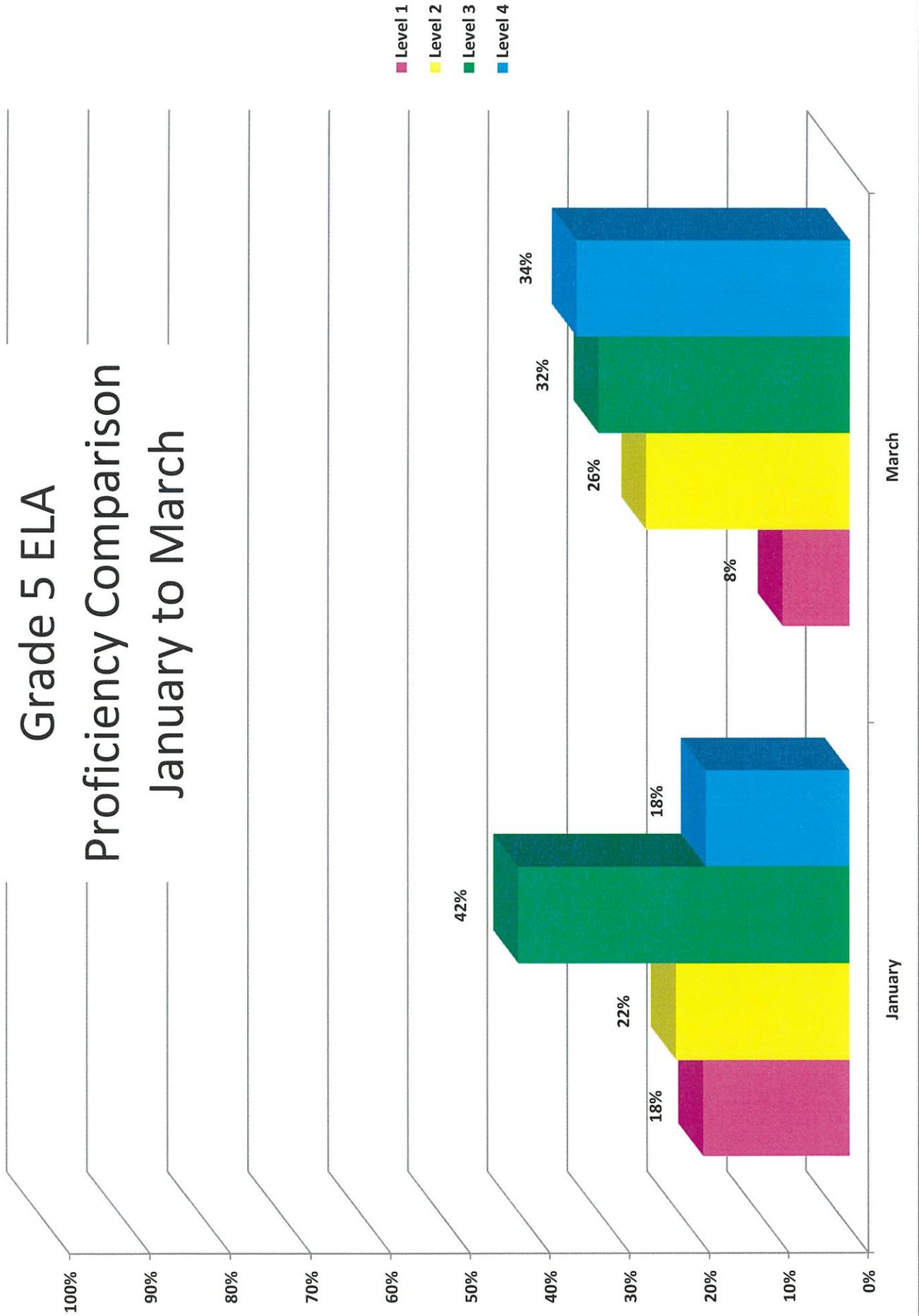
Grade 3 ELA Proficiency Comparison January to March



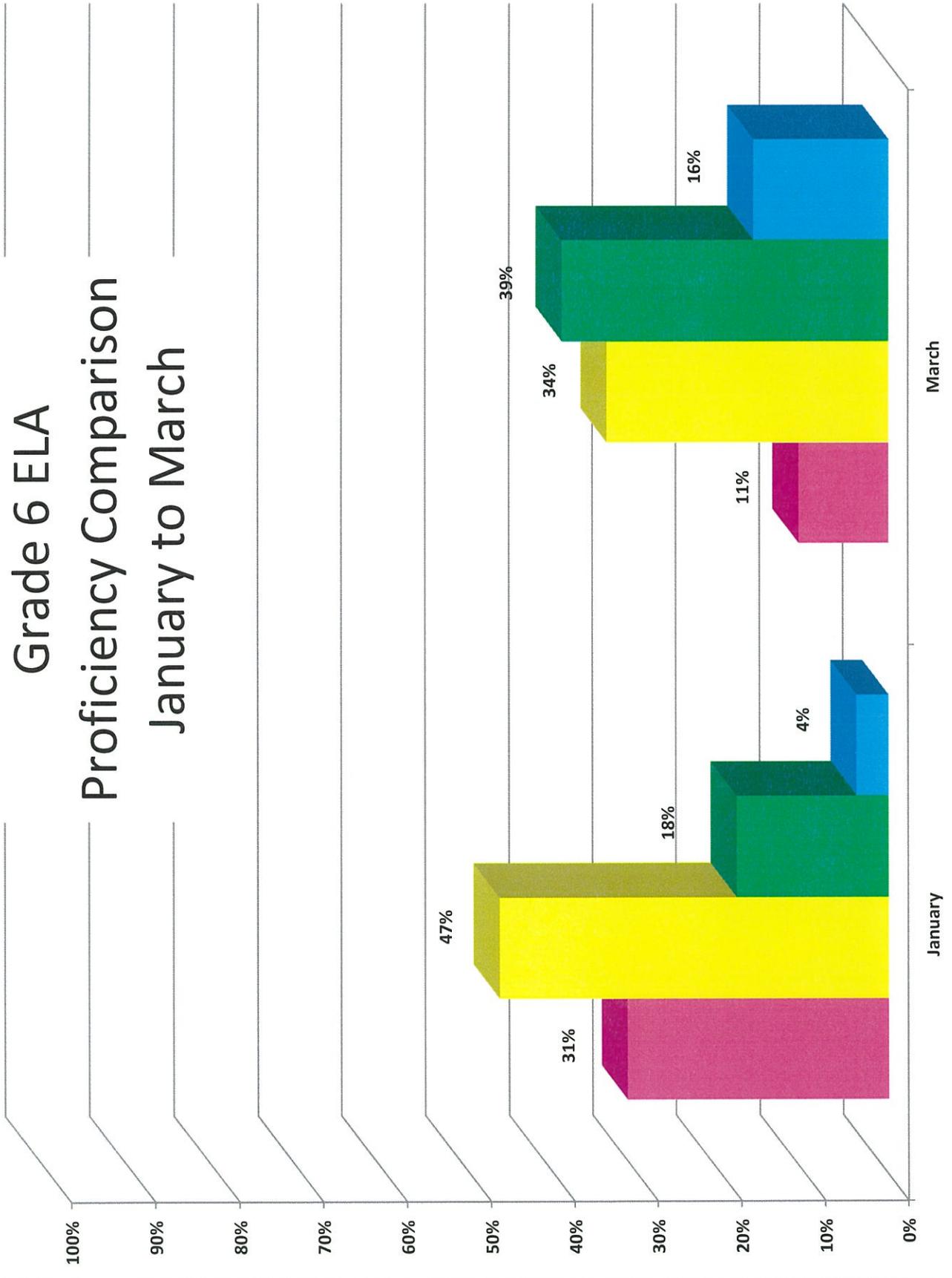
Grade 4 ELA Proficiency Comparison January to March



Grade 5 ELA Proficiency Comparison January to March

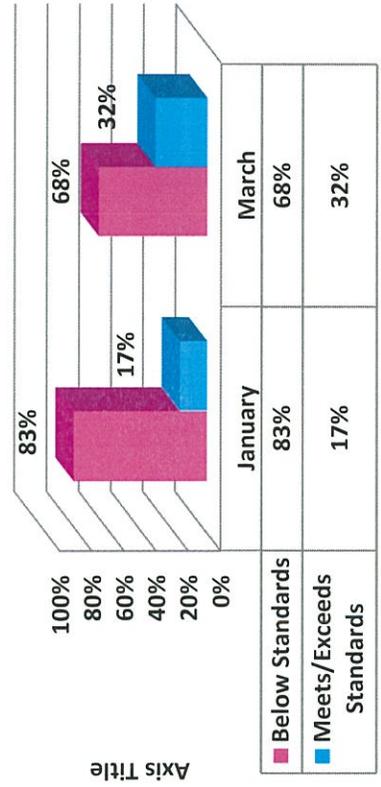


Grade 6 ELA Proficiency Comparison January to March

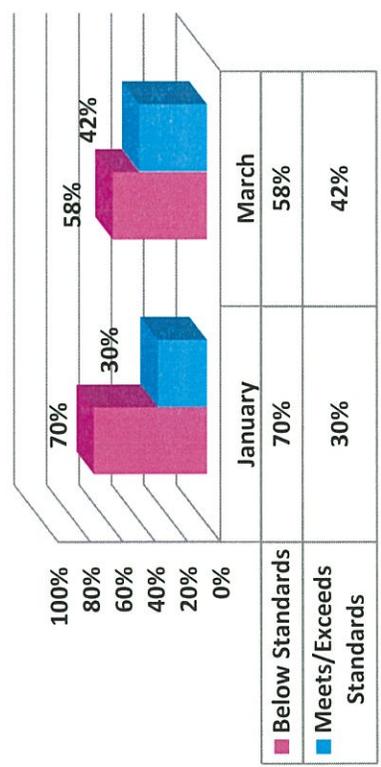


- Level 1
- Level 2
- Level 3
- Level 4

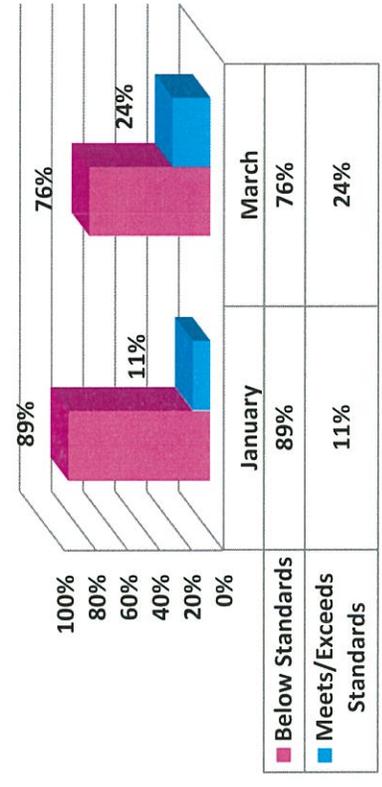
Grade 4 Math Proficiency Comparison January to March



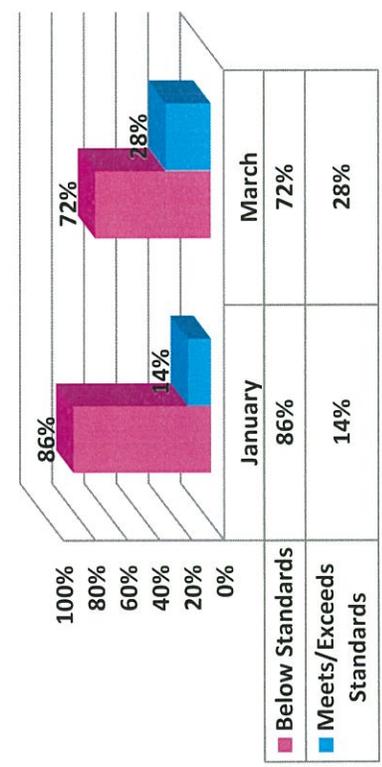
Grade 3 Math Proficiency Comparison January to March



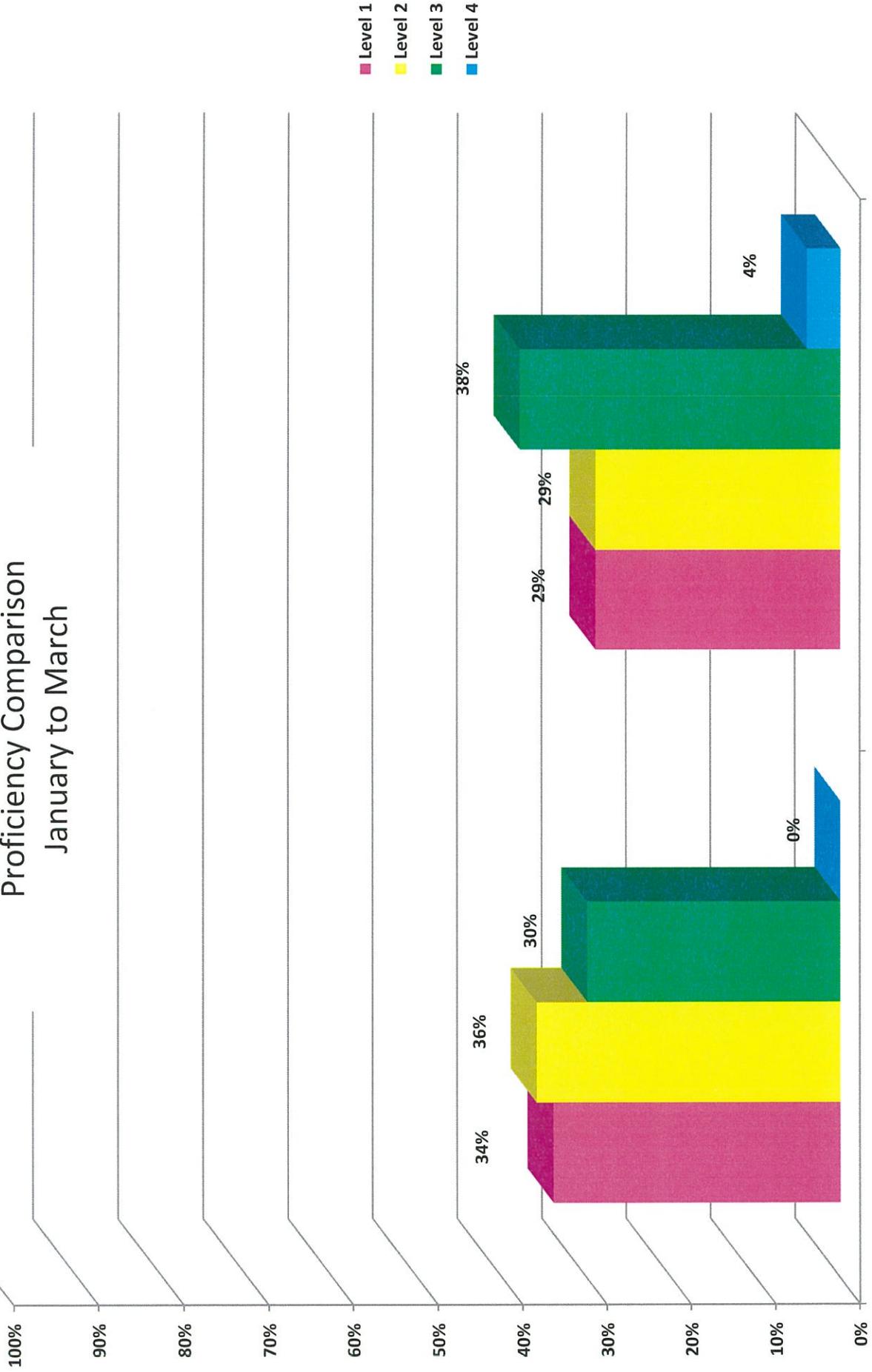
Grade 6 Math Proficiency Comparison January to March



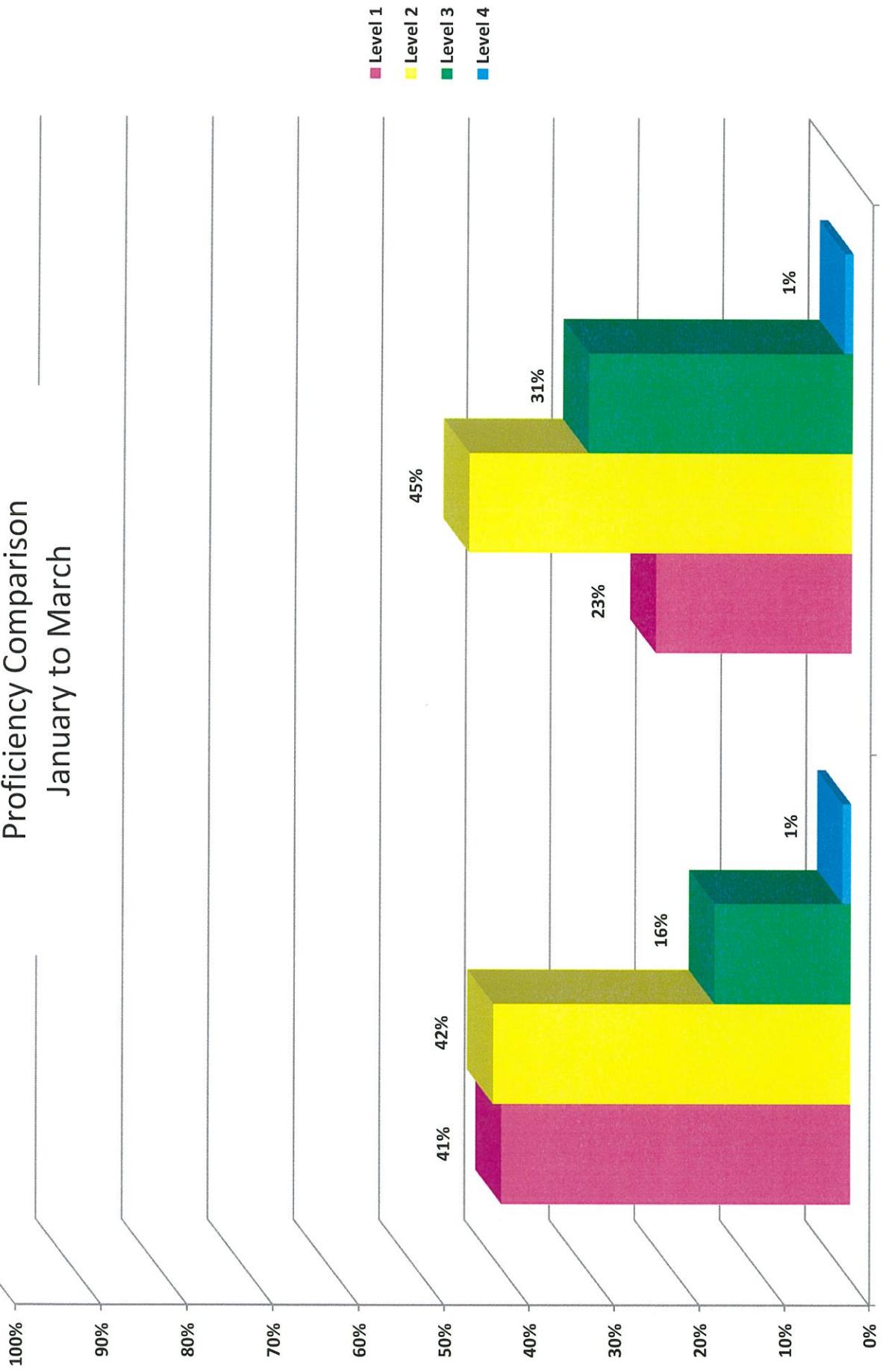
Grade 5 Math Proficiency Comparison January to March



Grade 3 Math Proficiency Comparison January to March



Grade 4 Math Proficiency Comparison January to March



Grade 5 Math Proficiency Comparison January to March



Grade 6 Math Proficiency Comparison January to March

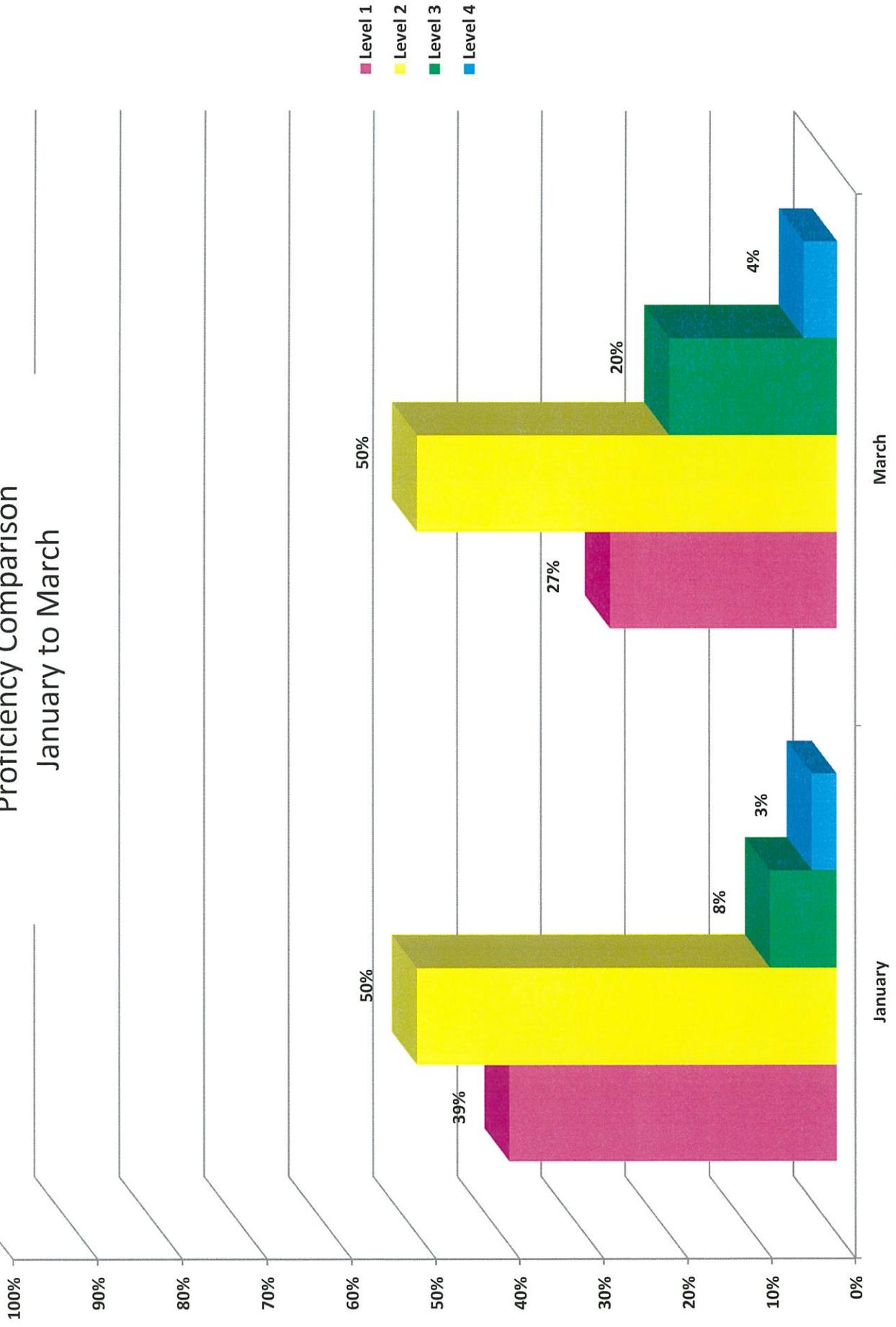


EXHIBIT F

Teacher Aide (Roles/Responsibilities)

- Assist Teacher in supervision of learning activities, circulating and providing assistance and learning support to students
- Reinforce skills introduced/taught by the Teacher working with the students individually and in small groups
- Assist Teacher in checking and evaluating student's work
- Utilize/make games, materials, stories, or other manipulative to assist student's learning skills
- Assist Teacher in managing student behavior, maintaining class order, reinforcing school and class rules and maintaining records
- Assist/monitor hallways, lunchroom, restrooms, escorting of students, bus duty, etc.
- Assist Teacher in set up of equipment, preparing bulletin boards, classroom decorations, display of student work/activities, etc.
- Perform other duties/activities as assigned by Lead Teacher/Principal/Director

Summary of Teacher Aide Meeting:

- Aides are not direct employees of the classroom teacher, they are assigned. They report to and are evaluated by administration
- Aides are assigned as a support for instruction and should not be conducting clerical type duties all day long (no more than 20% of their day)
- They should not be seated, grading papers, inputting grades, etc. during instruction. They should be circulating the room providing support to students who may be struggling, providing feedback, assisting with classroom management etc. (grading papers is the job of the classroom teacher... informed instructional decisions are gleaned from homework data).
- High expectations have been set for our aides. They have skills sets that have not been utilized in the past. Their main role is to support instruction, not to serve as personal assistants to teachers
- Each aide will have an active email account

THE SENATE
STATE OF NEW YORK



TIMOTHY M. KENNEDY
SENATOR, 58TH DISTRICT

RANKING MINORITY MEMBER
COMMERCE, ECONOMIC DEVELOPMENT
AND SMALL BUSINESS
AGRICULTURE
COMMITTEES
CRIME VICTIMS, CRIME AND CORRECTION
CULTURAL AFFAIRS, TOURISM, PARKS
AND RECREATION
ENERGY AND TELECOMMUNICATIONS
HIGHER EDUCATION
INSURANCE
TRANSPORTATION

□ **ALBANY OFFICE:**
ROOM 506
LEGISLATIVE OFFICE BUILDING
ALBANY, NEW YORK 12247
(518) 455-2426 OFFICE
(518) 426-6851 FAX

□ **DISTRICT OFFICE:**
2239 SOUTH PARK AVENUE
BUFFALO, NEW YORK 14220
(716) 826-2683 OFFICE
(716) 826-2793 FAX

E-MAIL ADDRESS:
KENNEDY@NYSenate.GOV

December 6, 2012

Dr. John B. King, Jr.
Commissioner of Education
New York State Education Department
89 Washington Avenue
Albany, New York 12234

Dear Commissioner King:

Since opening their doors in September 2002, COMMUNITY Charter School has provided a safe, nurturing learning environment in Buffalo's East Side neighborhood. COMMUNITY Charter School, which serves 315 elementary-age students, is up for a charter renewal in June 2013. I understand the decision of whether to grant them the renewal will take place December 10, 2012. I am writing today to ask that you grant this school a provisional two-year charter to allow them to fully carry out their School Improvement Plan, to get student test scores up and to maintain this valuable community asset.

COMMUNITY Charter School is in danger of losing their charter due to a three-year period of declining test scores. Last year, the school collaborated with the Center for Educational Innovation - Public Education Association (CEI-PEA), an organization that has successfully implemented school turnaround plans throughout New York City. With a new principal, a new Board of Trustees and a comprehensive School Improvement Plan, COMMUNITY Charter School is seeing significant improvements in test scores.

COMMUNITY Charter School serves a population of which 97 percent are economically disadvantaged and maintains a 95 percent attendance rate. Last week, COMMUNITY Charter held a rally to save the school. Over 100 parents, elected officials and community leaders attended to support the school. They ask that NYSED provide the school and their children a chance to follow through on the School Improvement Plan and show improved academic performance.

Thank you for your serious consideration of this request. For further reference, please do not hesitate to contact me at (716) 826-2683.

Sincerely,

A handwritten signature in black ink that reads "Timothy M. Kennedy". The signature is written in a cursive style with a long, sweeping underline.

Timothy M. Kennedy
New York State Senator, 58th District

cc:
Denise Luka, Head of School
Daniel Ricigliano, President, Board of Trustees
NYS Board of Regents



CRYSTAL D. PEOPLES-STOKES
141st Assembly District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Farm, Food, and Nutrition Task Force

COMMITTEES
Alcoholism and Drug Abuse
Environmental Conservation
Governmental Operations
Health
Higher Education
Insurance

December 6, 2012

Dr. John B. King, Jr.
Commissioner of Education
New York State Education Department
89 Washington Avenue
Albany, New York 12234

Dear Commissioner King:

I am writing to request that you grant a provisional two year charter for Community Charter School, located in my district. Since opening their doors in September 2002, Community Charter School has provided a safe, nurturing learning environment in Buffalo's East Side neighborhood. Community Charter School, which serves 315 elementary-age students, is up for a charter renewal in June 2013. I understand the decision of whether to grant them the renewal will take place December 10, 2012. I am writing today to ask that you allow them to fully carry out their School Improvement Plan, to get student test scores up and to maintain this valuable community asset.

Community Charter School is in danger of losing their charter due to a three-year period of declining test scores. Last year, the school collaborated with the Center for Educational Innovation - Public Education Association (CEI-PEA), an organization that has successfully implemented school turnaround plans throughout New York City. With a new principal, a new Board of Trustees and a comprehensive School Improvement Plan, Community Charter School is seeing significant improvements in test scores.

Community Charter School serves a population of which 97 percent are economically disadvantaged and maintains a 95 percent attendance rate. Last week, Community Charter held a rally to save the school. Over 100 parents, elected officials and community leaders attended to support the school. They ask that NYSED provide the school and their children a chance to follow through on the School Improvement Plan and show improved academic performance.

Thank you for your serious consideration of this request. In the event that you should need any additional information or have any questions, please do not hesitate to contact me or Adia C. Jordan in my office at 716.897.9714.

Sincerely,

Honorable Crystal D. Peoples-Stokes
Member of NYS Assembly
141st District

cc:

Denise Luka, Head of School
Daniel Ricigliano, President, Board of Trustees
NYS Board of Regents



Common Council
CITY OF BUFFALO
OFFICE OF PRESIDENT PRO TEMPORE

BONNIE E. RUSSELL
PRESIDENT PRO TEMPORE
UNIVERSITY DISTRICT COUNCIL MEMBER
65 NIAGARA SQUARE, 1508 CITY HALL
BUFFALO, NY 14202-3318

PHONE: (716) 851-5165 • FAX: (716) 851-4580

E-mail: brusselb@city-buffalo.com
Website: <http://www.city-buffalo.com>

Cliff Chaung, Director
NYSED Charter School Office
89 Washington Avenue, Room 471
EBA Albany, New York 12234

Dear Mr. Chaung,

It has come to my attention that Community Charter School is submitting a request to the New York State Education Department to renew its charter. As the University District Councilmember, I am writing to express my support for its request for renewal.

Over the past 10 years, I have seen the significant impact made by Community Charter School in the Buffalo and Western New York Communities. The school has provided families with a positive alternative to traditional public schools. It has created a nurturing environment where students are challenged academically and personally to meet their potential. In particular, the school's asset development model has provided a framework that encourages both personal excellence and family and community involvement.

Community Charter School is an established mainstay in the community. Its large enrollment demonstrates that parents support the school and understand the benefits the school provides to its students. I believe that maintaining the school will contribute greatly to the educational development of its students and the stability of its neighborhood. I therefore strongly support the renewal of the charter and implementation of its proposed academic improvement model.

Again, I urge you to approve Community Charter School's charter renewal request. Thank you.

Very truly yours,

Bonnie E. Russell ^(M)

Bonnie E. Russell
President Pro Tempore
University District Council

BER/mel

CHAIR
CIVIL SERVICE

COMMITTEES

CLAIMS
FINANCE
LEGISLATION
RULES

SPECIAL COMMITTEES

MINORITY BUSINESS ENTERPRISE
POLICE OVERSIGHT
TRANSPORTATION

MEMBER

BUFFALO URBAN RENEWAL AGENCY

SENIOR LEGISLATIVE ASSISTANT

SANDRA D. MUNSON

LEGISLATIVE ASSISTANT

MARY ELIZABETH LAHIPARELLI

"United for University"

GREAT FUTURES START HERE.

August 10, 2012

Patricia U. Pitts
Project Manager
Center for Educational Innovation – Public Education Assn.
285 Delaware Avenue
Suite 120
Buffalo, New York 14202

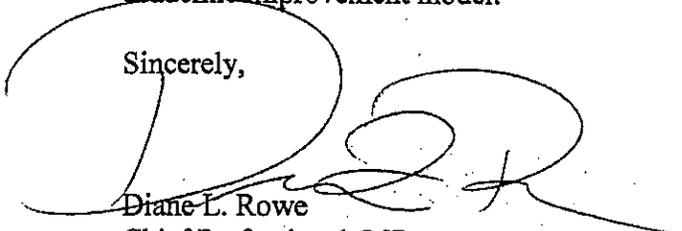
Dear Ms. Pitts,

Over the past 10 years, I have seen the significant impact made by COMMUNITY Charter School in the Buffalo and Western New York Communities. The school has provided families with a positive alternative to traditional public schools. It has created a nurturing environment where students are challenged academically and personally to meet their potential. In particular, the school's asset development model has provided a framework that encourages both personal excellence and family and community involvement.

The Boys & Girls Clubs of Buffalo has had a long term relationship with COMMUNITY Charter School. We have been their afterschool provider for the past 6 years. During this time we have been able to work collaboratively with the school to provide positive afterschool programming to hundreds of youth. Specifically over the last two years, we have been expanding our partnership to allow the Boys & Girls Clubs of Buffalo to provide more educational support that is consistent with the activities taking place during the school day. We look forward to continuing our partnership in the school and are willing to have our Chief Operating Officer serve on the advisory board.

COMMUNITY Charter School is an established mainstay in the community. Its large enrollment demonstrates that parents support the school and understand the benefits the school provides to its students. I believe that maintaining the school will contribute greatly to the educational development of its students and the stability of its neighborhood. I therefore strongly support the renewal of the charter and implementation of its proposed academic improvement model.

Sincerely,


Diane L. Rowe
Chief Professional Officer



BOYS & GIRLS CLUBS
OF BUFFALO

**Boys & Girls Clubs
of Buffalo**
282 Babcock St.
Buffalo, NY 14210
Tel (716) 825-1016
Fax (716) 825-0243
www.bgcbuffalo.org

Officers

George Collins Jr. Esq.
Chief Volunteer Officer

Thomas Rybarczyk
Treasurer

Robert Fluskey, Esq.
Secretary

Board of Directors

Joseph Beecher
Christopher Burke
Michael Burns, CFP
Carl Camardo
Arthur Cryer
Cindy Kincaide
Paul Lamparelli
Arthur Marshall
Jennifer Muscolino
Nicholas Paradiso
Sean Robb
Marc Romanowski
Lauren Rozanski
Bruce Saunders
Peter Savarino
Patricia Zimmerman

Chief Professional Officer
Diane L. Rowe

Emeritus Member
Gregory Dearlove





BOY SCOUTS OF AMERICA®

Greater Niagara Frontier Council

Greater Niagara Frontier Council, Boy Scouts of America
2860 Genesee St
Buffalo NY, 14225

Mr. Cliff Chaung
NYSED Charter School Office
89 Washington Avenue, Room 471
EBA Albany, New York 12234

Dear Mr. Chaung,

My name is Greg Voyzey, and I am the District Executive that coordinates the Cub Scout program in Community Charter School. I am writing to you today in support of Community Charter School's Charter Renewal. The Greater Niagara Frontier Council has had the opportunity to work with the school for the past five years and have a successful Cub Scout program present. During the school year, the Cub Scout pack meets once a week after school so students have the opportunity to participate in the program that helps prepare young people for everyday life. During the course of the year, the Scouts will learn about leadership, the nuclear family, teamwork, and participate in aspects of the program such as wearing a full uniform, building pinewood derby race cars, work on advancement, and go camping.

The faculty and staff have been supportive of the program in various ways. From helping promote the Scouting program in their homeroom to helping out at meetings, the faculty and staff play an important role to help make sure that the Scouting program continues. This past summer alone, Mr. Andrew Prinzing, Assistant Principal of Student Development, took time out of his own schedule to volunteer and go camping with the Scouts at Camp Scouthaven. The boys were able to spend four days and three nights out of the city and get to participate in fun activities such as mountain biking, archery, obstacle challenge course, fishing, and boating. If it was not for the support of the school, sending Scouts to summer camp this year would not be possible.

I thank you for taking the time to read my letter of affirmation for Community Charter School's renewal. If you should have any questions, please do not hesitate to contact me.

Sincerely,

Greg Voyzey

District Executive
716-512-6209
Greg.voyzey@scouting.org

2860 Genesee Street
Buffalo, NY 14225-3131
Phone 716-891-4073
Fax 716-891-4008
www.wnyscouting.org

Prepared. For Life.™



AFFIDAVIT OF FRANK HERSTEK, Ed.D.

STATE OF NEW YORK)
)
COUNTY OF ERIE) ss:

FRANK HERSTEK, Ed.D. being duly sworn, deposes and says:

1. I have worked in the education field for 37 years, and I currently am an education consultant with expertise in school improvement. I advise school boards and administrators on best practices for achieving academic excellence. Among other things, I am qualified to, and have in fact, conducted periodic reviews of Schools Under Registration Review (SURR) at the request of the New York State Education Department, subject to section 100.2(p) of the Education Department regulations. I also have worked for Pearson performing administrative and special-education reviews.

2. I received my Ed.D. in education policy development from the State University of New York at Buffalo. Subsequently, I received additional training on school reform and best practices in the research involving same from Harvard and MIT. I began my career in the Buffalo Public School system working in special education. Over a 23-year period, I held the positions of demonstration teacher, parent counselor, part-time principal, and special education supervisor.

3. After I retired from the Buffalo Public School system, I spent 11 years as the head of special education, alternative education, and strategic planning for Orleans Niagara BOCES. During that time, I participated in the development of a school called

Niagara Academy in which special-education students were successful in obtaining their high school diploma. I retired from that position in 2004 and have performed consulting work with schools and other education organizations for the past nine years. In this regard, I have worked with the Partnership for Innovation in Compensation for Charter Schools (“PICCS”) project in peer evaluation of teachers. The PICCS project involves Teacher Incentive Fund grants from the U.S. Department of Education to implement the PICCS project with charter schools in Buffalo, New York City, and in the state of New Jersey.

4. I started consulting for COMMUNITY Charter School (“CCS”) in August 2011. I was engaged to assist the Board of Trustees (the “Board”) and the CCS administration in implementing best practices to improve academic performance. In addition, I have worked on and been part of the data teams that were instituted at CCS and assisted in aligning the staff development initiatives at CCS.

5. As I began my consulting work at CCS, I conducted a culture and climate survey which revealed the following:

1. there was very little collaboration among teachers;
2. there was a poorly-aligned staff development process in place for teachers to grow in their respective fields;
3. there were elements of the charter that had not been instituted in the time since it had been in effect (for example, the principal had not created or implemented the instructional leadership team); and
4. the principal was not attuned to best practices and did not see the value of instituting them at CCS.

I reported my findings to the CCS Board of Trustees.

6. By spring 2012, the former principal no longer was employed at CCS, and the CCS Board had hired an interim principal. I worked with the Board and interim principal to realign the school with its charter obligations and to implement CCS's Restart Plan by the beginning of school year 2012-13. The Restart Plan was designed by the Center for Educational Innovation – Public Education Association (“CEI-PEA”), and every facet of CCS has improved since this Plan was implemented.

7. For example, one component of the Restart Plan was to reconstitute the Board of Trustees. I worked with the Board to recruit new members who possess skills that will be useful to the school. We canvassed the Western New York business and education communities and collaborated with Leadership Buffalo to identify exceptional candidates. I also assisted the Board in restructuring operations and creating operating committees with engaged members to work on specific issues with CCS's administration and staff. Building a strong Board and administrative team is a crucial part of CCS's Restart Plan, and the current Board's governance now requires transparency and accountability of themselves and CCS's administration.

8. I assisted the Board in identifying and hiring an effective new leadership team. That team is headed by Denise Luka, the Head of Schools. I work closely with and regularly interact and observe her. I act as her critical friend, a term used in education reform that defines “a trusted person who asks provocative questions, provides data to be examined through another lens, and offers critiques of a person's work as a friend. A critical friend takes the time to fully understand the context of the work presented and the outcomes that the person

or group is working toward. The friend is an advocate for the success of that work.” Costa, A. and Kallick, B., *Through the Lens of a Critical Friend*. Educational Leadership 51(2) 49-51 (1993). In my opinion to a reasonable degree of professional certainty, Denise Luka is a dedicated leader who is knowledgeable about reforming underperforming schools. Importantly, she also is willing to ask for assistance, and she welcomes collaboration with me and advisors from the PICCS program. She exercises good judgment, she is actively involved in classrooms, and she is committed to staff development.

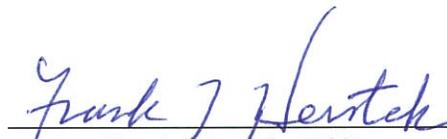
9. The Restart Plan required a shift in CCS’s education paradigm. The school’s team – from administration to teachers to staff – have embraced the shift and are actively and comprehensively engaged in direct instruction. In addition to the Head of School, members of the instructional support team include:

| | |
|--------------------------------------|-----------------------|
| AIS instructors | Special educators |
| Instructional coaches (ELA and math) | Title I math teachers |
| Title I reading teachers | Assistant principals |

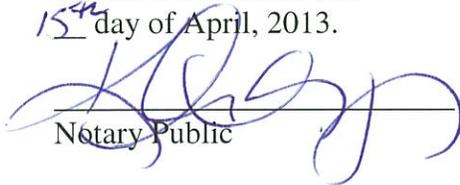
All of these critical professionals are embedded and interacting with children throughout the day to provide support to small groups of students identified as in need of support. The schedule attached as Exhibit A shows the supports provided to 5th graders during the year. The schedule attached as Exhibit B shows the additional supports provided to 5th graders to help them prepare for the New York State Assessments. The arrangement of the schedules to provide this intensive support is a best practice that will increase academic performance. All testing grades have schedules similar to Exhibits A and B.

10. I have observed that the students rely on and look forward to receiving this additional support. They are more confident and assertive about learning, because they know that there are people who will help them if they have difficulty. *CCS now functions as a best-practices elementary school, and the remarkable efforts being undertaken have resulted in demonstrable academic growth already.*

11. I also have observed that CCS is an integral part of the local neighborhood. It provides a safe educational environment for its approximately 300 children, and with its improving academic performance, I fully anticipate that the positive effect CCS has had on the community will continue to grow.


Frank Herstek, Ed.D.

Sworn to before me this
15th day of April, 2013.


Notary Public

KIMBERLY A. GEORGER
NOTARY PUBLIC, STATE OF NEW YORK
REGISTRATION No. 02GE6203221
QUALIFIED IN ERIE COUNTY
My Commission Expires March 30, 2017

RM 216
2012-2013 SCHEDULE
5th Grade

EXHIBIT A

| Period/Time | A | B | C | D | E | F |
|-----------------|--|--|--|--|--|--|
| HR 8:00-8:18 | Arrival Breakfast | Arrival Breakfast | Arrival Breakfast | Arrival Breakfast | Arrival Breakfast | Arrival Breakfast |
| 8:20-9:20 | Math TA Support |
| 9:20-10:10 | RTI ELA Title I Pull-Out/Push- In support Special Ed Support TA Support | RTI ELA Title I Pull-Out/Push- In support Special Ed Support TA Support | RTI ELA Title I Pull-Out/Push- In support Special Ed Support TA Support | RTI ELA Title I Pull-Out/Push- In support Special Ed Support TA Support | RTI ELA Title I Pull-Out/Push- In support Special Ed Support TA Support | RTI ELA Title I Pull-Out/Push- In support Special Ed Support TA Support |
| 10:10-11:40 | ELA TA Support |
| 11:40 -12:10 | Science | Science | Science | Social Studies | Social Studies | Social Studies |
| 12:15-12:45 | Lunch | Lunch | Lunch | Lunch | Lunch | Lunch |
| 12:52-1:35 | Gym | Art | Music | Art | Gym | Music |
| 1:42-2:10 | Writing TA Support | Enrichment TA Support (Grade level meeting) | Enrichment TA Support (Grade level meeting) | Writing TA Support | Art | Gym |
| 2:10-3:00 | RTI Math Title I Pull-Out/Push- In support Special Ed Support TA Support | RTI Math Title I Pull-Out/Push- In support Special Ed Support TA Support | RTI Math Title I Pull-Out/Push- In support Special Ed Support TA Support | RTI Math Title I Pull-Out/Push- In support Special Ed Support TA Support | RTI Math Title I Pull-Out/Push- In support Special Ed Support TA Support | RTI Math Title I Pull-Out/Push- In support Special Ed Support TA Support |
| 3:05-3:20 | Asset Development |
| 3:25-3:35 | Dismissal | Dismissal | Dismissal | Dismissal | Dismissal | Dismissal |

- Intensive learning in ELA and Math scheduled when students are focused
- Rti with ELA or Math for continuous support.
- Extensive ELA and Math to build fluency in those subjects.

RM 216
2012-2013 SCHEDULE
5th Grade

EXHIBIT B

| Period/Time | A | B | C | D | E | F |
|-------------|---|---|---|---|---|---|
| HR | Arrival Breakfast | Arrival Breakfast | Arrival Breakfast | Arrival Breakfast | Arrival Breakfast | Arrival Breakfast |
| 8:30-8:50 | Title I Math Push-In Support TA Support | Title I Math Push-In Support TA Support | Title I Math Push-In Support TA Support | Title I Math Push-In Support TA Support | Title I Math Push-In Support TA Support | Title I Math Push-In Support TA Support |
| 8:50-10:30 | Math with Title I Push-In/Pull-Out support TA Support | Math with Title I Push-In/Pull-Out support TA Support | Math with Title I Push-In/Pull-Out support TA Support | Math with Title I Push-In/Pull-Out support TA Support | Math with Title I Push-In/Pull-Out support TA Support | Math with Title I Push-In/Pull-Out support TA Support |
| 10:30-12:10 | Title I Reading Push-In support for Writing Special Ed Support TA Support | Title I Reading Push-In support for Writing Special Ed Support TA Support | Title I Reading Push-In support for Writing Special Ed Support TA Support | Title I Reading Push-In support for Writing Special Ed Support TA Support | Title I Reading Push-In support for Writing Special Ed Support TA Support | Title I Reading Push-In support for Writing Special Ed Support TA Support |
| 12:15-12:45 | Lunch | Lunch | Lunch | Lunch | Lunch | Lunch |
| 12:52-1:35 | Gym | Art | Music | Art | Gym | Music |
| 1:42-2:10 | Title I Math Push-In/Pull-Out support Math Special Ed Support TA Support | Title I Reading Push-In/Pull-Out Support ELA Special Ed Support TA Support | Title I Math Push-In/Pull-Out support Math Special Ed Support TA Support | Title I Reading Push-In/Pull-Out Support ELA Special Ed Support TA Support | Art (Special Ed, TA, and Teacher -collaboration) | Gym (Special Ed, TA, and Teacher -collaboration) |
| 2:10-3:00 | | | | | Title I Math Push-In/Pull-Out support Math Special Ed Support TA Support | Title I Reading Push-In/Pull-Out Support ELA Special Ed Support TA Support |
| 3:05-3:20 | | | | | | |
| 3:25-3:35 | Dismissal | Dismissal | Dismissal | Dismissal | Dismissal | Dismissal |

- Implemented because data analysis indicated a need for additional intensive supports in ELA and Math.

AFFIDAVIT OF JEREMY D. FINN, Ph.D.

JEREMY D. FINN, Ph.D., being duly sworn, deposes and says:

1. I am Associate Dean for Research and a Professor in the Graduate School of Education at the University at Buffalo – SUNY. I have held the position of Professor since 1976. During the past 35 years, I have been a Visiting Scholar at the Graduate School of Education, Stanford University (2005), Visiting Scholar at the Center for Research in Human Development and Education at Temple University (1997-1998), National Assessment of Educational Progress (NAEP) Scholar at Educational Testing Service in Princeton, New Jersey (1996-1997), NSF/ASA Fellow at the National Center for Education Statistics in Washington, DC (1990-1992), Visiting Professor in the School of Education at Stanford University (1988-1989), Visiting Professor at Virginia Polytechnic Institute and State University (1982), and Senior Research Associate at the National Research Council/National Academy of Sciences in Washington, DC (1980-1981).

2. Among my professional affiliations, I am or have been a member of the American Educational Research Association, American Statistical Association, National Council on Measurement in Education, the Psychometric Society, and the Society for Research on Educational Effectiveness.

3. My major research interests are the study of the impact of classroom and school conditions on the academic success of students, student disengagement and dropping out, and factors that contribute to academic failure among students at risk.

4. I was retained by the Community Charter School in Buffalo, New York, to examine data regarding the recent conditions and student performance there. Community Charter is an elementary school serving approximately 300 students in grades K through 6. Specifically, I examined the School Report Cards for Community Charter and other schools in Buffalo, New

York, published online by the New York State Education Department; data contained in Community Charter's own data warehouse; data from the Erie County BOCES data warehouse; results of the administration of AIMSweb assessments during the 2012-2013 school year; and statistical comparisons of Community Charter School with the Buffalo Public Schools and other schools throughout New York State.

5. I am well qualified to render opinions on the matter of conditions and academic performance of students in grades K through 6. I received my Ph.D. from The University of Chicago in educational measurement, evaluation, and statistical analysis under the guidance of Professor Benjamin Bloom, a scholar known around the world for his research on school effectiveness. I have published extensively in top-rated journals on the topics of school and classroom conditions affiliated with student performance and dropping out. I have given invited addresses on these topics to educators, researchers, and policy makers in the United States and abroad and have been interviewed often by representatives of the public media. All of my research has involved the analysis and interpretation of quantitative educational data.

Findings

6. The State Assessment results for Community Charter School are not high on an absolute basis or compared to all schools in the State. "All schools in the State" include urban, suburban, and rural schools, many of which serve children from middle and high income families living in educationally enriched conditions.

7. However, I identified 9 elementary schools in the Buffalo school district that were similar to Community in terms of the percentage of minority students enrolled (90% and above) and in terms of the percentage of students receiving free or reduced-price lunches (90% and

above), and compared them to Community Charter.¹ This served to level the playing field in terms of the “difficulty of the educational task.” Enrollments are shown in Exhibits A through C; note that Community has the highest minority enrollment of all (99%).

8. Conditions at Community Charter are excellent. The median class size is currently between 21 and 22 students and no class exceeds 23 students. The annual attendance rate has been between 91% and 93% over the past three years, as high or higher than any of the comparison schools (Exhibit E). Teacher turnover has been extremely low by absolute and comparative standards at 4% (just one teacher) for three out of the past four years (Exhibit D).

9. Student behavior, as indicated by the number of students suspended for one or more days, has been excellent. The 2009-2010 suspension rate was lower than all but one of the comparison schools (Exhibit F). Further, counts of suspensions during the 2011-2012 and 2012-2013 school years indicate small numbers to begin with and *even fewer suspensions – both in-school and out-of-school suspensions – in every month of the current school year* (Exhibits G and H).²

10. In sum, I could find no defining school condition that would contribute to grounds for closing Community Charter School. The school conditions at Community are conducive to a positive educational experience for the students.

11. I also examined the academic performance of students in Community Charter School in juxtaposition to the seven K-6 comparison schools with similar demographics. In terms of the mean on the New York State assessments in reading (the “ELAs”), Community was ranked sixth out of eight schools (Exhibit I). However, Exhibits II-IV show that this ranking is

¹ Two of the nine are for grades K-4 only and are not included in K-6 comparisons.

² With the single exception of out-of-school suspensions in November 2012.

attributable to Community's poor sixth grade performance (Exhibit I4). When schools' reading performance is compared on proficiency in grades 3-5 only, Community is in the middle of the distribution of the schools with comparable demographics (Exhibit J).

12. In terms of mean performance on the State assessments in mathematics, Community Charter scores *near the top of the set of comparison schools*, whether the comparison is made for grades 3-6 or 3-5 (Exhibits K and L).

13. In my opinion, the reading performance of Community Charter School's sixth grade class, and perhaps the preceding grade, needs to be addressed. In itself, it certainly does not justify closing the school. That a quality intervention can help these students attain the State's proficiency threshold is likely. In addition to reporting proficiency levels (3 and 4 acceptable, 1 and 2 not acceptable), the State reports "high 2s," that is, students who would be able to attain proficiency with a moderate amount of additional instruction. Almost 22% of students at Community Charter are in the high 2 range in reading in grades 3—6 (right-hand bar of Exhibit M). If these students alone attain additional proficiency in reading, the school's total percentage of proficient readers would be raised from 15% to 37%.³

14. The staff of Community Charter School administered additional assessments (the AIMSweb) to all students in grades 2—6 in the fall (August 27 – September 7) and in the winter (December 10-21) of the current school year. The AIMSweb is a set of achievement tests for students in K-8 designed by Pearson Education, Inc., a highly regarded publisher of academic assessments. AIMSweb, grades K-8, was approved by the New York State Department of Education for the list of Approved Student Assessments for Use by School Districts and BOCES in Teacher and Principal Evaluations for the 2012-2013 school year. The school administered the tests in oral reading, math computations, and math concepts. The results are reported as

³ The percentage of high 2s in mathematics is even greater (Exhibit N).

numerical scale scores and as one of three “tiers.” Tier 1 indicates the student does not need supplementary reading or math instruction; tier 2 indicates the student is at risk of academic problems and should receive additional help; and tier 3 indicates that the student needs intensive and/or individualized instruction in that subject.

15. Growth in reading and mathematics on the AIMSweb is clear. Exhibit O gives the mean scores in reading in the fall and winter. The amount of growth is indicated by an effect size shown in the right-hand column. An effect size is a statistical measure used to characterize a difference between two means.⁴ By convention, an effect size of about 0.2 is considered “small,” an effect size of about 0.4 to 0.5 is considered “moderate,” and an effect size of about 0.8 or greater is considered “large.”⁵ In reading, the growth from fall to winter was very large in grade 2, large in grades 3 and 4, moderately large in grade 5, and moderate in grade 6. That is, growth in reading skill was substantial in every grade.

16. Growth in mathematics from fall to winter was even more noteworthy – increases of 1.1 to 2.1 standard deviations in math computations and 0.7 to 3.8 standard deviations in math concepts (Exhibit P). These changes are formidable!

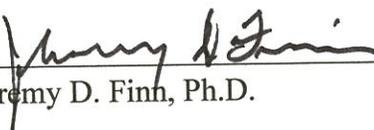
17. The fall-to-winter growth on the AIMSweb assessments are also apparent in the percentages of students scoring at tier 1 (highest level) and/or tier 3 (lowest level) (Exhibits Q—U). In grade 2, for example, the percentage of tier-1 students in reading increased from 22.1% to 38.5% and the percentage of tier-3 students decreased from 42.1% to 31.7% (Exhibit Q). Gains were smaller for math. In grade 4, the percentage of tier-1 students increased substantially in every subject (Exhibit S). In fact the percentage of tier-3 students in math concepts was reduced

⁴ The effect size is the number of standard deviations that separate the two means. It is used commonly to present results of statistical analyses.

⁵ See Cohen, J. (1988). *Statistical power analysis for the behavioral sciences* (2nd ed.). Hillsdale, NJ: Erlbaum.

nearly to zero. Grade 6 presented more mixed results, but even in this grade there was one positive trend: the percentage of students needing intensive instruction in reading and math computations decreased noticeably over the fall term (Exhibit U).

18. In reviewing the analysis of data conducted by the State Education Department in its non-renewal recommendation, I found that the analysis presented as being central to the point—the multivariate analysis of reading and math discussed on pages 4-5 of Attachment A—is not described sufficiently to be understood. A reader cannot tell from the presentation how the effect sizes in the table entitled “Controlled Comparison” were produced or what they really mean. Nevertheless, for a truly unbiased analysis, the same approach (whatever it is) would need to be taken for a group of schools in Western New York with similar demographics,⁶ not just for one school in isolation.



Jeremy D. Finn, Ph.D.

Sworn to before me
this thirteenth day of April, 2013



Notary Public

KIMBERLY A. GEORGER
NOTARY PUBLIC, STATE OF NEW YORK
REGISTRATION No. 02GE6203221
QUALIFIED IN ERIE COUNTY
My Commission Expires March 30, 2017

⁶ As the present report has done.

Exhibit A

School Enrollment of Similar Schools

| School | 2010-2011 Enrollment† |
|-----------|--------------------------|
| 39 | 676 |
| 30 | 658 |
| 91 | 574 |
| 59 | 470 |
| 31 | 455 |
| 19 | 405 |
| 17 | 366 |
| Community | 334* |
| 97 | 299 |
| 61 | 268 |
| Niagara | 350 |

*2011-2012: 309 2012-2013: 321

†Enrollment counts are as of Basic Educational Data System (BEDS) day, which is typically the first Wednesday of October of the school year.

Source: 2010-2011 New York State School Report Cards (Department of Education)

Exhibit B

Percentage of Students Eligible for Free or Reduced Lunch at Similar Schools

| School | 2010-2011 Percent Free/Reduced Lunch† |
|------------------|--|
| 19 | 98% |
| 91 | 96% |
| 30 | 95% |
| 31 | 94% |
| 61 | 94% |
| 97 | 94% |
| Community | 93% |
| 17 | 92% |
| 39 | 92% |
| 59 | 92% |
| Niagara | 97% |

†Determined by dividing the number of approved lunch applicants
by the Basic Educational Data System (BEDS) enrollment

Source: 2010-2011 New York State School Report Cards (Department of Education)

Exhibit C

Percentage of Minority Students at Similar Schools

| School | 2010-2011 Percent Minority† |
|-----------|-----------------------------------|
| Community | 99% |
| 61 | 98% |
| 39 | 97% |
| 91 | 97% |
| 31 | 95% |
| 97 | 95% |
| 19 | 94% |
| 30 | 93% |
| 59 | 93% |
| 17 | 90% |
| Niagara | 86% |

†The number of students who are not white divided by the total student population
Source: 2010-2011 New York State School Report Cards (Department of Education)

Exhibit D

Teacher Turnover Rate of Similar Schools

| School | 2009-2010 Turnover Rate† |
|-----------|--------------------------------|
| 61 | 36% |
| 17 | 26% |
| 59 | 24% |
| 31 | 22% |
| 39 | 22% |
| 91 | 20% |
| 19 | 14% |
| 97 | 11% |
| 30 | 10% |
| Community | 4%* |
| Niagara | 0% |

*2010-2011: 4% 2011-2012: 11% 2012-2013: 4%

†The number of teachers in that school year who were not teaching in the following school year divided by the number of teachers in the specified school year, expressed as a percentage.
Source: 2010-2011 New York State School Report Cards (Department of Education)

Exhibit E

Annual Attendance Rate of Similar Schools

| School | 2009-2010 Attendance Rate† |
|-----------|----------------------------------|
| Community | 91%* |
| 59 | 91% |
| 19 | 90% |
| 91 | 90% |
| 97 | 90% |
| 30 | 89% |
| 61 | 89% |
| 17 | 88% |
| 31 | 88% |
| 39 | 88% |
| Niagara | 92% |

*2010-2011: 91% 2011-2012: 91% 2012-2013: 93%

†Annual Attendance Rate is determined by dividing the school's total actual attendance by the total possible attendance for a school year. A school's actual attendance is the sum of the number of students in attendance on each day the school was open during the school year. Possible attendance is the sum of the number of enrolled students who should have been in attendance on each day the school was open during the school year.

Source: 2010-2011 New York State School Report Cards (Department of Education)

Exhibit F

Out of School Suspension Rate of Similar Schools

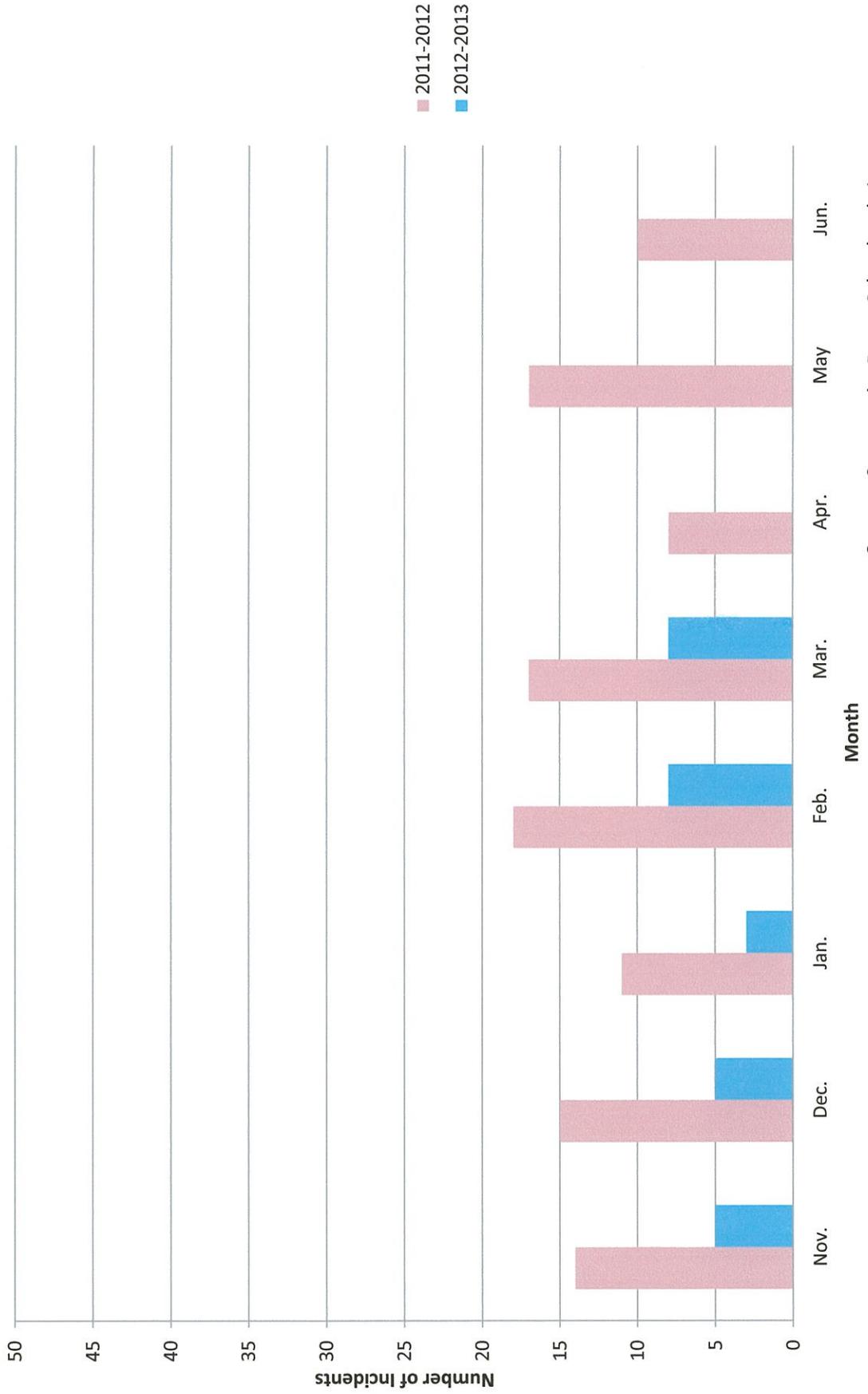
| School | 2009-2010 Suspension Rate† |
|-----------|----------------------------------|
| 31 | 40% |
| 30 | 28% |
| 97 | 28% |
| 39 | 26% |
| 91 | 25% |
| 59 | 24% |
| 61 | 20% |
| 19 | 19% |
| Community | 18% |
| 17 | 12% |
| Niagara | 13% |

†The number of students who were suspended outside of school for 1+ full day(s) anytime during the school year divided by school population. A student is counted only once, regardless of whether the student was suspended one or more times during the school year.

Source: 2010-2011 New York State School Report Cards (Department of Education)

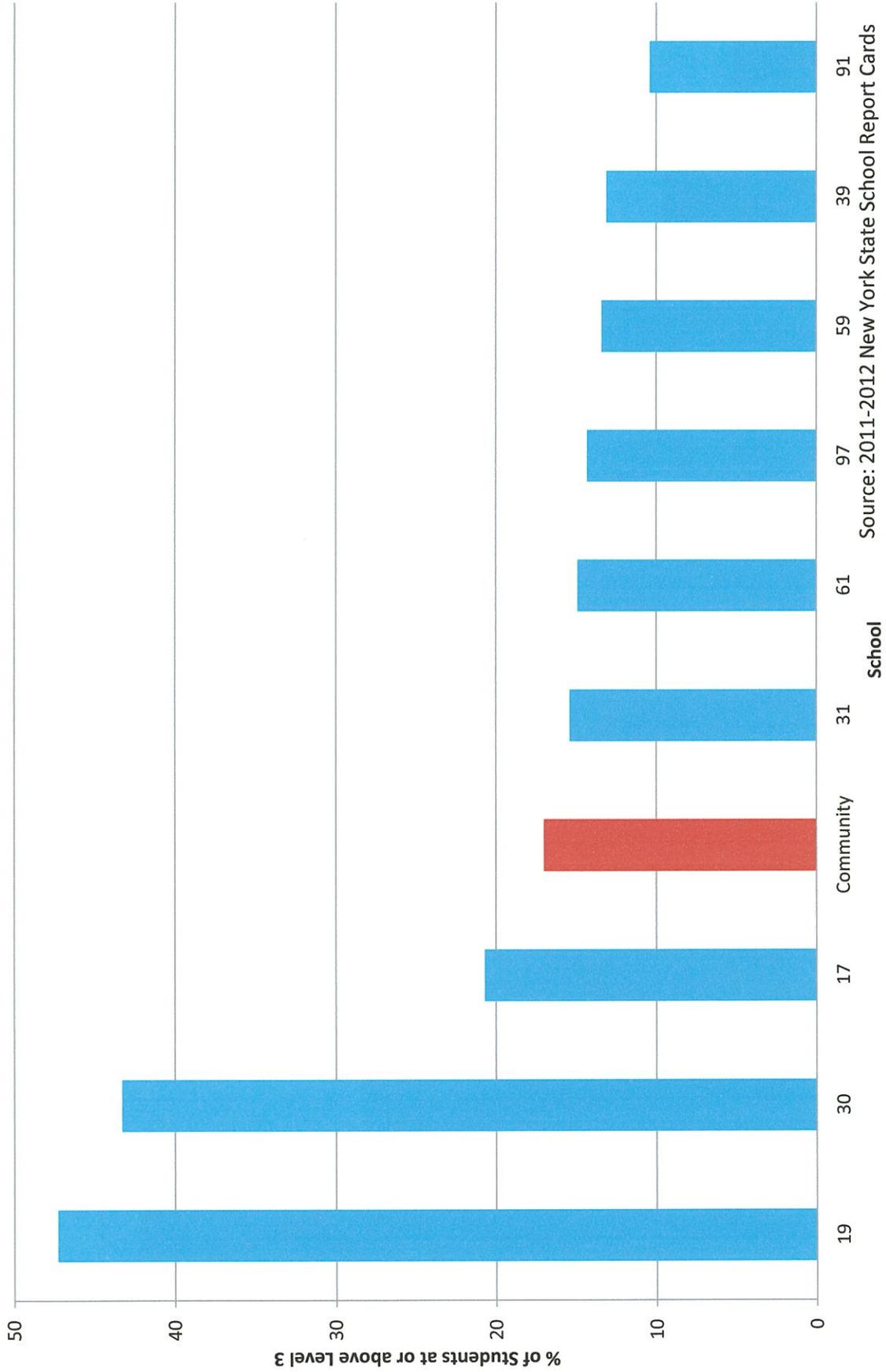
Exhibit G

Community Charter's Number of In School Suspensions (includes repeat offenders)



Source: Community PowerSchool website

Exhibit I1 2011-2012 Grade 3 ELA Proficiency



Source: 2011-2012 New York State School Report Cards
(Department of Education)

Exhibit I4 2011-2012 Grade 6 ELA Proficiency

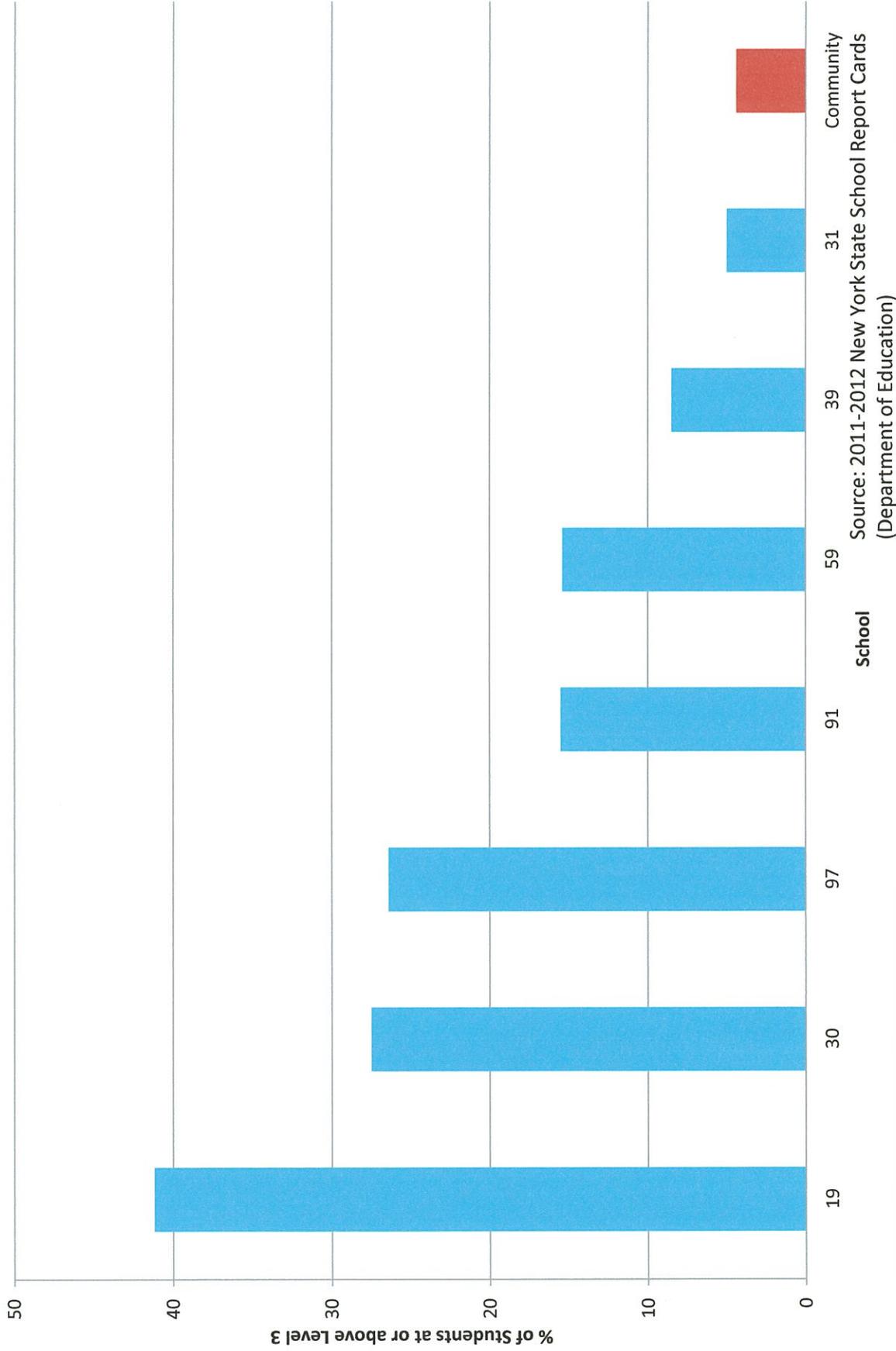
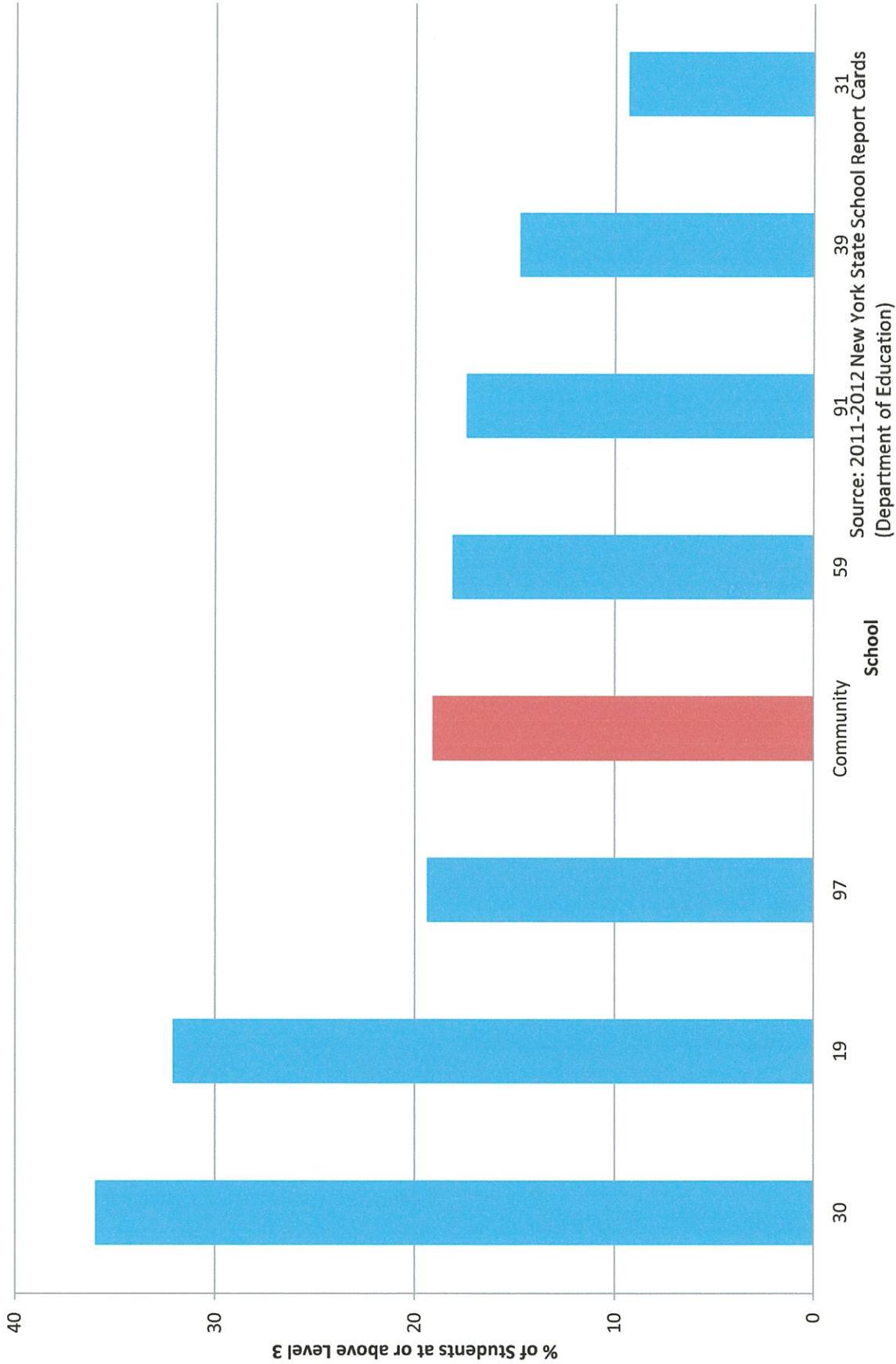


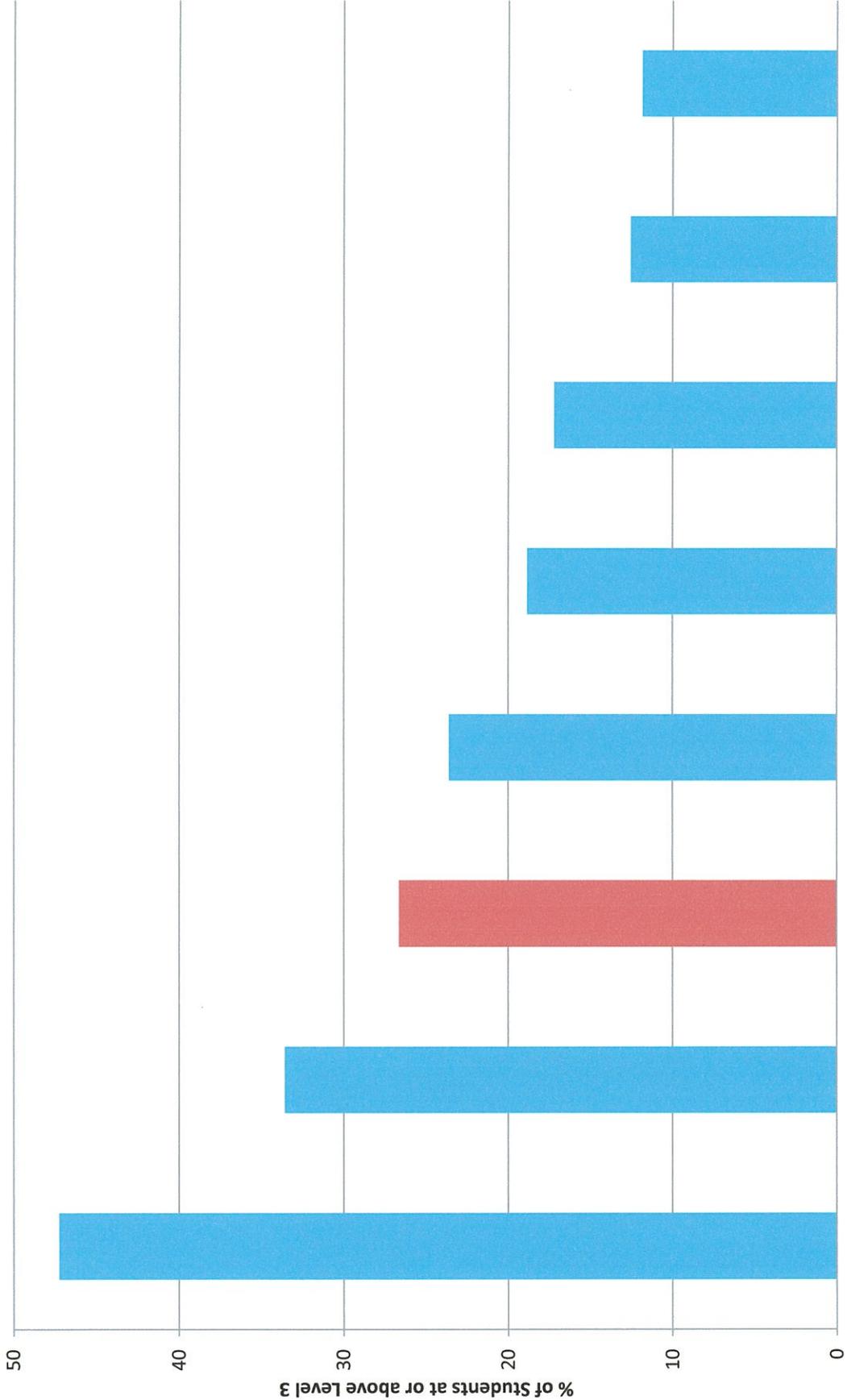
Exhibit J

2011-2012 Grade 3-5 ELA Proficiency



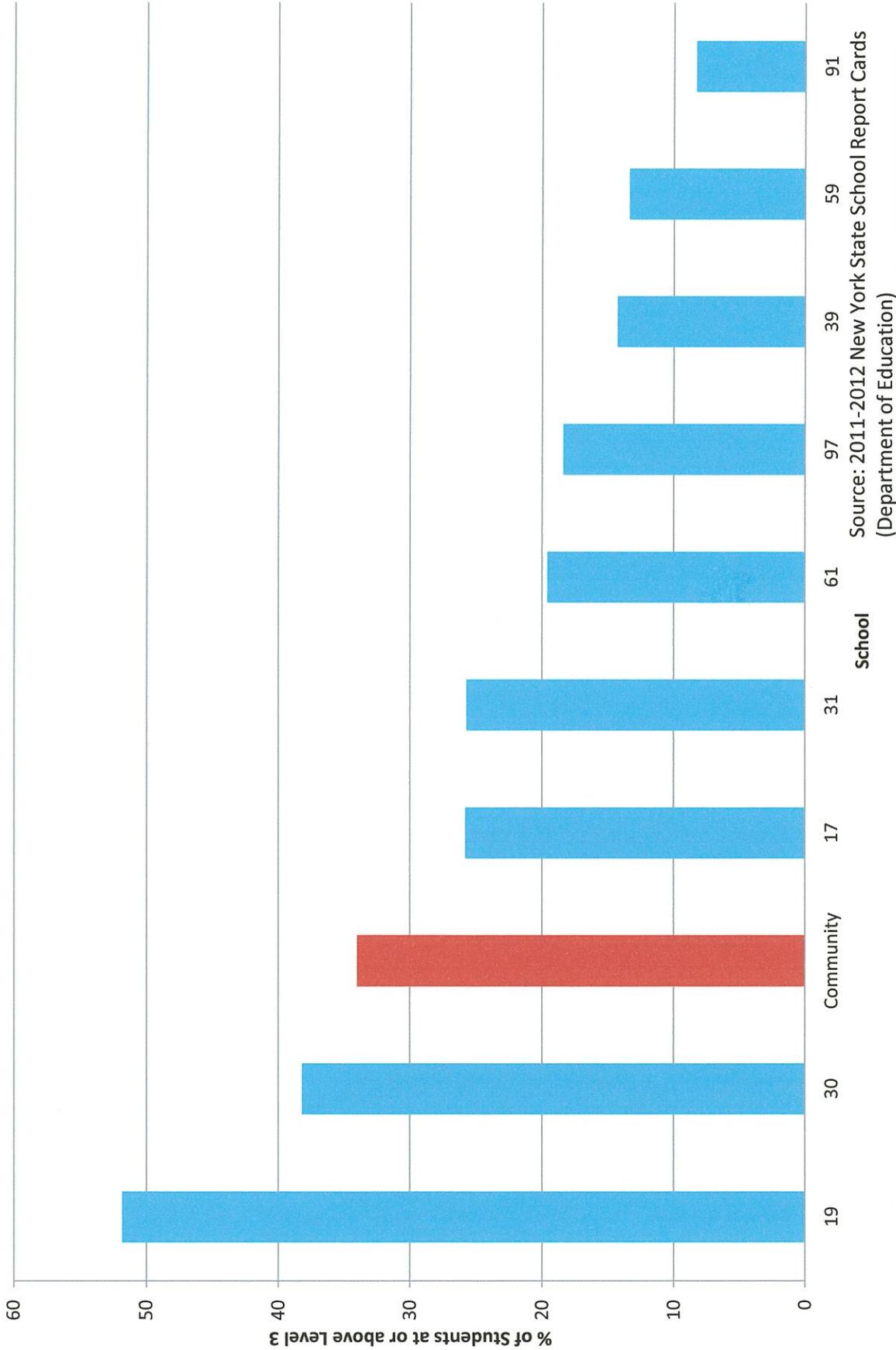
Source: 2011-2012 New York State School Report Cards
(Department of Education)

Exhibit K 2011-2012 Grade 3-6 Math Proficiency



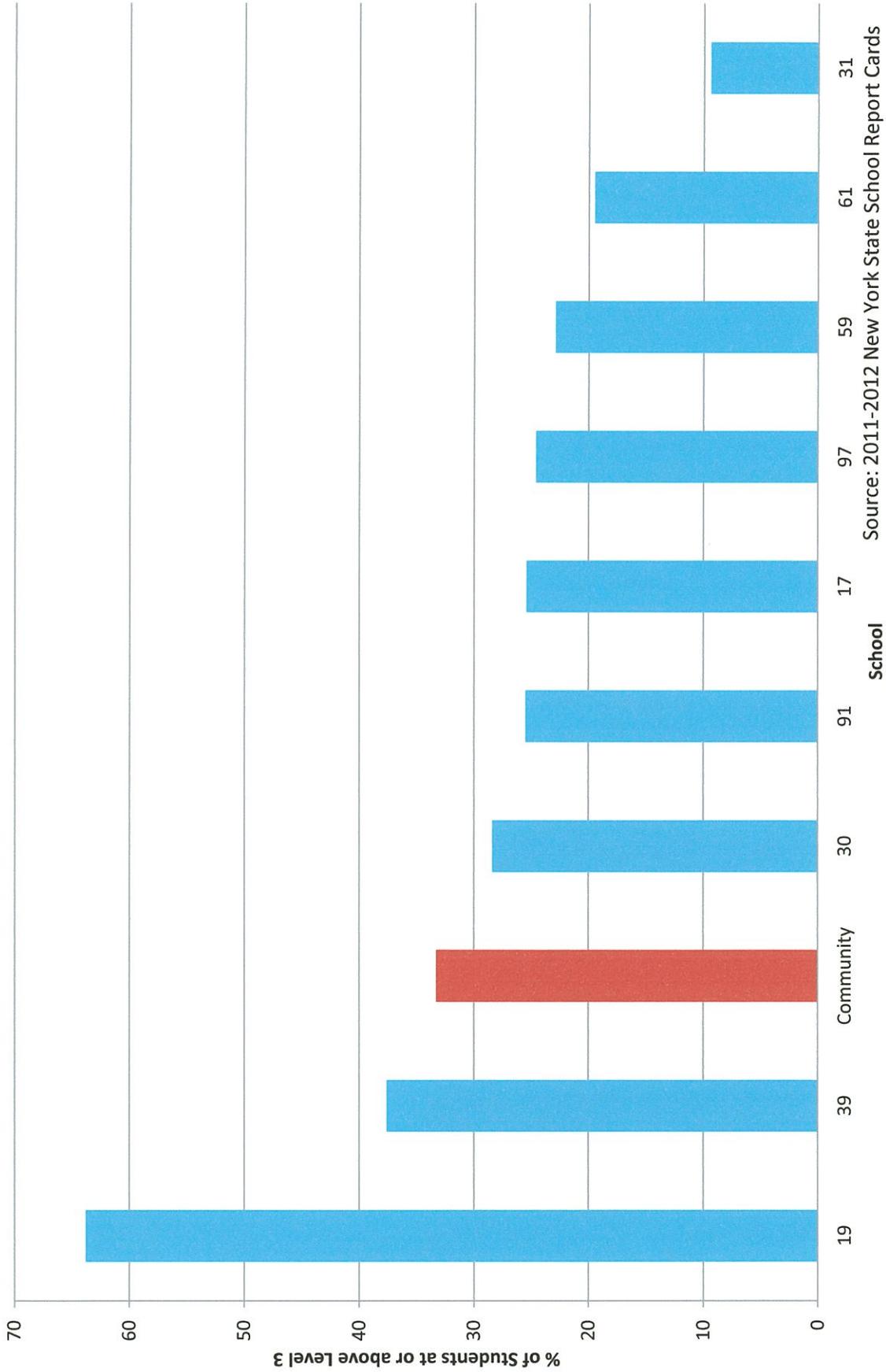
Source: 2011-2012 New York State School Report Cards
(Department of Education)

Exhibit K1 2011-2012 Grade 3 Math Proficiency



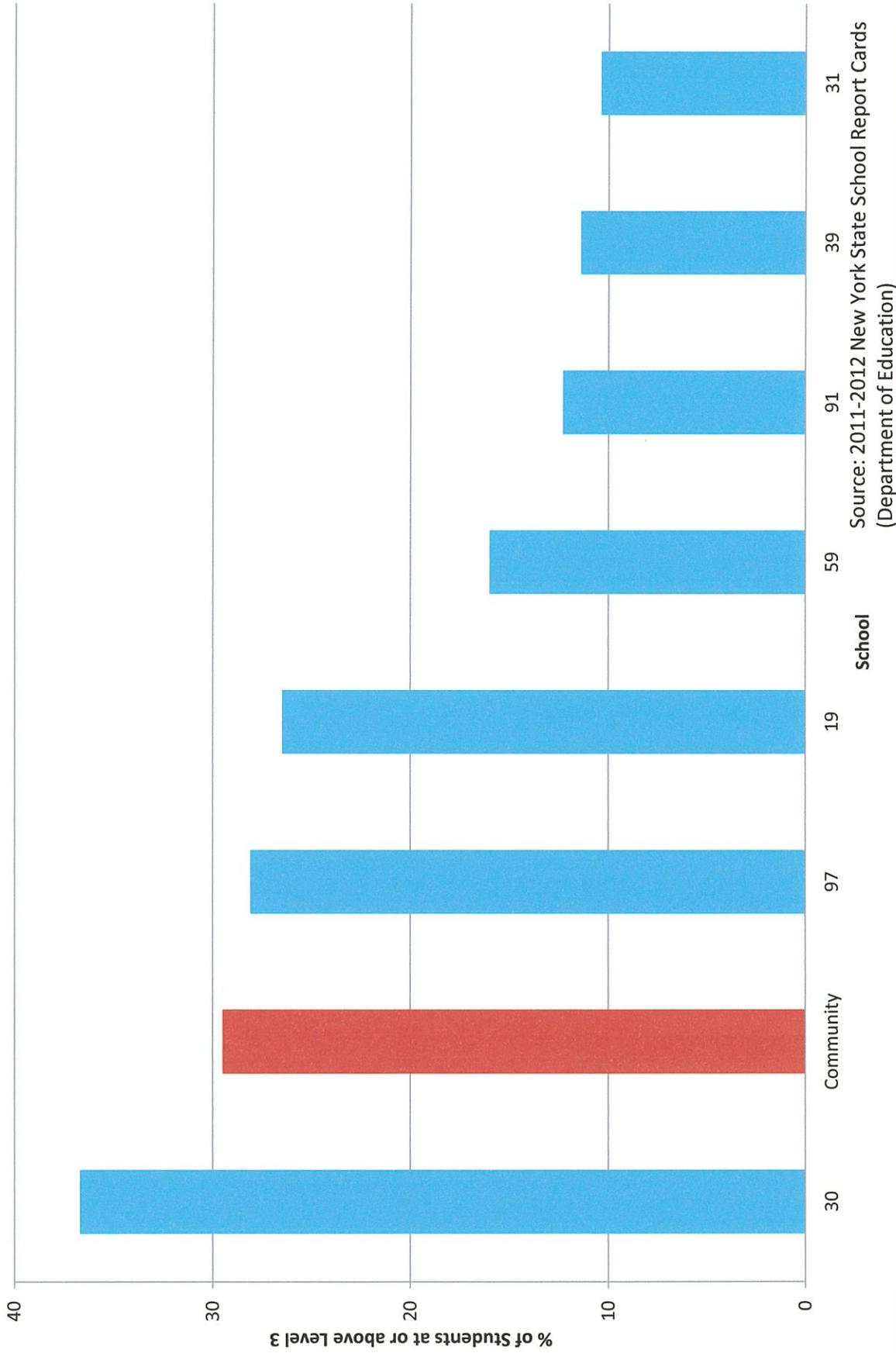
Source: 2011-2012 New York State School Report Cards
(Department of Education)

Exhibit K2 2011-2012 Grade 4 Math Proficiency



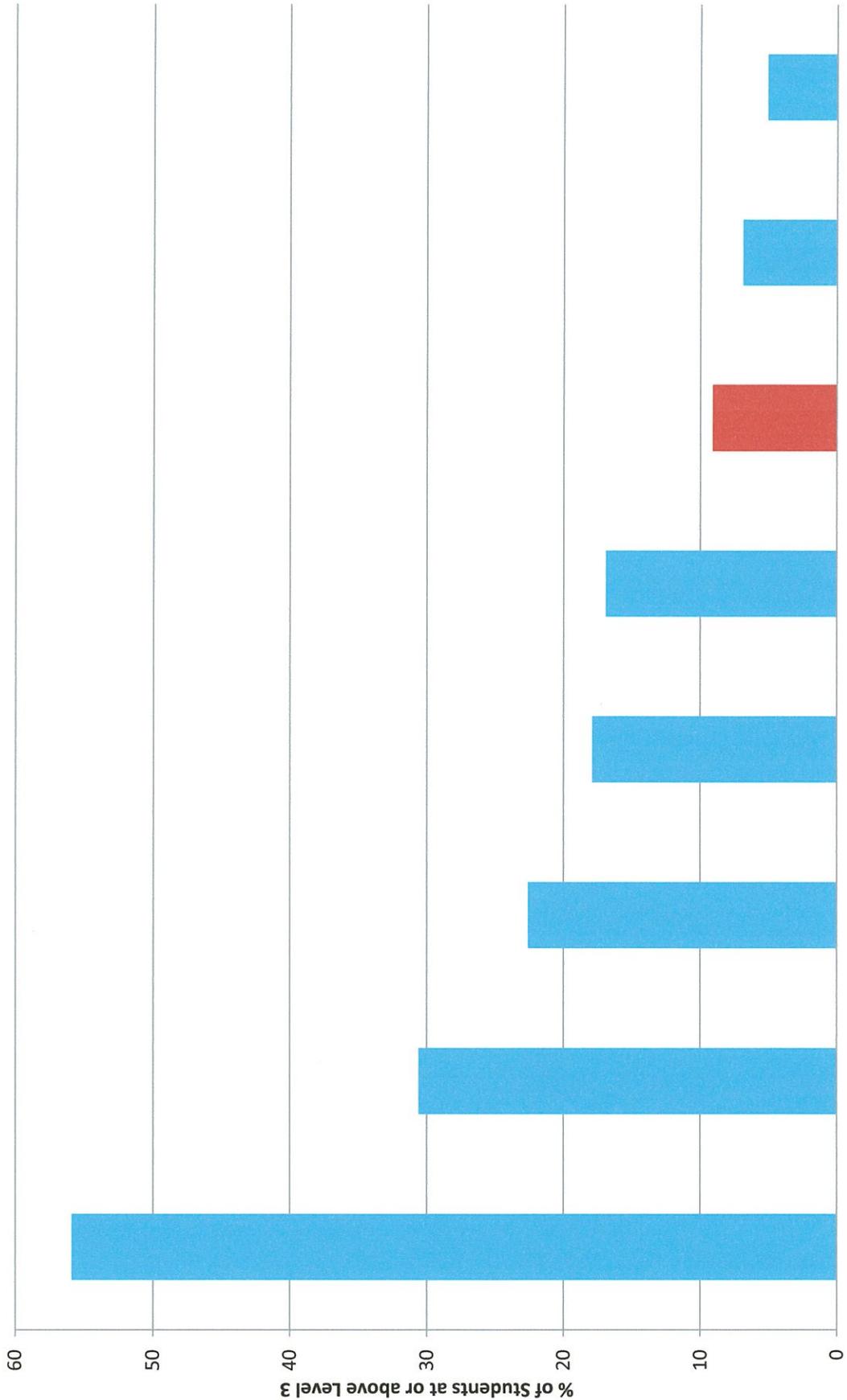
Source: 2011-2012 New York State School Report Cards
(Department of Education)

Exhibit K3 2011-2012 Grade 5 Math Proficiency



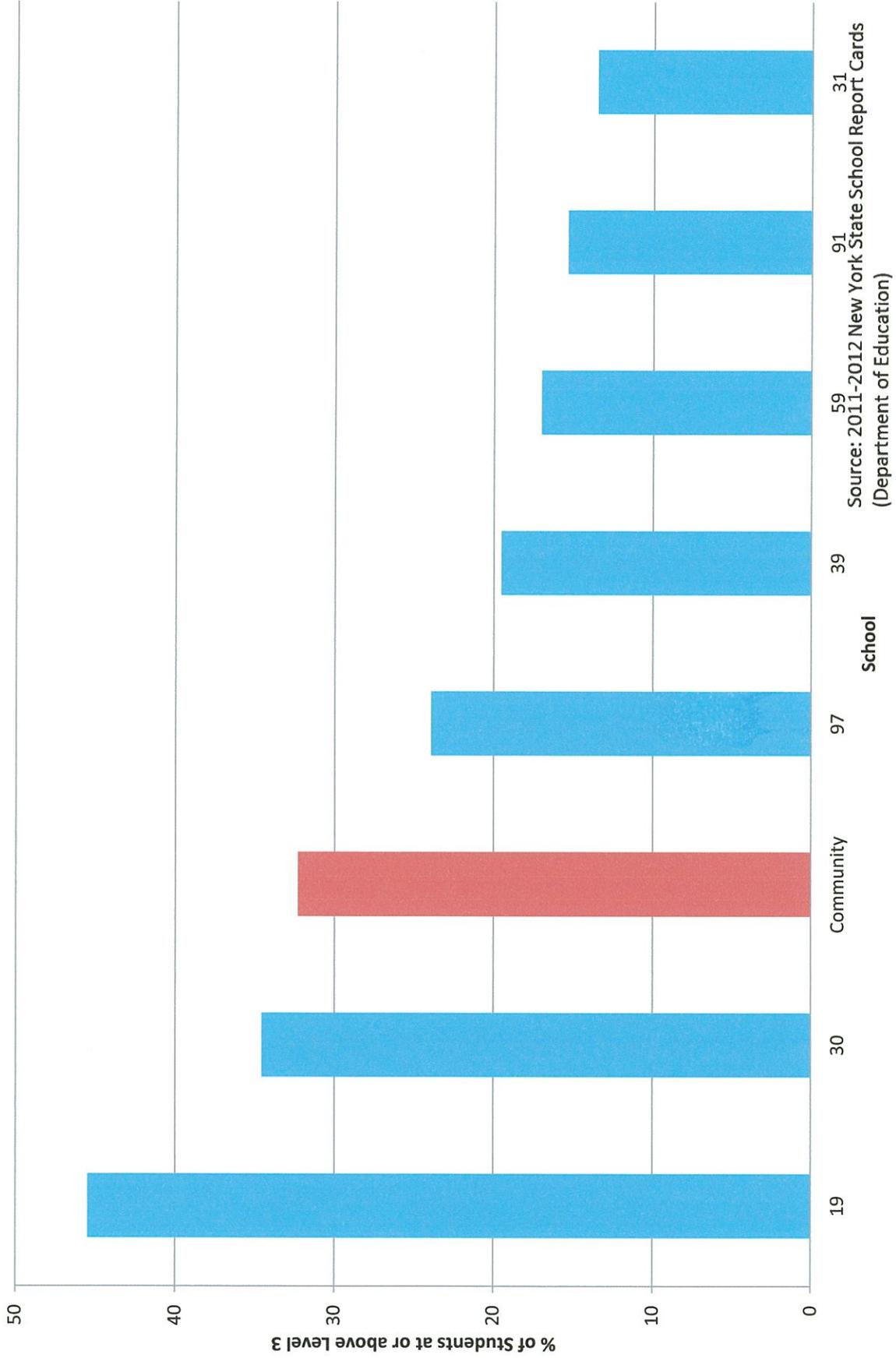
Source: 2011-2012 New York State School Report Cards
(Department of Education)

Exhibit K4 2011-2012 Grade 6 Math Proficiency



Source: 2011-2012 New York State School Report Cards
(Department of Education)

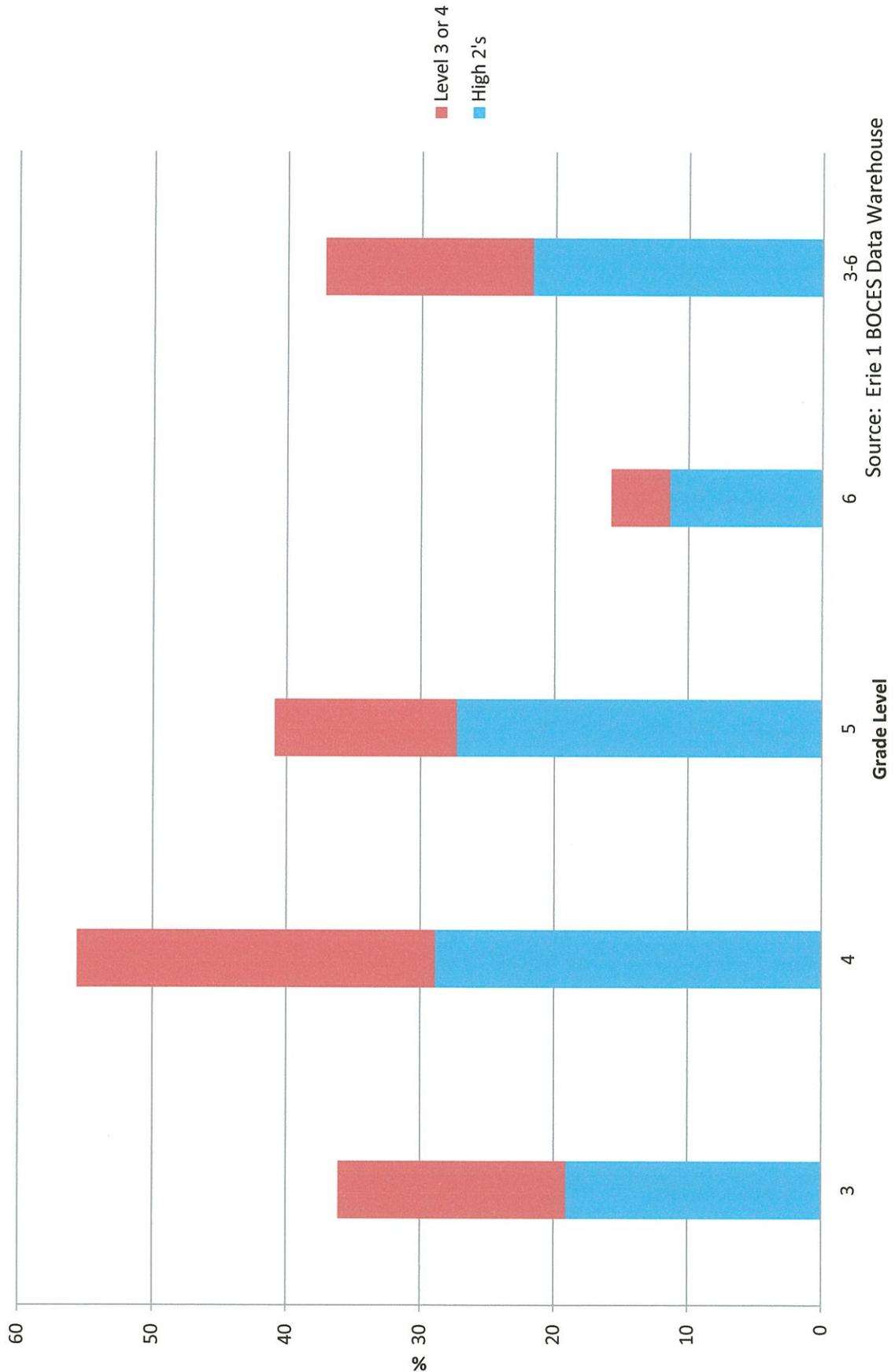
Exhibit L 2011-2012 Grade 3-5 Math Proficiency



Source: 2011-2012 New York State School Report Cards
(Department of Education)

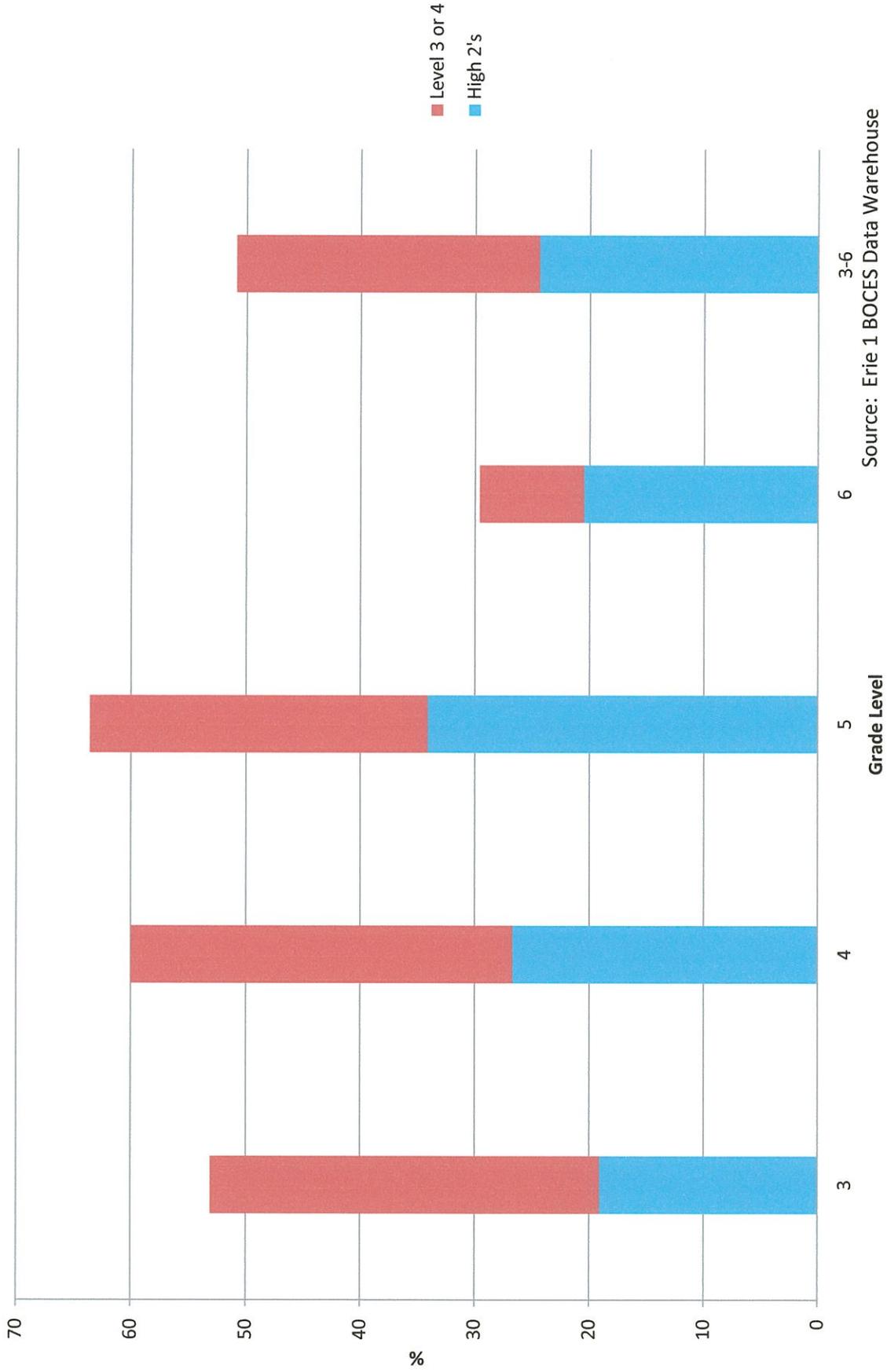
Exhibit M

2011-2012 ELA Proficiency for Community Charter School



Source: Erie 1 BOCES Data Warehouse

Exhibit N 2011-2012 Math Proficiency for Community Charter School



Source: Erie 1 BOCES Data Warehouse

Exhibit O

Community Charter's Growth on the AIMSweb Reading Benchmarks for the 2012-2013 Schoolyear

| Grade | Reading Curriculum Mean (Fall) | Reading Curriculum Mean (Winter) | Reading Curriculum Growth† |
|-------|--------------------------------|----------------------------------|----------------------------|
| 2 | 37.7 | 67.7 | 1.1 |
| 3 | 61.7 | 89.9 | 0.8 |
| 4 | 82.6 | 102.2 | 0.7 |
| 5 | 102.8 | 122.4 | 0.6 |
| 6 | 119.2 | 131.1 | 0.4 |

†Growth between fall and winter in terms of fall standard deviations

Source: Community Charter School AIMSweb

Exhibit P

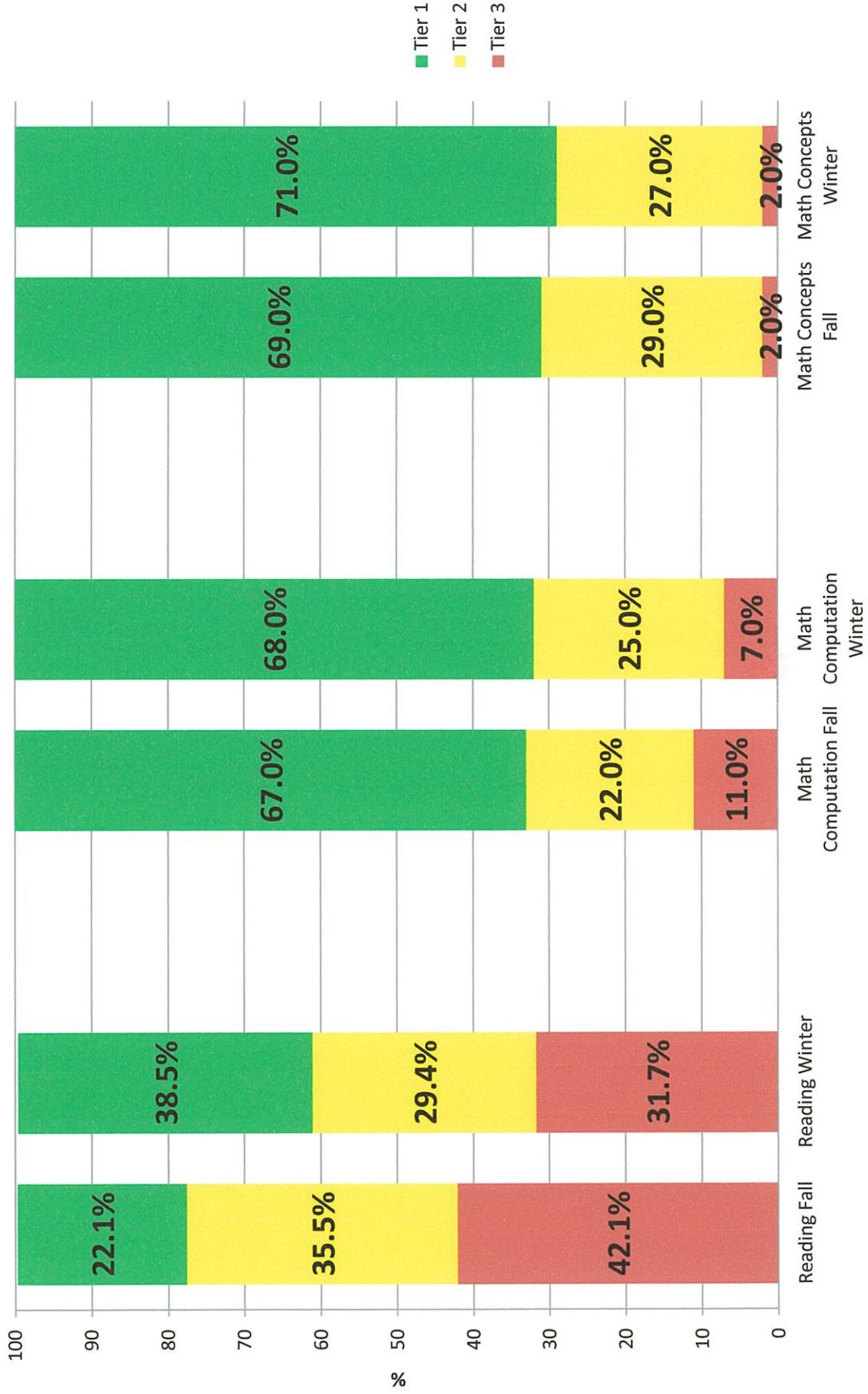
Community Charter's Growth on the AIMSweb Math Benchmarks for the 2012-2013 Schoolyear

| Grade | Computation Mean (Fall) | Computation Mean (Winter) | Computation Growth† | Concepts Mean (Fall) | Concepts Mean (Winter) | Concepts Growth† |
|-------|-------------------------|---------------------------|---------------------|----------------------|------------------------|------------------|
| 2 | 16.2 | 30.7 | 2.1 | 6.3 | 16.3 | 3.8 |
| 3 | 19.1 | 43.5 | 2.4 | 3.6 | 7.1 | 1.7 |
| 4 | 20.7 | 42.4 | 1.7 | 9.3 | 15.6 | 1.5 |
| 5 | 11.1 | 24.2 | 1.4 | 6.1 | 9.3 | 0.7 |
| 6 | 17.1 | 27.9 | 1.1 | 7.8 | 10.8 | 0.7 |

†Growth between fall and winter in terms of fall standard deviations

Source: Community Charter School AIMSweb

Exhibit Q 2012-2013 Grade 2 AIMSweb Benchmark Tests



Source: Community Charter School AIMSweb

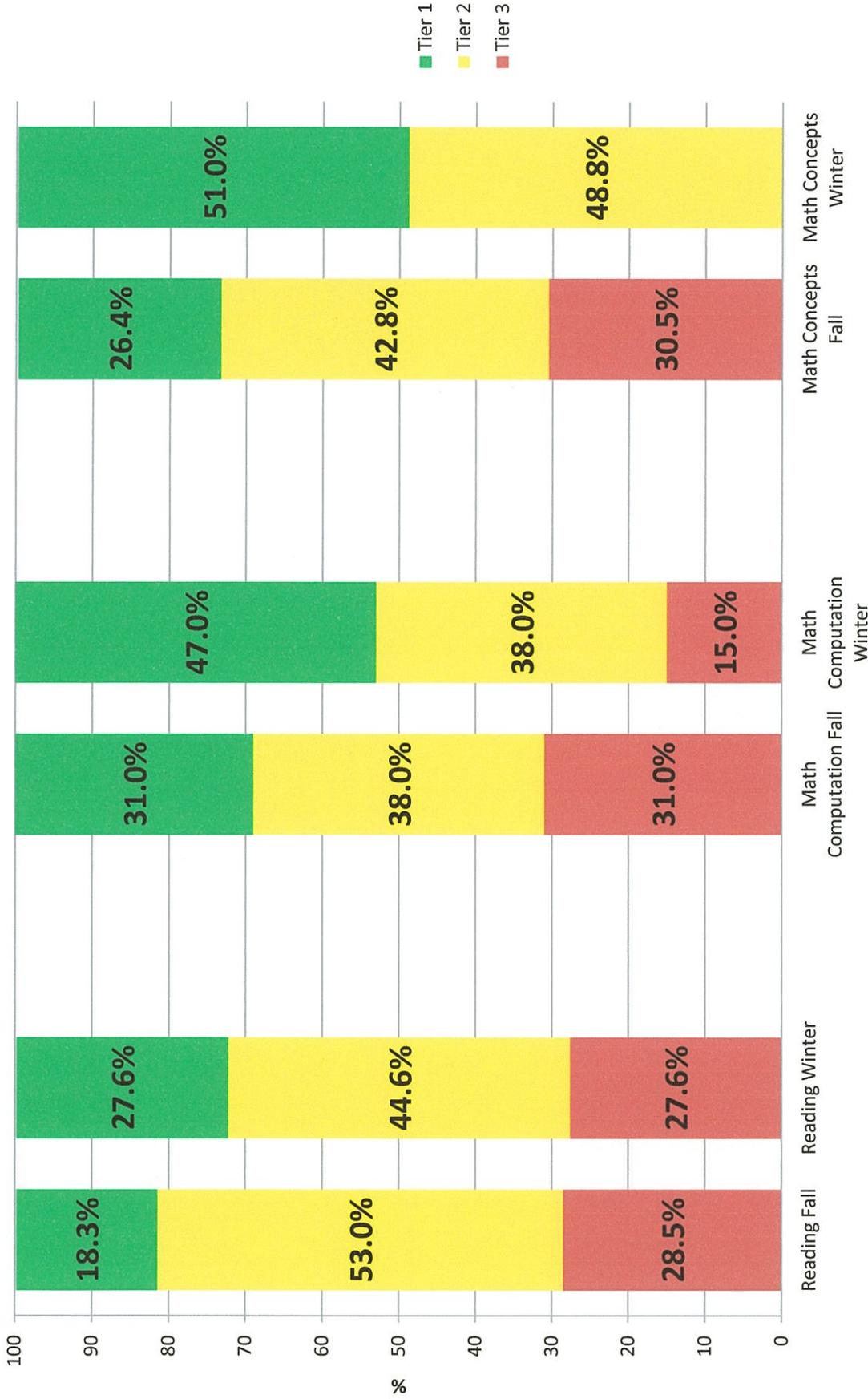
Benchmark Test

Exhibit R 2012-2013 Grade 3 AIMSweb Benchmark Tests



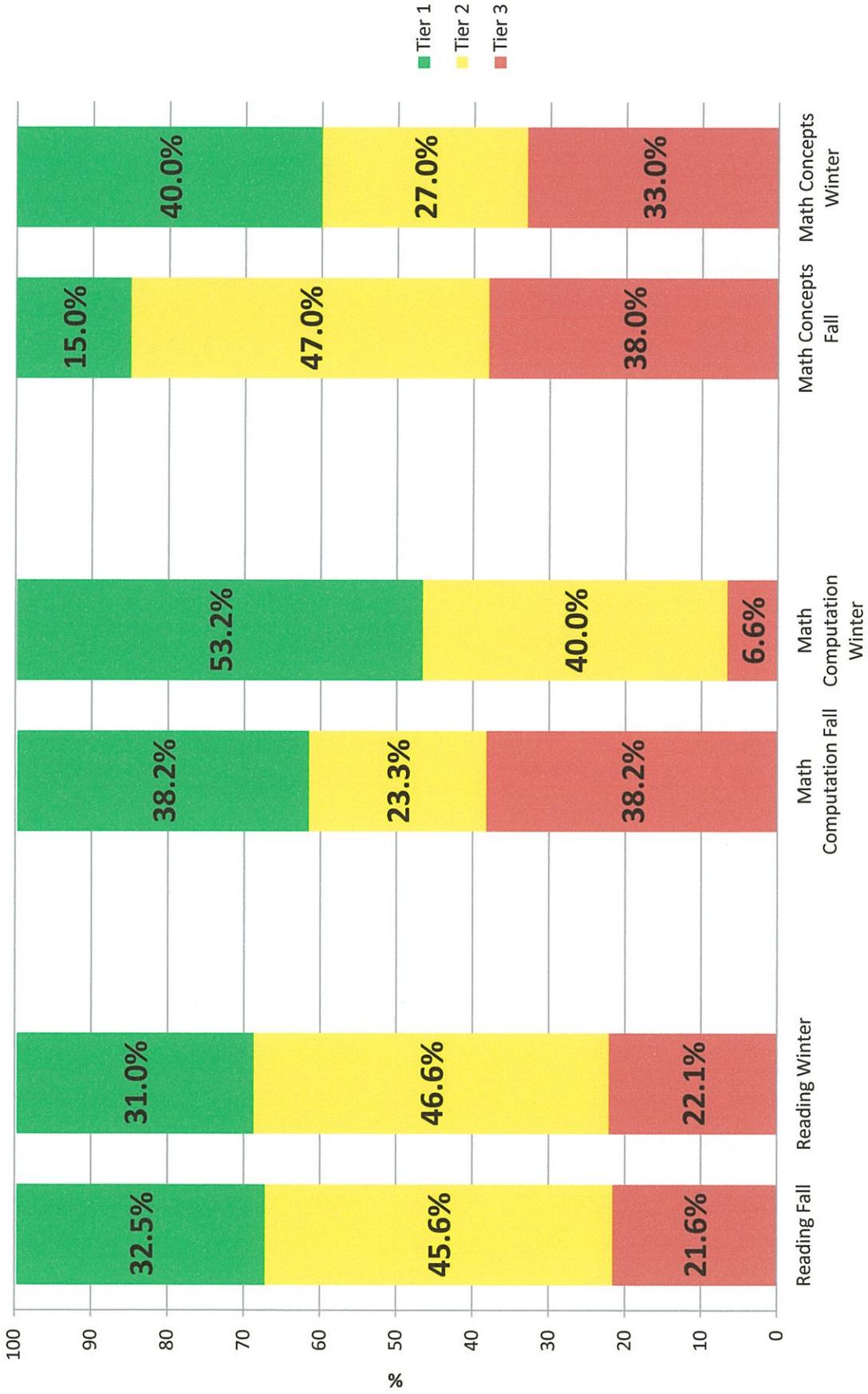
Source: Community Charter School AIMSweb

Exhibit S 2012-2013 Grade 4 AIMSweb Benchmark Tests



Source: Community Charter School AIMSweb

Exhibit T 2012-2013 Grade 5 AIMSweb Benchmark Tests



Source: Community Charter School AIMSweb

Exhibit U 2012-2013 Grade 6 AIMSweb Benchmark Tests



Source: Community Charter School AIMSweb

AFFIDAVIT OF DR. JERRY M. NEWMAN

STATE OF NEW YORK)
)
COUNTY OF ERIE) ss:

JERRY M. NEWMAN, PH.D. being duly sworn, deposes and says:

1. I am a SUNY Distinguished Teaching Professor at the University at Buffalo's School of Management. I have been teaching in the areas of leadership and management for 39 years. A copy of my curriculum vitae is attached as Exhibit A.

2. During the past 39 years, I have been a Visiting Scholar at educational institutions all over the world, including China and Singapore. I founded a consulting company called HR Foundations, and I served as president for 13 years. In that role, I performed consulting work in the areas of leadership, compensation, performance appraisals, and employment and wage discrimination for national and global companies such as McDonald's Corporation, Burger King, Perry's Ice Cream, Wegman's Food Stores, General Mills, Delaware North, Delta Sonic, and Subway Inc., among others. I evaluated these companies and provided counsel on ways in which they could rectify problems with their leadership, manage efficiently, and cultivate a productive and accountable work culture. I have advised dozens of Top Management teams on leadership and governance strategies.

3. Over the course of my career, I have authored four books and numerous articles and chapters in books on management, leadership, and other human resource topics. I have served on the Executive Board and the Board of Governors of the National Academy of

Management, on the editorial boards of the Journal of Contemporary Business Issues and the Academy of Management Journal, and have chaired several committees within the University at Buffalo's School of Management, including serving as chair of the MBA program and interim dean of the School of Management.

4. In the beginning of March 2013, I was asked by Daniel S. Ricigliano, President of the COMMUNITY Charter School Board of Trustees (the "Board") to observe a Board meeting and provide feedback and critique on what I observed. I attended the March 21, 2013 Board meeting, and I created a report with my findings, a copy of which is attached as Exhibit B.

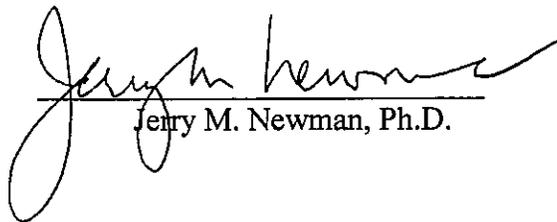
5. The meeting was organized and efficient. The Board members were well prepared and understood the importance of the items on the agenda. It was apparent to me that they had thoroughly analyzed the information being discussed. Specifically, the Board and the Head of Schools, Denise Luka, discussed State mandates concerning testing, and I was impressed with the data-driven analysis that the Board and Head of Schools undertook during their discussions.

6. There were five committee reports that evening, and the issues explored by the committees were relevant and timely for the Board to consider. The committees' reports revealed that they functioned properly, as they thoroughly analyzed the topics they were charged with exploring and provided the Board with the results of their analysis and recommendations on how to proceed.

7. The Board members were inquisitive, and there was no hesitation about asking questions on topics that needed additional exploration. The Board members did not rush into decisions. On one issue, I observed a Board member request additional time to digest new information before making a decision.

8. The Board is comprised of a diverse group of individuals which is preferable for knowledgeable decision-making. The Board members have varying areas of expertise, and they are able to contribute to the Board in different ways. In addition, the Head of Schools was very knowledgeable about the state of the school and the state of the local education community. She was able to provide additional information for the Board when pressed, and she came to the meeting prepared with the feedback and opinions of other key staff members who could not be present. The interaction between the Board and the Head of Schools was healthy and respectful.

9. Based on my observations at the Board meeting, it is my opinion that this is a successful board that is well-prepared to lead the school.


Jerry M. Newman, Ph.D.

Sworn to before me this
9th day of April, 2013.



Notary Public

OLIVIA C. EMRICH
Notary Public, State of New York
Qualified in Erie County

My Commission Expires 12/7/14

VITA

JERRY MARTIN NEWMAN

Spring 2013

HOME

194 Lamarck Drive
Snyder, NY 14226
(716) 839-3843

OFFICE

273 Jacobs Management Center
State University of New York
Buffalo, NY 14260
(716) 645-3238
jmnewman@buffalo.edu

EMPLOYMENT HISTORY

- 1997-2010 President, HR Foundations
2005-present Chair, Department of Organization and Human Resources
- 2001-2002 Interim Dean, School of Management, SUNYAB
- 1998-present Distinguished Professor of Organization and Human Resources, SUNYAB
- 1997 (Spring) Singapore Institute of Management, Human Resources Instructor.
- 1995 - 1998 Professor of Organization and Human Resources, School of Management, State University of New York at Buffalo.
- 1988 Buffalo Bisons (Triple A) Baseball Club - Buffalo, New York
Statistician for stadium scoreboard crew, Summer 1988. *Scoreboard start-up project*
- 1980 - 1995 Associate Professor of Organization and Human Resources, School of Management, State University of New York at Buffalo.
- 1985 National Center for Industrial Science and Technology Management Development. (Summer) Dalian, China. Visiting Professor of Human Resources.
- 1974-80 Assistant Professor of Organization and Human Resources School of Management, State University of New York at Buffalo.

HONORS AND AWARDS

- 2013 Founder of LeaderCORE™ program adopted as strategic difference maker for MBA program and awarded 2013 Innovation Award by the MBA Roundtable (one of two national organizations monitoring MBA-program Curriculums)
- 2013 WorkSpan magazine names this article, co-authored with Rich Floersch and Mike Balaka, as article of the year: "Employment Branding at McDonald's: Leveraging Rewards for Positive Outcomes." "Employment Branding at McDonald's: Leveraging Rewards for Positive Outcomes"
- 2010 Society for Human Resources Research, Best Community Partner Award HR Foundations (my consulting company)
- 2010 Selected by McDonald's to be the National Faculty Representative for National Hiring Day - 2011 Inaugural event
- 2007 National SNAP (Society for National Association Publications) award for best feature article: "Compensation lessons Learned in the fast food trenches".
- 2007 Wall Street Journal selects My Secret Life on the McJob as a Top 12 book for 2007
- 2004 McGraw-Hill notifies that Compensation, a textbook written with George Milkovich, has been best in class through 8 editions and two decades.
- 1996 Dean's Distinguished Teaching Award
- 1994 Graduate Professor of the Year, School of Management
- 1993 Human Resource Professional of the Year, Niagara Frontier Chapter, Society for Human Resources Management
- 1993 Graduate Professor of the Year, School of Management
- 1992 Graduate Professor of the Year, School of Management
- 1991 Keynote Commencement Address, School of Management Graduation

- | | |
|------|--|
| 1991 | Distinguished Faculty Address, Parent's Weekend, SUNY/Buffalo |
| 1988 | Graduate Professor of the Year, School of Management, SUNY/Buffalo |
| 1982 | Chancellor's Distinguished Teaching Award, State University of New York System |
| 1977 | Graduate Professor of the Year, School of Management, SUNY/Buffalo |

NATIONAL OFFICES HELD OR NOMINATED

1. Editorial Board, Journal of Contemporary Business Issues (1992 - 1996)
2. Executive Board, National Academy of Management, PHR Division (1982-83)
3. Board of Governors, National Academy of Management (nominated 1985)
4. Editorial Board, Academy of Management Journal (1985-87)
5. National Job Evaluation Board: Selected by Communications Workers of America, International Brotherhood of Electrical Workers and American Telephone and Telegraph. Act as neutral third party to help identify proactive strategies for improving labor management relations during the 1990s.

REGIONAL AND LOCAL OFFICES

Faculty Executive Director, LeaderCORE™ program for MBA students

Chair, MBA program 1999-2001

Chair, Teaching Effectiveness Committee (1997 - 1998)

Director and Founder, Center for Team Performance (1994 - 1997)

Chair, Task Force 2000 (1991 - 1992)

Charter Member, Society for Human Resources Management, Buffalo, NY (1975)

Chair, School of Management Undergraduate Program Committee (1984-91)

Standing Committee: Local Arrangements, Eastern Academy of Management (1990)

Director and Founder, Center for Human Resources Research (1983 - 1989)

Director and Founder, Institute for Human Resources Survey Research (1986 - 1989)

Editor and Founder, The Looking Glass (Alumni Newsletter) (1981-88)

INNOVATIONS

Founded LeaderCORE™ program. Now the central strategic initiative of the SOM MBA program. 2008; Recipient 2013 Innovator of Year Award by MBA Roundtable

Initiated PACE (Personal Advancement through Competency Evaluation) program for SOM students. 1997

Edited new Teaching Manual distributed to all School of Management, University at Buffalo faculty (1998).

Organized and administered Human Resources Management External Advisory Board (1982-87)

Developed Job Alert system to notify alumni of job opportunities (1981 - 1985)

Conceived and co-administered national conference on Information Processing and Decision-Making (1986)

Conceived and supervised SOM Alumni Survey system

Conceived and supervised annual SOM Quality of Student Life Questionnaire (1982-1988)

Conceived and helped supervise new MBA Orientation system - Now termed MBA Advantage

EDUCATION

Ph.D. University of Minnesota, Minneapolis (1974)
Major: Industrial Relations
Advisor: Thomas A. Mahoney

M.A. University of Minnesota, Minneapolis (1973)

Major: Industrial Relations

B.A.

University of Michigan, Ann Arbor (1969)
Major: Psychology

RESEARCH

BOOKS

Jerry M. Newman, *My Secret Life on the McJob: Lessons from Behind the Counter Guaranteed to Supersize any Management Style*. McGraw-Hill, NY, NY. 2007

Selected by WSJ as one of 12 best books for 2007.

George T. Milkovich and Jerry M. Newman. *Compensation* (10th Ed.). McGraw-Hill, NY 1984, 1987, 1990, 1993, 1996, 1999, 2002, 2005, 2007, 2010.

George T. Milkovich and Jerry M. Newman. *Compensation Cases*. Compensation, Inc.: Ithaca, NY, 1984, 1987, 1988, 1992, 1994, 1997.

Robert L. Cardy, Sheila M. Puffer, and Jerry M. Newman (eds.) *Advances in Information Processing in Organizations, V. 3: The Cross Functional Linkage of Basic and Applied Research*. JAI Press: Greenwich, CT, 1988.

CHAPTERS IN BOOKS

Jerry Newman, "Rewards from the Outside Looking In, in Vida Scarpello, *The Handbook of Human Resource Management Education*, Sage Publications, Thousand Oaks, Ca. 2008

Jerry Newman and Richard Floersch, "Global Wages in Industries with Low Entry Barrier Occupations: the Case of Quick Service Restaurants, Call Centers and Hotels/Motels". Gomez-Mejia, L.R., and Werner, S. (Eds) 2008. *Global Compensation: Foundations and Perspectives*. London, U.K.: Routledge.

John Hannon, Jerry M. Newman, George Milkovich, and James T. Brakefield 2001. "Job Evaluation," in G. Salvendy (Ed.). *Handbook of Industrial Engineering, 2ed.* John Wiley & Sons.

Fred Dansereau, Francis Yammarino, Steven Markham, Joseph Alutto, Jerry Newman, and

MacDonald Dumas. 1997. "Extensions to the Individualized Leadership Approach: Placing the Approach in Context," in F. Dansereau and F. Yammarino (eds.), Leadership: The Multiple-Level Approach. JAI Press: Greenwich, CT.

Michael Lillis and Jerry M. Newman. 1997. "Evaluation of Corporate Training Programs," in Albert Pautler, Jr. and Deborah Buffamanti (Eds). Winning Ways: Best Practices in Work-Based Learning. Prakken Publications: Ann Arbor, MI.

Jerry M. Newman and Mark A. Huselid. 1992. "The Nature of Behavioral Controls in Boundary Occupations," in Luis Gomez-Mejia and Michael W. Lawless (eds.). Top Management and Effective Leadership in High Technology. Greenwich, CT: JAI Press, Inc., 193-211.

George T. Milkovich, Jerry M. Newman and James T. Brakefield. 1992. "Job Evaluation," in G. Salvendy (Ed.). Handbook of Industrial Engineering. John Wiley & Sons, 916-936.

Jerry M. Newman. 1989. "Compensation Programs for Special Employee Groups," in Compensation and Benefits (3rd ed.). Bureau of National Affairs: Washington, DC, 182-215.

Robert L. Cardy, Sheila M. Puffer, and Jerry M. Newman (eds.). 1988. "Introduction," Advances in Information Processing in Organizations, V. 3, The Cross Functional Linkage of Basic and Applied Research. JAI Press: Greenwich, CT, xi - xvii.

Jerry M. Newman. 1987. "Selecting Incentive Plans to Complement Organizational Strategy," in David Balkin and Luis Gomez-Mejia (eds.), New Perspectives on Compensation. Prentice-Hall: Englewood Cliffs, NJ, 214-224.

Jerry M. Newman. 1988. "Rewards in Organizations," in Readings in Personnel Human Resource Management, R.S. Schuler, S.A. Youngblood, and V.L. Huber (eds.), 3e, West Publishing: St. Paul, MN, 267-274.

Linda A. Krefting, Jerry M. Newman, and Frank Krzystofiak. 1987. "What is a Meaningful Pay Increase," in David Balkin and Luis Gomez-Mejia (eds.), New Perspectives on Compensation. Prentice-Hall: Englewood Cliffs, NJ, 135-140.

Jerry M. Newman. 1983. "Managing the Personnel Function." In M. B. Wingate, D.R. Bunker, F.T. Schimpfhauser and R. Markello (eds.), Management for Physicians. Garden City, NY: Medical Examination Publishing Company, 42-61.

Jerry M. Newman and Frank Krzystofiak. 1979. "Towards Internal Availability: Intraorganizational Roadmaps." Reprinted in Affirmative Action Planning. New York: Human Resource Planning Society, 25-35.

ARTICLES

Refereed Journals

Jerry M. Newman, Richard Floersch and Mike Balaka, "Employment Branding at McDonalds: Leveraging rewards for positive outcomes". *Workspan*, March 2012. 20-24
Selected Article of the Year by WorkSpan Magazine.

Jerry M. Newman and Peter Hearl, "Organizational Roadmaps: A GPS for Success, *Workspan*, 2010, 53(10), 42-47

Jerry M. Newman, Michael Lillis, Melissa Waite, Linda Krefting

"Identifying Targets of Scientific Inquiry: Obstacles to the Advancement of Organization Science". *International Journal of Organization Theory and Behavior*. Vol. 12, Num. 4, 2009.

Jerry M. Newman, "The Undercover Secrets to Successful On boarding, *Workspan*, February, 2009, 52(2), 22-29

Michael P Lillis, Frank J Krystofiak, Jerry M Newman, Doing More Harm than Good: Unraveling the Mystery of Frustration Effects. *Journal of American Academy of Business*, Mar 2007. Vol. 11(1), p. 154-161

Jerry M. Newman, "Leadership Observations of an Undercover Fast Food Worker" *Management Research News*, 30 (7), 453-459, 2007

Jerry M. Newman, "Compensation Lessons from the Fast Food trenches; *World at Work*, March 2007, 22-27

Chosen as SNAPS National Winner, Feature Article, 2008

Jerry M. Newman, "Compensation Lessons from the Fast Food trenches: Part II; *World at Work*, April 2007, 34-39

Jerry M. Newman and Frank Krzystofiak. 1998. "Value Chain Compensation." *Compensation and Benefits Review*. May-June 1998, 60-66.

Jerry M. Newman and Melissa Waite. 1998. "Do Broad-Based Stock Options Create Value?" *Compensation and Benefits Review*, November-December, 1998, pp78-86.

Melissa L. Waite, Jerry M. Newman and Frank J. Krzystofiak. 1994. "The Relationship between Performance Appraisal, Compensation and Total Quality Programs". *Psychological Reports*.

Jerry M. Newman and Frank Krzystofiak. 1993. "Changes in Employee Attitudes After an Acquisition," *Group and Organization Management*, 18(4), 390-410. Reprinted in Jeffrey A. Krug, *Mergers and Acquisitions*, Sage Publications, London, 2008

Jerry M. Newman and Elizabeth Cooper. 1993. "Determinants of Academic Recognition," *Journal of Applied Psychology*, 78(3), 518-526.

Jerry M. Newman and Daniel Fisher. 1992. "Strategic Impact Merit Pay." *Compensation and Benefits Review*, July-August, 38-45.

Chris Martin and Jerry M. Newman. 1992. "New Problems With The Fair Labor Standards Act?" *Compensation and Benefits Review*, July-August, 60-63.

Jerry M. Newman and George T. Milkovich. 1990. "Procedural Justice Challenges in Compensation: Eliminating the Fairness Gap." *Labor Law Journal*, 41(8), 575-579. Article also appears in Proceedings of the 1990 Spring Meeting, Industrial Relations Research Association.

Frank Krzystofiak, Robert Cardy and Jerry Newman. 1988. "Implicit Personality and Performance Appraisal: The Influences of Trait Inferences on Evaluations of Behavior," *Journal of Applied Psychology*, 73(3), 515-521.

Jerry M. Newman. 1988. "Compensation Strategy in Declining Industries," *Human Resource Planning*, 11(3), 197-206.

Jerry M. Newman, Frank Krzystofiak and Robert Cardy. 1986. "Role of Behavior Level, Behavioral Variability, and Ratee Order in the Formation of Appraisal Ratings." *Basic and Applied Social Psychology*, 7(4), 277-293.

Frank Krzystofiak and Jerry M. Newman. 1982. "Evaluating Employment Outcomes: Availability Models and Measures." *Industrial Relations*, 21(3), 277-292. Reprinted in R. Schuler and S. Youngblood (Eds.). *Personnel and Human Resource Management*. West Publishing: 1984.

Frank Krzystofiak, Jerry M. Newman, and Linda Krefting. 1982. "Pay Meaning, Satisfaction, and Size of a Meaningful Pay Increase." *Psychological Reports*, 51, 660-662.

Frank Krzystofiak and Jerry M. Newman. 1982. "An Empirical Evaluation of a Fair Employment Standard." *Psychological Reports*, 50, 1079-1084.

Frank Krzystofiak and Jerry M. Newman. 1980. "Revisiting Equal Employment Opportunity in the Federal Government: The Case of the EEOC." *Public Personnel Management Journal*, 9, 312-317.

Jerry M. Newman. 1980. "A Reply to: Comment on Discrimination in Recruitment: An Empirical Analysis." *Industrial and Labor Relations Review*, 33(4), 547-551.

Jerry M. Newman and Frank Krzystofiak. 1979. "Self Reports versus Unobtrusive Measures: Balancing Method Variance and Ethical Concerns in Employment Discrimination Research." *Journal of Applied Psychology*, 64 (1), 82-85.

Frank Krzystofiak, Jerry M. Newman and Gary Anderson. 1979. "A Quantified Approach to the Measurement of Job Content: Procedures and Payoffs." *Personnel Psychology*, 32 (2), 341-357.

Jerry M. Newman and Frank Krzystofiak. 1979. "Towards Internal Availability: Intraorganizational Roadmaps." *Human Resource Planning*, 2 (1), 25-35.

Jerry M. Newman and Frank Krzystofiak. 1978. "A Strategy for Filling Unexpected High-Level Job Vacancies." *Human Resources Planning*, 1(3), 151-160.

Jerry M. Newman. 1978. "Discrimination in Recruitment: An Empirical Analysis", *Industrial and Labor Relations Review*, 32 (1), 15-23.

Jerry M. Newman, Bhal Bhatt and Thomas Gutteridge. 1978. "Determinants of Expatriate Effectiveness: A Theoretical and Empirical Vacuum." *Academy of Management Review*, 3 (3), 655-661.

Jerry M. Newman. 1977. "Comparison of the I-E Scale and a Specific Locus of Control Measure in Predicting Risk-Taking Behavior under Novel Task Conditions." *Psychological Reports*, 40, 1035-1040.

Thomas Mahoney, Jerry M. Newman and Peter Frost. 1975. "Worker Perceptions of the Four-Day Work Week." *California Management Review*, 18 (1), 31-35.

Refereed Conference Proceedings

Brian D'Netto and Jerry M. Newman. 1997. "Determinants of Reward Perception Accuracy: An Information Processing Approach," 1997 Academy of Management Meetings.

Michael Lillis, Frank Krzystofiak, and Jerry M. Newman. 1991. "No Parking, Stopping or Standing: Fairness Evaluations in Parking Allocations," 1991 Proceedings of the Council on Employee Rights and Responsibilities, 48-51.

Jerry M. Newman. 1990, "Controlling Information Processing Behavior Under Different Environmental Conditions." Proceedings: Strategic Leadership in High Technology Organizations, January, 160-177.

Bradford Mailly and Jerry M. Newman. 1984. "Racial Discrimination in Recruitment: An Empirical Examination." Eastern Academy of Management Proceedings, 147-150.

Tom Naughton, Fred Dansereau, Sid Nachman, and Jerry M. Newman. 1983. "Measuring Role Behavior: A Within and Between Analysis of the Role Activity Index." Proceedings of the Eastern Academy of Management, 28-31.

Tom Naughton, Fred Dansereau, Jerry M. Newman and Sid Nachman. 1983. "An Empirical Test of Two Views of the Organizational Entry Process." Proceedings of the National American Institute for Decision Sciences, 232-235.

Sid Nachman, Fred Dansereau, Tom Naughton and Jerry M. Newman. 1983. "A Within and Between Dyad Approach to Assessing Superior-Subordinate Linkages." Proceedings of the National American Institute for Decision Sciences, 264-268.

Tom Naughton, Fred Dansereau, Sid Nachman, and Jerry M. Newman. 1982. "Leader Behavior Ratings: An Empirical Assessment of 'Real' vs. Perceived Leadership Effects." Proceedings of the National American Institute for Decision Sciences, 447-449.

Frank Krzystofiak and Jerry M. Newman. 1982. "Determining the Size of a Meaningful Pay Increase." Midwest Academy of Management Proceedings, Columbus, OH, 191-199.

Jerry M. Newman. 1981. "The Consumer Price Index: Issues and Understanding," Proceedings of the American Compensation Association, 27-36, Atlanta, GA, 38-46.

Frank Krzystofiak and Jerry M. Newman. 1980. "An Analysis of EEO Compliance: Selected Conceptual and Empirical Problems." *Proceedings, 17th Conference, Eastern Academy of Management*, 43-48.

Jerry M. Newman and Frank Krzystofiak. March 1979. "Equal Employment Opportunity: Some Challenges of the 1980's." *IRC Proceedings, University of Minnesota*, 91-110.

Frank Krzystofiak and Jerry M. Newman. 1978. "What is Discrimination? An Evaluation Based on the Word of God (i.e., OFCCP, EEOC)." *Academy of Management Proceedings*, 221-224.

Jerry M. Newman, Bhal Bhatt and Thomas Gutteridge. 1976. "Determinants of Expatriate Effectiveness: A Theoretical and Empirical Vacuum." *Academy of Management Proceedings*, 340-345.

BOOKS REVIEWED

M. Anne Hill and Mark Killingsworth (eds.), *Comparable Worth: Analysis and Evidence*, 35(3). Ithaca, NY, Cornell University Press, 554-556.

David DeVries, Ann Morrison, Sandra Shullman, and Michael Gerlach, *Performances Appraisal on the Line*. New York: Wiley and Sons. For *Industrial and Labor Relations Review*, 36 (4), 1983, 691-692.

R. Henderson, *Compensation Management*. Reston Publishing, 1982.

Brian Graham Moore and Timothy Ross, *Productivity Gainsharing*. Prentice-Hall, 1984. For *Industrial and Labor Relations Review*, 38 (2), 1985, 297-298.

Milton Rock, *Handbook of Wage and Salary Administration*. Mc-Graw-Hill. For *Industrial and Labor Relations Review*, 38 (4), 1985, 675-676.

Dennis Middlemist, Michael Hitt and Charles Greer. *Personnel Management: Jobs, People and Logic*. Prentice-Hall: Englewood Cliffs, NJ. For *Industrial and Labor Relations Review*, 38 (3), 1985, 470-471.

REVIEWER FOR

Academy of Management Journal,
Academy of Management Review
Industrial Relations
Academy of Management Journal (Editorial Board), 1985-87
Industrial and Labor Relations Review (ad hoc)
Journal of Applied Psychology (ad hoc)
National Academy of Management Proceedings
Eastern Academy of Management Proceedings
Administrative Science Quarterly
Armed Forces and Society
Journal of Contemporary Business Issues

TEACHING

Courses Taught

MGB 666 PACE (Personal Achievement through Competency Evaluation)
MGG 150 Business in Society
EMBA 601 Strategic Human Resources Management
MGI 636 Interpersonal Communications
MGI 301 Contemporary Issues in Industrial Relations
MGI 693 Corporate Manpower Management
MGI 671 Contemporary Issues in Human Resources and Industrial Relations
MGI 625 Wage and Salary Administration (graduate)
MGI 425 Wage and Salary Administration (undergraduate)
MGI 794 Human Resources Administration
MGI 411 Personnel Administration

Courses Developed

MGB 666 - PACE (Personal Achievement through Competency Evaluation)
Taught off load every semester for no remuneration
MGI 636 - Interpersonal Communications
MGI 625 - Wage and Salary Administration (graduate)
MGI 425 - Wage and Salary Administration (undergraduate)

Committees

Ph.D. Committee

Thomasina Stenhouse (Chair) (1992-98)
Melissa Waite (Chair) (1992-98)

| | | |
|-----------------------|-----------|-----------|
| Brian D'Netto (Chair) | (1989-94) | |
| Thomas Ramming | | (1989-95) |
| James Brakefield | | (1986-89) |
| Sidney Nachman | (1981-83) | |
| Thomas Naughton | | (1981-83) |
| William Beusse | (1979-80) | |

Other Teaching

National Distribution Company, a case written for MGI 601 and first used Fall 2003

Co-developed Excel based software package for student case study

125 Independent Study students (1974 - present)

Special advisor (special major students) (1980-85)
(Approximately 15 students)

Coordinator and administrator of Student Internship Program (1980-88)
(Approximately 160 students)

Guest Speaker - Parent/Student Open House (1984 - present)

Speaker - Undergraduate Orientation (1984-88, 1990, 1991, 1994-1996)

SUNY/Buffalo Chancellor's Award Committee (1992)

Faculty Reactor, Center for Entrepreneurial Leadership (January 1993)

SERVICE: University and Community

A. Presentations

100 + presentations to university, community and national audiences on compensation, leadership, equal employment opportunity and assorted HR issues. More than 20 of these presentations were during the 2007 - 2008 period on My Secret Life on the McJob.

Ad Hoc MBA Strategic Committee - Crafted entire idea of competency based education for MBA strategy approved by MBA Committee and going to faculty for vote.

MBA Option coordinator.

Faculty Development Workshop Presenter (1992). Feedback on Teaching.

Fulbright Lecturer - Egyptian Deans of Business Schools - 1992.

Master of Ceremonies, SOM Variety Show

Keynote Speaker, SOM Graduation 1991

B. Committees

Chair, Faculty and Student Quality committee - 2005 accreditation team

Faculty Senate Committee (1997 - 1998)

Provost's Academic Information Planning Committee (1997 - 1998)

Student Development Committee (1993)

AACSB Accreditation Committee (1993)

Conceived, helped design and administer and served as team leader for new MBA Orientation Program, (1992 - 1998)

Designed, administered and reported results for Quality of Student Life Questionnaire (1985-1989)

Member, SOM Planning Committee (1992 - 1994)

Member, SUNY/Buffalo Committee on Research to Improve Teaching Effectiveness - chaired by
Jeannette Ludwig

Chair, HRM Search Committee (various years, 1974 - present)

Chair, Human Resources Management Option Review Committee

Member, Policy Committee (1984 - 1991, 1999-2001, 2006-2008)

Member, Quality of Student Life Sub-Committee (1991 - present)

Chair, Task Force 2000 (1991 - present)

Chair, Undergraduate Program Committee (UGPC) (Fall 1984-91)

Member, Committee on Research on Teaching (1991)

SOM Chancellor's Award Committee (1983 - present)

Chair, Chancellor's Distinguished Teaching Award Committee (Fall 1983, 1984, 1986)

Acting Chair, Undergraduate Program Committee (Spring 1984)

Chair, Administrative Procedures Subcommittee, UGPC (1987)

Member, Internship Committee (1980-88)

Member, Policy Committee (1984-93)

Member, AACSB Competency Testing AD Hoc Committee

Member, Alumni Relations Ad Hoc Committee

Leader, Small Group Session for Annual Faculty Development Workshop (4 day seminar) (1986-89)

Member, SUNY/Buffalo Faculty Development Committee

Member, OHR Advisory Board Committee (1982-88)

Member, Undergraduate Advisory Council (university-wide committee) (1984)

Chair, Teaching Review and Development Committee (1984)

Member, Search Committee for Faculty of Educational Studies, SUNY/AB (1983-84)

Member, SOM Chancellor's Distinguished Teaching Award Committee (1982 - present)

Chair, HRM Recruitment Committee (1980-81, 1982-83, 1985-86)

Chair, Alumni Survey Committee - responsible (with F. Krzystofiak) for development, administration, coding, analysis, and reports dealing with Alumni Survey (1975-81)

Member, Undergraduate Committee (1977-79)

Member, Career Planning Committee (1975-79)

Coordinator, HRM-MBA Recruitment (1975 - present)

C. Advisor

Jacobs Hall Journal (1993 - 1998)

Student Chapter of American Society for Personnel Administration (1978-81)

Undergraduate Management Association (1978)

Human Resources Option Coordinator

Informal advisor to following organizations:

Ralston Purina (Cincinnati, OH)

ITEC Corporation (Rochester, NY)

Marine Midland (Buffalo, NY)

Niagara Frontier Consortium

CONSULTING

Area

Organization

Leadership

McDonalds Corporation

Burger King

Yum Brands, Inc.

A & W Root Beer, Canada

Wienerschnitzel

Subway. Inc.

Employment/Wage

United States Fidelity Guaranty (Baltimore, MD)

Discrimination

Cryogenic Supplies, Inc. (Hamburg, NY)

Goldome Bank (Buffalo, NY)

General Mills (Buffalo, NY)

Manufacturers & Traders Trust (Buffalo, NY)

Compensation

Perry's Ice Cream

American Telephone and Telegraph

British Petroleum/Sohio/Carborundum

Welch-Allyn

West Seneca School District

Wegmans Food Stores

American Compensation Association (Scottsdale,

AZ)

Buffalo Savings Bank (Buffalo, NY)

Peter J. Schmitt Company (Buffalo, NY)
Hewlett Packard (Palo Alto, CA)
Rochester Telephone Company
Graphic Controls
Cliffstar Corporation
New Era Cap
Sorrento Cheese
Balzer's Tool Coating
Gowanda Electronics
Cummins Engine
National Health Care Affiliates
Praxair
Harper International
Farrell Roofing
Kaleida Health
Horizon Health Systems
Harlequin Distribution Center

Performance
Appraisal

RJR Nabisco
Outokumpu American Brass
NC Industries
Department of Social Services (Erie County, NY)
State of New York, Manpower Programs
United Way of Greater Buffalo (Buffalo, NY)
Graphic Controls (Buffalo, NY)
Union Carbide (Buffalo, NY)
Buffalo Savings Bank (Buffalo, NY)
Peter J. Schmitt Co. (Buffalo, NY)
ARA Services (Philadelphia, PA)
Delaware North Companies
Rochester Telephone Company

Other

Sorrento Cheese
Rosina Foods
Armor Box
Cello-Pack
Gioia Management
Niagara Cutter
Father Sam's Bakery
Ultra Tool and Plastics
Corson Manufacturing
Hyatt's All Things Creative
Delta Sonic

US Energy Development Corporation
Bureau Veritas

Daniel S Ricigliano, CPA
COMMUNITY Charter School

Dear Dan:

Per your request of me to observe, advise and evaluate the Board of Trustees for the Community Charter School, I attended the Board meeting on March 21, 2013. I offer the following comments broken into 6 categories:

1) Board operation as a legislative body – I was impressed with the way the board attended to state mandates about testing. The efforts to comply with legislative requirements was a key feature of discussion. Interactions between the Head, the testing committee and the remainder of the board were both professional and on target. I was particularly impressed with the quantitative analysis of movement on key metrics.

2) Pace of the meeting - there was a good blend of movement on matters of small interest and detailed discussion of key issues. Several board members made observations about reports that were both perceptive and evidence of thorough analysis of what were, at times, lengthy documents. At one point a board member indicated interest in a “late-breaking” report and requested extra time to digest the findings. There was ready agreement to this request.

3) Rules of order are followed – For the most part the group did well on this. There was a healthy give and take discussion without the sometimes stifling need to exactly follow Robert’s rules for recognition of the next speaker. If I were to make one recommendation, it would be that group members let each other finish a comment before making a return comment.

4) Discussions are organized and decisions made if situations present themselves. This is a bright group of individuals. They read the reports and notice areas that require further exploration. The diversity of interest in this group and breadth of knowledge serves well in the decision making. At one point the discussion centered on interpretation of an issue with legal ramifications. With two lawyers on the board the issue was quickly resolved. I should also note that the Head was particularly knowledgeable about practices in other educational units throughout WNY and readily supplied information as requested. The Head and relevant groups also made sure that input from parties not present at the meeting was solicited and included in the discussion. For example, on issues affecting teacher areas of interest the Board regularly sought and received both hard feedback in the

form of survey data, but also qualitative information based on interviews with the teachers.

5) There were five committee reports of activity since the last meeting. Each of the reports was discussed and information was sought about future directions. The breakdown of committees made sense to me – the issues explored (financial, educational, etc.) were key areas for the Board to consider and make policy as needed. For example, the academic calendar committee did a first-rate job of considering teacher requests, parent input, other school calendars and how each of these would affect both learning progress and other ancillary concerns. At one point in this discussion the Chairman of the Board made an observation about one of the three calendar options, requesting further explanation of the impact on learning of a particular “break” in the calendar. The Head responded by noting the input from both teachers and parents. Her analysis of the issues were on target, including recognition that attendance issues were a key factor in the recommendation by the committee.

6) The interaction between the Board and the Head was both healthy and respectful. The Head seemed quite knowledgeable about her school environment and surrounding schools and legislative bodies. While the Board asked a number of questions about her reports, she was able to respond fully and dispel any concerns that the members had. It was apparent from the interactions that things went well.

Hope this helps. If you need anything else please let me know.

Dr. Jerry M. Newman
SUNY at Buffalo
School of Management

AFFIDAVIT OF JEFFREY DABILL

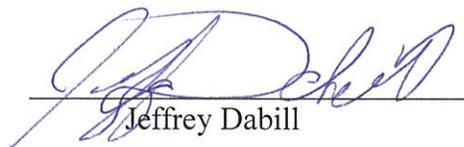
STATE OF NEW YORK)
)
COUNTY OF ERIE) ss:

JEFFREY DABILL being duly sworn, deposes and says:

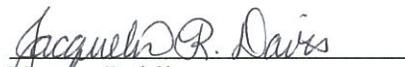
1. I am a Labor Relations Specialist for the New York State United Teachers organization (“NYSUT”). I have held this position for five years. I assist bargaining units in school districts and in charter schools with negotiating collective bargaining agreements, handling grievances and improper practice charges brought before PERB, and with facilitating positive relationships with the school administration. I have been the Labor Relations Specialist for the Community Charter School Instructional Staff Association (the “CCSISA”) for the past five years.

2. In 2011, the CCSISA started negotiating a successor collective bargaining agreement with the Community Charter School (“CCS”) administration. That agreement was finalized and signed during the 2012-2013 school year. Over the course of our negotiations with the administration, I learned that the CCS Board of Trustees was implementing a restart plan at the school in order to boost State assessment scores and improve academic performance. As the restart plan affected the terms and conditions of the bargaining unit members’ employment, I reviewed the plan and discussed it with the CCSISA officers and CCS administrators. The CCSISA fully agreed to the implementation of the plan, believing that it will improve every aspect of the school.

3. The restart plan has been in place for many months now. I am in contact with the President of the CCSISA, and she has reported to me that the conditions of employment for the bargaining unit members have improved. There is a healthy respect between the new CCS administration and the CCSISA. The teachers and other staff in the CCSISA feel that they receive the support and resources necessary to provide top-quality instruction. They are committed to working with the administration to ensure the success of the restart plan and increase academic performance at the school.


Jeffrey Dabill

Sworn to before me this
11th day of April, 2013.


Notary Public

JACQUELIN R. DAVIS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Nov. 14, 2015



CRYSTAL D. PEOPLES-STOKES
141st Assembly District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Majority Conference

COMMITTEES
Alcoholism and Drug Abuse
Environmental Conservation
Governmental Operations
Health
Higher Education
Insurance

April 11, 2013

Dr. John B. King, Jr.
Commissioner
New York State Education Department
89 Washington Ave. Albany, NY 12234

Re: Community Charter School

Dear Commissioner King:

I am writing to respectfully request that you consider renewing the expiring charter in June 2013 for Community Charter School.

Academic performance has begun to improve since a change in the Board of Trustees, school administration and a comprehensive School Improvement Plan. We only ask that you allow them the opportunity to show that these gains are the beginning of a linear academic improvement and a change in institutional mindset.

The closing of Community Charter School would give parents even less options for consideration for their children's education than currently exists. The displacement of these students would cause even more disorder than most are already experiencing. I don't believe that the turnaround is too little too late.

Thank you for your consideration of this request. In the event that you should need any additional information or have any questions, please feel free to contact me or Ms. Adia Jordan in my District Office at 716-897-9714.

Sincerely,

Honorable Crystal D. Peoples-Stokes
Member, New York State Assembly
141st District

ALBANY OFFICE:

Legislative Office Bldg Rm 619, Albany, NY 12248 * 518-455-5005 * 518-455-5471 FAX

DISTRICT OFFICE:

792 E. Delavan Avenue, Buffalo, NY 14215 * 716-897-9714 * 716-897-1154 FAX

RANKING MINORITY MEMBER
ECONOMIC DEVELOPMENT
AND SMALL BUSINESS

THE SENATE
STATE OF NEW YORK



□ **ALBANY OFFICE:**
ROOM 506
LEGISLATIVE OFFICE BUILDING
ALBANY, NEW YORK 12247
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COMMITTEES
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ENERGY AND TELECOMMUNICATIONS
FINANCE
HIGHER EDUCATION
INSURANCE
TRANSPORTATION

TIMOTHY M. KENNEDY
SENATOR, 63RD DISTRICT

□ **DISTRICT OFFICE:**
2239 SOUTH PARK AVENUE
BUFFALO, NEW YORK 14220
(716) 826-2683 OFFICE
(716) 826-2793 FAX

E-MAIL ADDRESS:
KENNEDY@NYSenate.GOV

April 11, 2013

Dr. John B. King, Jr.
Commissioner of Education
New York State Education Department
89 Washington Avenue
Albany, New York 12234

Dear Commissioner King:

Community Charter School, which serves 315 elementary-age students, is up for a charter renewal in June 2013. I am writing to respectfully request that you consider renewing the expiring charter and allowing the school to fully carry out the School Improvement Plan they put in place this school year.

Academic performance has begun to improve since a change in the Board of Trustees, school administration and a comprehensive School Improvement Plan. We only ask that you allow them the opportunity to show that these gains are the beginning of a linear academic improvement and a change in institutional mindset.

The closing of Community Charter School would give parents even less options for consideration for their children's education than currently exists. The displacement of these students would cause even more disorder than most are already experiencing. I don't believe that the turnaround is too little too late.

Thank you for your consideration of this request. In the event that you should need any additional information or have any questions, please do not hesitate to contact me at (716) 826-2683.

Sincerely,

Timothy M. Kennedy
New York State Senator, 63rd District

**COMMUNITY CHARTER SCHOOL'S
WRITTEN LEGAL ARGUMENT
IN SUPPORT OF ITS CHARTER RENEWAL APPLICATION**

**RUPP, BAASE, PFALZGRAF,
CUNNINGHAM & COPPOLA LLC**
Attorneys for COMMUNITY Charter School
(Lisa A. Coppola, Esq., of Counsel)
1600 Liberty Building
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coppola@ruppbaase.com

PRELIMINARY STATEMENT

COMMUNITY Charter School (“CCS”) appreciates the opportunity to submit this legal argument and understands that the Regents “shall consider” all the submissions of CCS. By submitting this legal argument, however, CCS does not waive any legal and equitable remedies that it may possess.

Respectfully, CCS submits this brief to identify the legal infirmities in (1) the Board of Regents’ (“Regents”) charter renewal process, (2) the New York State Education Department (“SED”) and the Regents’ lack of clear and consistent standards for same, (3) the sudden emergence of the so-called charter school performance framework (“Framework”) and the “benchmarks” included therein as the measure of CCS’s renewal application, (4) the contradictions between the standards set forth in the charter renewal application (“Renewal Application”) that CCS submitted, which is part of SED’s application for charter renewal guidelines (“Renewal Guidelines”), the standards set forth in the Charter School Act, and the benchmarks included in the Framework, and (5) the recently-published Emergency Regulations that purport to adopt the Framework without actually drafting it into regulation.

CCS’s concerns are not merely academic, for the system of charter renewal has a profound consequence on the lives of some of our State’s most vulnerable citizens. If CCS is shut down, its students will be forced to attend the failing Buffalo Public Schools (“BPS”). Even Commissioner King recognizes that BPS is a failure, as millions in federal funds have not borne fruit over the past three years in which

turnaround plans have been underway at, among others, the neighboring Martin Luther King Jr. Multicultural Institute (PS 39). “We have not seen the returns on investment for the school improvement grant program that we had hoped for,” said the Commissioner recently. Pasciak, Mary, “Funds for 4 failing Buffalo schools reaping little,” April 10, 2013, THE BUFFALO NEWS, available at <http://www.buffalonews.com/apps/pbcs.dll/article?AID=/20130410/CITYANDREGION/130419805/1002>. Commissioner King and the Regents have gone so far as to push legislation that would allow them to appoint academic control boards to oversee persistently-failing school districts like the BPS. *Id.*

Tellingly, Commissioner King concluded that the “[m]ere shuffle of students *is not an improvement.*” *Id.* (emphasis added). Under the circumstances, then, the Regents’ vote to renew CCS’s charter will, in fact, result in a “significant educational benefit to the students” because CCS is markedly different from (and superior to) Buffalo’s traditional public schools.

ARGUMENT

POINT I

BOTH THE FRAMEWORK AND THE RENEWAL GUIDELINES ARE RULES THAT MUST BE ADOPTED PURSUANT TO SAPA

SED and the Regents are subject to the rulemaking procedures set forth in the New York State Administrative Procedure Act (“SAPA”) and have acknowledged as much with the implementation of 8 NYCRR § 119.7 *et seq.* on an emergency basis.

SAPA applies to agency rules that “attempt to implement or apply law.” *See Callanan Indus., Inc. v. White*, 118 A.D.2d 167 (3d Dep’t 1986). Both the standards set forth in the Renewal Guidelines and the benchmarks set forth in the Framework are rules under SAPA because they comprise “the whole or part of [SED and the Regents’] statement, regulation or code of applicability that implements or applies law . . . or the procedure or practice requirements of” SED and the Regents. N.Y. St. Admin. Proc. Act § 102(2)(a) (McKinney’s Supp. 2012). Both the benchmarks and the standards “set forth fixed general principles . . . that are applied without regard to individualized circumstances or mitigating factors.” *Home Care Ass’n v. Dowling*, 218 A.D.2d 126, 129 (3d Dep’t 1996).

Page three of the Framework reads in relevant part “that it provides the benchmarks and lens of inquiry for the renewal site visit and for subsequent [SED] analysis, which leads to a recommendation regarding charter renewal to the [Regents].”

The Framework continues by stating that SED will make a recommendation to the Regents based on the Regents' "Charter Renewal Policy," which also has not been promulgated as a regulation.

Likewise, page one the Renewal Guidelines states that the Regents are obligated by statute to evaluate charter schools and that that the standards outlined in the Renewal Guidelines accomplish that purpose. Since the Renewal Guidelines and the Framework implement the Charter School Act, they are subject to SAPA's rulemaking provisions and must be noticed and published in the New York State Register. SED's attempt to incorporate the Framework by reference in 8 NYCRR § 119.7 is insufficient.

SAPA contains certain exclusions, but none applies to the Renewal Guidelines or the Framework. The Renewal Guidelines and the Framework are not excluded as "forms and instructions and statements of general policy. . . which are merely explanatory," because they have legal effect. Stated differently, they are the required criteria for charter renewal. By their own terms, they implement the Charter School Act. N.Y. St. Admin. Proc. Act § 102(2)(b)(iv).

Another reason why these standards – the Renewal Guidelines and the Framework – cannot be interpretive statements of general policy is that they contain standards and criteria that are derived from sources other than the Charter School Act. Page two of the Framework and the acknowledgments that precede the Renewal Guidelines admit that both policy documents were drafted with the help of entities that

are not affiliated with New York State government. These entities are not a part of the New York State legislative process or accountable to New York State voters. They do not know the unique challenges that New York State charter schools face. Because the Regents requires a specific grant of legislative authority to act, *Moore v. Board of Regents*, 44 N.Y.2d 593 (1978), it does not have the authority to rewrite (or interpret) the Charter School Act with the help of outside entities.

The criteria set forth in the Renewal Guidelines and the Framework do not mirror the language from Education Law § 2852(2). The Renewal Guidelines contains 25 standards and the Framework contains ten benchmarks not included anywhere in the Education Law. Nonetheless, SED and the Regents use these policy documents to measure every charter school renewal that they handle. The standards in the Renewal Guidelines include, for example, a clearly-documented curriculum, meeting or exceeding State education standards, evidence that rigorous instruction is used in all the charter school's classes, ongoing assessments, physically-safe school buildings, harassment-free environments, professional development programs, and internal financial controls. The benchmarks contain dozens more "elements" that must be "generally present."

These requirements do not appear in the Charter School Act, but each nevertheless has been implemented in derogation of SAPA by the Regents, through SED. As a consequence, CCS respectfully contends that the use of either the Framework or the Renewal Guidelines violates State law and thus is subject to reversal by a court.

POINT II

THE FRAMEWORK AND RENEWAL GUIDELINES ARE IMPERMISSIBLY VAGUE

Even if the Framework and/or the Renewal Guidelines had been properly promulgated, they still suffer from vagueness. Vague policy is not enforceable because it does not contain measurable standards. It becomes fundamentally impossible for the actor (here, CCS) to know whether it is meeting the standards that have been imposed. Exacerbating this situation, the newer Framework is not aligned with the Renewal Guidelines that CCS was required to follow when it submitted its Renewal Application just six months ago. The Renewal Guidelines contain 25 separate standards under four broad categories that differ to greater and lesser degrees from the Framework criteria. CCS submits that it is unfair and a violation of the separation-of-powers doctrine for an agency to adopt, interpret, and enforce vague policies in order to maximize its discretion.

The Framework purports to elevate student “performance over compliance.” However, the Framework is silent on how much weight is given to student performance over the remaining nine benchmarks. Furthermore, the Framework contains literally dozens of subjective terms that never are defined and/or quantified, including what it means for a school to “meet” or “approach” its performance benchmarks. For example, according to the Framework, in evaluating elements 2, 3, and 5 through 10, SED and the Regents purportedly will look to see if the required “elements” are “generally present,” yet there exists no definition about when an element is “generally” present versus present in some other sense.

CCS acknowledges, as it must, that the Education Law provides the Regents with certain legislative authority. N.Y. Educ. Law § 207. Respectfully, however, those legislative powers have limits. *Moore v. Board of Regents*, 44 N.Y.2d at 602. In addressing the Regents' power, the Court of Appeals has said:

[The] power of the Regents is not unbridled In the absence of a specific grant of power by the Legislature . . . , ***the Regents cannot transform section 207 of the Education Law, the fountainhead of the Regents' rule-making power, into an all-encompassing power***

Moore, 44 N.Y.2d at 602 (emphasis added) (internal citations omitted). In *Moore*, the Court of Appeals addressed the Regents' denial of accreditation to a higher-education program which it ultimately upheld. While the facts of *Moore* are different, the case is instructive. The court's conclusion confirms that the Regents require grants of power from the Legislature, which of course means that the Legislature may add requirements - such as SAPA - to the manner in which the Regents carry out its responsibilities. *Id.*

Moore is consistent with other Court of Appeals precedent that Article III, § 1 of the New York Constitution vests the Legislature with the "legislative power of this State" yet the Legislature can delegate power to agencies "with reasonable safeguards and standards." *Levine v. Whalen*, 39 N.Y.2d 510, 515 (1976) (citing *Packer Coll. Inst. v. University of State of N.Y.*, 298 N.Y. 184, 190 (1948)). Among these safeguards and standards is the requirement that regulations must be clear and not so vague so as to deprive a party of due process. *Id.* at 514.

In *Levine*, the defendant commissioner of the New York Health Department revoked the plaintiff hospital's operating certificate. *Id.* at 514. The hospital challenged the revocation by commencing an Article 78 proceeding. The Third Department converted the Article 78 proceeding into a declaratory judgment action and ruled that the commissioner's regulations "were so vague, confusing and meaningless as to be arbitrary and unreasonable." *Id.* at 515. The Court of Appeals affirmed, concluding that the Legislature may confer discretion to agencies but that agency standards cannot be subjective, thus invalidating the rules because "in the absence of objectivity, [the] standards were unreasonable and arbitrary and therefore invalid." *Id.* at 519.

Just as in *Levine*, both the standards set forth in the Renewal Guidelines and the benchmarks set forth in the Framework are subjective, undefined, ever-changing, and vague. The fact that the Renewal Guidelines and the Framework contain different standards and criteria complicates matters even more.

The United States Supreme Court has taken notice of the dangers posed by a regulatory agency's adopting, interpreting, and enforcing its own ambiguous regulations. See *Decker v. Northwest Environ. Defense Ctr.*, 2013 U.S. LEXIS 2373 (2013). *Decker* concerns the application of Clean Water Act regulations as drafted and interpreted by Environmental Protection Agency. A concurrence by Justices Roberts and Alito, along with a concurrence/dissent by Justice Scalia, call into question the practice of

giving an administrative agency deference in the interpretation of its own rules and regulations. *Decker*, 2013 U.S. LEXIS at 29-30.

The Supreme Court Justices suggested that even though the issue was not fully briefed for the Court, they will entertain future argument that this arrangement violates separation-of-powers principles and creates an incentive for an agency to promulgate deliberately broad and vague rules to aggregate power under the guise of discretion or “flexibility.” *Id.* at 30, 37. In relevant part Justice Scalia stated:

there is surely no congressional implication that the agency can resolve ambiguities in its own regulations. For that would violate a fundamental principle of separation of powers – that the power to write a law and the power to interpret it cannot rest in the same hands . . . when an agency interprets its own rules . . . [t]hen the power to prescribe is augmented by the power to interpret; and the incentive is to speak vaguely and broadly, so as to retain a “flexibility” that will enable “clarification” with retroactive effect. “It is perfectly understandable” for an agency to “issue vague regulations” if doing so will “maximiz[e] agency power.”

Id. at 36 (Scalia, J., concurring in part and dissenting in part) (internal citations omitted). While stated differently, these concerns are consistent with the Court of Appeals’ concerns in *Moore*.

The Regents’ broad discretion would not be eliminated if there existed properly-promulgated regulations, both as to procedure and as to substance (*i.e.*, the standards a charter school must meet in order to justify renewal). As a consequence, the Regents are urged to promulgate regulations that reflect the standards under which charter schools are judged for renewal purposes. Leaving charter schools to navigate

impossibly vague policy documents not only is unfair and in this instance will work a serious injustice to both the school and its students, but it fails to comply with State and federal law, and it subjects the Regents' decision-making to question.

To be more specific, CCS is troubled that neither the Renewal Guidelines nor the Framework sets forth scientifically-measurable metrics and goals. Surely SED is capable of creating and recommending clearly-defined metrics while concurrently building in the Regents' desired discretion. Indeed, SED created and promulgated a detailed and measurable system of teacher performance evaluations when it implemented Education Law §3012-c. Specifically, 8 NYCRR § 30-2.2 contains 22 detailed definitions of terms such as "teachers of record," "testing standards," "governing body of each school district," "effective," and "value-added growth." The regulation's subparts add several layers of detail reflecting measurable standards.

For instance, SED promulgated detailed regulations on "standards and criteria for conducting annual professional performance reviews and for scoring the subcomponents of such reviews" (8 NYCRR § 30-2.3) and "scoring ranges for rating categories" (8 NYCRR § 30-2.6) for teachers and principals. Yet, for charter school renewal purposes, SED has not promulgated similarly-clear standards.

The fact that SED lacks these clearly-defined metrics is the only reasonable explanation for SED's informing CCS on March 4, 2013 that CCS's charter would be renewed, only to reverse itself in the exact same week.

Also troubling is that neither the proposed regulations nor the Framework make any reference to, or seek to expand upon, the standards set forth in N.Y. Education Law § 2852(2). Specifically, neither defines what is meant by “educationally sound manner,” “likely to improve student learning and achievement and materially further the purposes of [The Charter School Act],” and “significant educational benefit.”

POINT III

THE REGENTS DID NOT HAVE SUFFICIENT CAUSE TO PROMULGATE 8 NYCRR § 119.7 ON AN EMERGENCY BASIS

The Regents purportedly adopted the Framework at its November 2012 meeting, though evidence of its vote in this regard does not exist on the Regents’ publicly-available Internet site. Subsequently, at its March 12, 2013 meeting, the Regents adopted emergency regulations that attempt to incorporate the Framework by reference, without actually drafting the Framework into regulation.

The Regents’ emergency adoption of 8 NYCRR § 119.7, *et seq.* violates SAPA. In order to adopt regulations on an emergency basis, an agency must find that “the immediate adoption of a rule is necessary for the preservation of the public health, safety or general welfare and that compliance with the requirements of subdivision one of this section would be contrary to the public interest” St. Admin. Proc. Act. § 202 (6)(a).

SED and the Regents’ proposed emergency regulations and notice of rulemaking were published in the State Register on or about Wednesday, March 27. The

notice of rulemaking states that the earliest the Regents can approve the regulations is the Regents' June 17-18, 2013 meeting, and the earliest those regulations can become effective is July 3, 2013. SED and the Regents justified dispensing with the formal requirements of rulemaking by stating that they will have to consider charter renewal applications prior to that July 3 date.

New York Courts have observed that SAPA's emergency provisions should be "narrowly construed." *Home Care Ass'n*, 218 A.D.2d at 129. In *Home Care Ass'n*, the Appellate Division, Third Department found that the New York State Commissioner of Social Services violated SAPA by adopting rules without following SAPA's rulemaking procedures, even though the Commissioner was under a federal court order to implement such rules within fifteen days. "The mere existence of deadlines for agency action, whether set by statute or court order, does not in itself constitute good cause for dispensing with [SAPA's] notice and comment provisions." *Id.* New York courts also have noted that a budget crisis necessitating a reduction in an agency's expenditures is not an emergency as contemplated by SAPA. *See New York State Ass'n of Homes & Servs. v. Perales*, 179 A.D.2d 296, 297 (3d Dep't 1992). The Regents have been considering charter renewals for more than a decade without duly promulgated regulations. This fact alone shows that there was no emergency that required dispensing with the protections of formal rulemaking.

CONCLUSION

SED and the Regents have violated SAPA by failing to duly promulgate the standards in the Renewal Guidelines and the benchmarks in the Framework. Even if the Framework were duly promulgated in its current form, it still would be deficient because it is impermissibly vague and was drafted with the input of extra-state agencies that are not accountable to New York State voters or the New York State governing process.

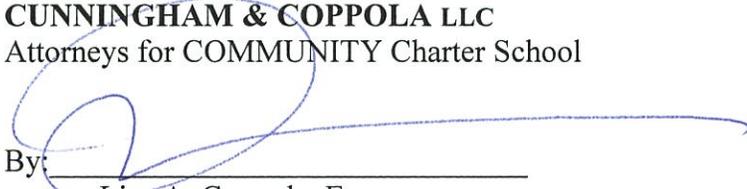
CCS believes that by allowing outside, extra-state agencies to interpret New York law, that SED is, in effect, allowing those entities to rewrite the Charter School Act. The entire process of implementing these regulations and regulating charter schools seems to be occurring without the input of the charter school community *within New York State*, including those schools that are serving the impoverished and disadvantaged students who most need viable alternatives to their local, failing public schools.

More importantly, however, as Commissioner King himself has recognized, BPS is not a viable alternative for CCS's 298 students. The public schools CCS's students likely will attend if CCS closes are violent, unsafe schools where academic achievement is all but impossible. No doubt this is why Commissioner King and the Regents have been pushing legislation that will allow them to appoint academic control boards to oversee persistently-failing districts like BPS. CCS, in contrast, has undergone a transformation. It possesses an engaged Board of Trustees and a dynamic

leadership team that are turning the school's considerable assets into student growth. The alternative for these students could not be more clear: to allow them to remain at CCS to continue to reap the benefits of CCS's Restart Plan.

Dated: April 15, 2013
Buffalo, New York

**RUPP, BAASE, PFALZGRAF,
CUNNINGHAM & COPPOLA LLC**
Attorneys for COMMUNITY Charter School

By: 

Lisa A. Coppola, Esq.

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