



DIRECTOR
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-VIA EMAIL-

March 15, 2012

Daniel Ricigliano, President (riciglia@juno.com)
Board of Trustees
COMMUNITY Charter School
404 Edison Avenue
Buffalo, New York 14215

Dear Mr. Ricigliano:

Please take notice that New York State Education Department (the “Department”) staff will be recommending that the Board of Regents deny your application to renew the COMMUNITY Charter School’s (“COMMUNITY”) charter at their April 22-23, 2013 meeting. The reason for this recommendation is because the Department is **unable** to make all of the findings that the Board of Regents, as the chartering entity is required by NYS Education law Article 56, the Charter Schools Act (the “Act”) to make in order to approve a charter application.¹ In particular, given the educational record of the School over the current charter term, the Department **cannot** find that:

- COMMUNITY has demonstrated the ability to operate 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 Act in Education Law §2850(2); nor
- Approving the renewal application would have a significant educational benefit to the students expected to attend COMMUNITY.²

A summary of COMMUNITY’s student achievement record supporting this recommendation is summarized in Appendix A attached.

¹ Section 2852(2) states: An application for a charter school shall not be approved unless the charter entity finds that (a) the charter school described in the application meets the requirements set out in this article and all other applicable laws, rules and regulations; (b) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (c) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article, and (d) in a school district where the total enrollment of resident students attending charter schools in the base year is greater than five percent of the total public school enrollment of the school district in the base year (i) granting the application would have a significant educational benefit to the students expected to attend the proposed charter school or (ii) the school district in which the charter school will be located consents to such application.

² COMMUNITY is located in the Buffalo City School District, where the total enrollment of resident students attending charter schools in the base year is greater than five percent of the total public school enrollment of the school district in the base year. Because the Buffalo City School District has not consented to COMMUNITY’s renewal application, the Department is required to find that granting the application would have a significant educational benefit to the students expected to attend the charter school.

Please take further notice that COMMUNITY has thirty days to address these concerns and/or to submit a written response to this recommendation. If you choose to submit a written response, it should be sent via e-mail to Bill Clarke, Director, Charter School Office, at wclarke@mail.nysed.gov and charterschools@mail.nysed.gov by noon on April 15, 2013. The response may include supporting affidavits, exhibits, and other documentary evidence (including any evidence that any of the problems identified have been corrected), and may also present a written legal argument. Any timely response submitted by the School will be provided to the Regents for their consideration with the Department's recommendation. A failure to submit a timely response will result in the Board of Regents taking action on the School's renewal application without the benefit of input from COMMUNITY.

The Regents have the final decision-making authority concerning the renewal of a charter. We anticipate that the Board of Regents will consider COMMUNITY'S renewal application at its regularly scheduled meeting on April 22-23, 2013.

Please don't hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bill Clarke', enclosed in a thin black rectangular border.

Bill Clarke
Director, Charter School Office

Attachment

cc: Denise Luka, School Leader, COMMUNITY Charter School (dluka@commcharter.org)
Michael J. Littman (littmanj@buffalostate.edu)
Tasha S. Miller (tashamiller202@msn.com)
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Ken Slentz, NYSED
Sally Bachofer, NYSED

Attachment A

COMMUNITY Charter School – Summary of Education Record, 2009-2013

The Board of Regents has granted COMMUNITY Charter School three, short-term renewal charters. The first short-term renewal was from the period of October 5, 2006, to July 31, 2007 (9 months), for the purpose of allowing the School time to obtain and analyze a third consecutive year of student achievement data given the delay in opening. The second short-term renewal was granted from the period of August 1, 2007, to July 31, 2009 (2 years). At this time the Department found some evidence of academic progress although the School was not meeting its goals. During this period the Board of Regents and the Department found student academic success and instructional oversight to still be issues of concern and therefore granted the School a third short-term renewal from the period of August 1, 2009, to June 30, 2013 (4 years) which covers the School's current four-year charter term. At each charter renewal decision making point, the Board of Regents has renewed the School's charter for a truncated term, citing ongoing concerns about the School's academic and operational performance and, at times, concerns about board oversight and governance.

For the current charter renewal term (August 1, 2009, through June 30, 2013) COMMUNITY articulated the following absolute, growth, and comparative goals for student performance:

- **Absolute Goal:** At the end of year 4 of the renewed Charter, 75% of all students in Grades 3-6 will score at or above Level 3 in all NYS Assessments for ELA and Math.
- **Growth Goal:** For those students in Grades 3-6 that are not scoring at a proficiency level (Level 3 or 4) on the NYS Assessments for ELA and Math, there will be a 5% increase in the total number of students scoring at a proficient level (Level 3 or 4) for these assessments the following year until proficiency is achieved.
- **Comparative Goal:** COMMUNITY Charter School will continue to substantially outperform the Buffalo City School District annually on the New York State ELA, Math, Science and Social Studies Assessments.

Based on NYS assessment data, data submitted in the School's renewal application, and additional data analysis conducted by the Department, COMMUNITY did not fully meet any of these goals. Because the School received a short-term renewal (four years) instead of the five-year renewal it had requested, the data is being analyzed at the end of year three of the current charter term instead of the end of year four, thus the absolute goal of 75% of all students in grades 3 through 6 scoring at or above Level 3 in all NYS assessments for ELA and mathematics at the end of year four could not be fully assessed. However, the school has not come close to meeting the absolute goal in either subject, in any year. In fact, student academic status results from the three years of the current charter term show that the School is dramatically far from even being *on track* to approach their absolute proficiency goal. In mathematics, students in grades 3 through 6 steadily declined in performance from a high of 42% proficient in 2010 to a low of 27% proficient in 2012. In ELA, students in grades 3 through 6 steadily declined in performance from a high of 30% proficient in 2010 to a low of 16% proficient in 2012.

Additionally, despite reporting the growth goal partially met in its renewal application, the data available demonstrate that year to year scores show an overall dramatic decline rather than growth in performance. Finally, the School did not meet the comparative goal to substantially outperform the Buffalo City School District (BCSD) annually on NYS ELA and mathematics assessments. In fact, COMMUNITY performed far below BCSD in ELA each year with only 16% proficiency as compared to 30% proficiency at BCSD on the 2012 ELA assessment. In mathematics COMMUNITY did outperform BCSD in 2010 by 6%, was comparable to BCSD in 2011 (36% proficiency), and continued its downward trend in 2012, falling to 27% proficiency (below that of BCSD's 35% proficiency).

Under the Department’s differentiated accountability system, COMMUNITY Charter School was identified as a school **in need of improvement** (Improvement, Year 1, comprehensive) for failure to meet Adequate Yearly Progress (AYP) for students in ELA in 2009-2010 and 2010-2011. Under the Department’s Elementary, Secondary, and Continuing Education Act (ESEA) waiver, the downward trend and poor results have resulted in COMMUNITY having been assigned the accountability status of a **Focus School**, which means the School is among the lowest achieving schools in the state with subgroups in terms of proficiency on the statewide assessments, and that the School did not make sufficient growth between 2009-2010 and 2010-2011.

In order to ensure the availability of a robust data set in consideration of renewal, and to supplement the basic assessment data and renewal application, the Department conducted an additional set of statistical analyses that compare the academic performance of COMMUNITY to traditional public and charter schools in Buffalo City School District (BCSD) and similar schools across New York State.

The table below illustrates the ELA and mathematics proficiency rates for COMMUNITY as a direct weighted average comparison to those of students in the same grade band (3-6) and similar schools in BCSD and across NYS as a whole. There are two findings worth noting:

First, the most current ELA and mathematics proficiency rates for COMMUNITY are lower than both BCSD and NYS for similar grade bands. Second, the proficiency rates in both ELA and mathematics for COMMUNITY have seen a steady decline over the past three academic years.

Percentage of Students Scoring at Level 3 and 4 on the NYS assessments in Grades 3 and 6

	<i>Tested Grades</i>	Math Proficiency Rates (At or Above Proficiency)			ELA Proficiency Rates (At or Above Proficiency)		
		<i>CCS</i>	<i>BCSD</i>	<i>NYS</i>	<i>CCS</i>	<i>BCSD</i>	<i>NYS</i>
<i>2012</i>	3-6	27%	35%	67%	16%	30%	59%
<i>2011</i>	3-6	36%	36%	66%	25%	33%	57%
<i>2010</i>	3-6	42%	36%	64%	30%	36%	57%

One general criticism of such comparisons is that charter schools may enroll a disproportionate number of students who, by demographic category, are at greater risk for low performance. In order to address such concerns, the Department conducted a multivariate regression analysis¹ to predict the expected performance of COMMUNITY that controls for demographic characteristics, thus helping to ensure truly similar schools are being compared. The results show that even after controlling for such variables, COMMUNITY performs worse than the local district and well below its expected performance in both ELA and mathematics consistently during the current term. The discrepant effect sizes for the school are shown in comparison to the district in the table below.

¹ All public schools, including charter schools, in New York State of the same type (in this case, schools that tested students in grades 3 through 6) are included in the regression model, and the model accounts for the percentage of students identified as eligible for free- and reduced-price lunch, English language learner status, and students with disabilities at each school. The overall predicted proficiency rating is calculated as a weighted average by the number of students tested in a given grade.

Controlled Comparison of Student Performance

School year	Tested Grades	Math		ELA	
		CCS Effect Size	Buffalo CSD Effect Size	CCS Effect Size	Buffalo CSD Effect Size
2011- 2012	3-6	-0.49	-0.29	-0.48	-0.17
2010-2011	3-6	-0.26	-0.19	-0.25	-0.09
2009-2010	3-6	-0.72	-0.23	-0.74	-0.13

In summary, COMMUNITY Charter School did not meet its stated goal for absolute, growth, and comparative performance. The School’s renewal application contained little quantitative evidence to support the School’s claim that these goals have been met. Additional Department analyses provide evidence that the School’s performance is well below that of comparative schools in Buffalo and across New York State. Student academic performance has fallen steadily and dramatically over the charter term. In addition, COMMUNITY is identified as a Focus School under the Department’s differentiated accountability system.

The Department’s Charter School Office (CSO) conducted a renewal site visit at COMMUNITY Charter School on September 26 and 27, 2012. During this visit, CSO interviewed the Board of Trustees, school administrators, teachers, parents, and students; observed classrooms and attended a meeting of the Board of Trustees. During the renewal visit, team members visited twenty-seven classrooms, covering all grade levels and subject areas. Leaders at the School stated that the site visit team would see evidence of the School’s key design elements being implemented in the classroom including rigorous instruction, the workshop model of instruction, and differentiation. Despite the School’s efforts to frame expectations and set standards for practice, the renewal site visit team’s findings included the following, which were consistent with findings from previous site visits:

- Students were not engaged in rigorous tasks or other evidence that reflected School leadership’s stated expectations.
- While teachers posted learning objectives in many classrooms, only about one third of the teachers communicated these objectives and demonstrated appropriate use of instructional methods to maximize student learning.
- In most classrooms, the site visit team did not see checks for understanding, differentiation to meet individual student needs, or feedback to students.
- During the renewal visit the renewal visit team observed a few classrooms using technology; however some teachers were observed struggling to properly use the equipment. (Use of technology was not observed in visits prior to the renewal visit).
- The level of student engagement in learning varied considerably from one classroom to another.
- Observations revealed almost 100% use of direct instruction, one “right” answer, and little to no follow up for incorrect responses.
- Whole class instruction was used much more frequently than small group, pair, or independent learning that is characteristic of the workshop model – the expected modality of instruction and learning as framed by the School’s leadership.
- The team found little evidence of individualization despite the School’s claims of differentiated instruction and pacing.

The renewal site visit team’s overall findings indicate that the quality of the educational program is poor as reflected in the dramatically declining student performance results and qualitative trend evidence gathered during classroom observations over the course of the charter term.

In addition to the record of poor academic performance, COMMUNITY Charter School has not evidenced a record of strong and consistent leadership on the part of the Board of Trustees or the School's administration. Over the course of its operation, the School has had five school leaders, including three principals in calendar year 2012 alone. The School's Board of Trustees has had difficulty maintaining membership and a quorum at meetings. Over the course of its several charter terms, the Board of Trustees has had several protracted periods of time in which it operated without the statutorily required minimum of five members. While currently the Board of Trustees has 10 (or 11) members, all but one of them joined the Board after the Charter Renewal Application was submitted to the Department.

In its renewal application, the School acknowledges its poor performance, and throughout the renewal proposal, emphasizes plans to "re-start" the School through plans that include the selection of new formative assessments, implementation of rigorous evaluations of teacher and school leader performance, and hiring of additional staff to support data-driven decision making and improved classroom instruction. The 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; and is not enough to support a recommendation to approve the renewal application.