




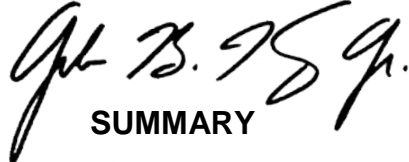
THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: The Honorable the Members of the Board of Regents

FROM: Ken Slentz 

SUBJECT: Charter Schools: Renewal of a Charter School Authorized by the Board of Education of the City School District of the City of Buffalo: Enterprise Charter School

DATE: May 13, 2013

AUTHORIZATION(S): 
SUMMARY

Issue for Decision

Should the Regents approve the proposed renewal charter for Enterprise Charter School which is authorized by the Board of Education of the City School District of the City of Buffalo ("Buffalo BOE")?

Reason(s) for Consideration

Required by State Statute.

Proposed Handling

This issue will be before the Full Board for action at the May 2013 Regents meeting.

Procedural History

The Buffalo BOE approved a one-year renewal for Enterprise Charter School and submitted that proposed renewal charter to the Regents for approval and issuance of the renewal charters as required by Article 56 of the Education Law, The New York State Charter School Statute.

Background Information

The chart below provides some basic information about Enterprise Charter School:

Name of Charter School	Enterprise Charter School
District of Location	Buffalo City School District
Facilities	275 Oak Street, Buffalo, NY
Terms and Date of Charter	Initial Term: March 2003, through March 2008 1 st Renewal: March 2008, through June 30, 2010 (2 years) 2 nd Renewal: July 1, 2010, through June 30, 2013 (3 years)
Current Grade(s) and Approved Enrollment	2012 – 2013 Grades: K through 8; 405 students (Originally approved as a K through 12 school. As part of the School's first renewal, the District reduced the grades served to K through 8.)
Current Year of Operation	2012-2013: 10 th Year of Operation
Management Company	N/A
Other Partner(s)	N/A

In 2003, the Buffalo Board of Education, in its capacity as a charter school authorizer under Article 56 of the Education Law, approved the initial five-year charter for Enterprise Charter School as a K-12 school, and a charter was approved and issued by the Board of Regents. In 2008, the Buffalo Board of Education approved and submitted to the Regents a five-year renewal for Enterprise, which would have allowed the School to serve grades K-12 until the end of the 2007-08 school year and then to serve grades K-8 for the remainder of the proposed charter renewal term.

Citing weak academic results, especially at the secondary level and in ELA throughout, and an audit by the Comptroller that raised questions related to the school's financial and accounting practices, the Regents did not approve the proposed five-year renewal charter for Enterprise and instead returned the proposed renewal charter to the Buffalo BOE for reconsideration. The Regents recommended that the Buffalo BOE only approve a short-term renewal for Enterprise until the end of the 2009-2010 school year (June 30, 2010). The Buffalo BOE subsequently approved and submitted to the Regents, a short-term renewal for Enterprise, that allowed Enterprise to serve grades K-12 until the end of the 2007-2008 school year and then to serve grades K-8 until June 30, 2010 (a two-year renewal). In 2010, the Buffalo BOE approved and submitted to the Regents, a second charter renewal for Enterprise to operate as a K-8 school until June 30, 2013 (a three-year renewal). The Regents approved and issued the second renewal charter as submitted by the Buffalo BOE.

On January 9, 2013, the Buffalo BOE approved a third renewal charter for Enterprise Charter School that would expire on June 30, 2016. That proposed charter was submitted to the Board of Regents on February 14, 2013. Attachment A is a copy of the Buffalo BOE's Renewal Report for Enterprise Charter School.

The Department reviewed the material submitted by the Buffalo BOE concerning Enterprise Charter School and analyzed additional student performance data concerning the school (Attachment B).

Of most concern to Department staff is the student academic performance at Enterprise Charter School. Notably:

- Enterprise students have performed consistently worse than expected in ELA and math over the last 10 years (initial 5-year charter term and two, short-term renewal terms).
- In comparison to their peers in Buffalo Public Schools, Enterprise students perform an average of 6 points worse in ELA and an average of 7 points better than their peers in math, in grades 3 through 8. In comparison to their peers Statewide, Enterprise students perform worse than expected, well below State averages in both ELA and math in grades 3 through 8.
 - In ELA, ECS student proficiency rates are less than half that of students in the State over the last three years.
 - In math, ECS students achieve proficiency at rates 15 to 20 points lower than their peers across the state.

At the regularly scheduled April 2013 Board of Regents meeting, the Regents considered the Buffalo Board of Education's charter renewal recommendation for Enterprise Charter School. On April 22, 2013, the Board of Regents voted to return that renewal recommendation to the Buffalo Board of Education for reconsideration.

The Buffalo Board of Education approved a charter renewal recommendation for Enterprise Charter School on May 8, 2013 which would renew the School's charter through June 30, 2014. See attached recommendation letter and Buffalo Board of Education resolution (Attachments C and D).

Recommendation

VOTED: That the Board of Regents finds that Enterprise Charter School authorized by the Board of Education of the City School District of the City of Buffalo: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (3) 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 (4) granting the application would have a significant educational benefit to the students expected to attend the charter school, and the Board of Regents therefore approves the renewal application of Enterprise Charter School and that a renewal charter be issued, and that its provisional charter be extended for a one-year term up through and including June 30, 2014 at which time the Buffalo BOE as the chartering entity for Enterprise, will assess the School's progress at meeting performance benchmarks established for the School by the Buffalo BOE and make a determination concerning renewal of the School's charter.

Timetable for Implementation

The Regents action for the Enterprise Charter School is effective immediately.

Attachments

**Buffalo Public School District
Renewal Report – January 2013**

School: Enterprise Charter School		
Dates of Site Visits:	October 7, 2010	February 9, 2012
	November 10, 2010	March 23, 2012
	April 27, 2011	April 23, 2012
	January 11, 2012	October 4, 2012
	January 26, 2012	October 5, 2012

The primary purpose of this report, prepared by Angela Cullen, Director in the Office of School Performance, for the Buffalo Public Schools, a charter school authorizer, is to provide evidence about Enterprise Charter School's (ECS) performance, implementation of the educational and organizational program outlined in the charter, and compliance with laws and regulations over the course of the current renewal charter. On the dates listed above, central office administrators visited ECS, located at 275 Oak Street, Buffalo, New York. ECS currently serves 405 students in grades kindergarten through 8. The school is in its ninth year of operation.

ECS was granted their initial charter in March of 2003. The school opened in August of 2003 with kindergarten through grade 8, with an enrollment of 426. In the 2004 – 2005 school year, grade 9 was added with an enrollment of 460; in the 2005 – 2006 school year, grade 10 was added with an enrollment of 505; and in the 2006-2007 school year, grades 11 and 12 were added with an enrollment of 555. Enrollment for 2007 – 2008 was 605 students in grades K – 12.

The first renewal charter was granted and a probation period was initiated in March of 2008. Probationary status stemmed from a lack of internal controls. At the completion of school year 2007 – 2008, the secondary program was dissolved and ECS returned to a kindergarten through grade 8 program, with an enrollment of 405. Enrollment was maintained at 405 during the first renewal from March 1, 2008 – June 30, 2010.

A second renewal charter was granted on January 4, 2010 and the school's probation period ended. The school was granted a three year renewal charter, from July 1, 2010 – June 30, 2013. Enrollment has been maintained at 405 throughout the current charter. In the final year of the previous charter and leading up to the current renewal charter, BPS made the following recommendations to ECS:

Recommendations made January 21, 2009

- Lesson plans and data books must be available, and up to date (*evidenced by classroom observations*)
- Instructional lesson plan must be aligned with instruction, and objective must be posted on the board (*evidenced by classroom observations*)
- System for monitoring student progress must be developed (*evidenced by creation of Data Silo*)
- Students must understand their progress or lack thereof (*evidenced by creation of student report card and ongoing progress reporting*)
- Data must be available and used for instructional decisions (*evidenced by creation of Data Silo*)
- Data must be used to determine groupings (*evidenced by creation of Data Silo, distribution of data reports to teachers, use of data observed during level meetings/common planning time, and differentiation in lesson plans*)

- Differentiate instruction based on student strengths and needs; provide review as needed but challenge students who know the material (*evidence of successful implementation varies as evidenced by classroom observations*)
- Center instruction must be based on skills that have been directly taught to students (differentiation strategy) (*evidence of successful implementation varies as evidenced by classroom observations*)
- Center work must be monitored (*evidenced by classroom observations*)
- Center work must have directions and extra work for students who finish early (*evidenced by classroom observations*)
- The literacy coach must be assisting with instruction/monitoring in areas (*evidenced by classroom observations*)
- Posted student work must be current and exemplary (*evidenced by classroom observations*)
- Special Education teacher must collaborate with lesson planning and have classroom instructional responsibilities (*evidenced by classroom observations and teacher interviews*)
- Grade level meetings must occur more often (currently averaging once a month) (*evidenced by Renewal Site Visit document review, classroom observations, and school administrative team interviews*)
- Accurate minutes should be kept of topics covered at grade level meetings (*evidenced by Renewal Site Visit document review*)
- Grade level meetings should include the use of data to improve student achievement (ELA and mathematics) (*evidenced by Renewal Site Visit document review*)
- School Improvement Plan (SIP) must be created and followed (*comprehensive school improvement plan submitted annually, implementation evidenced during site visits*)
- School Handbook must be completed and shared with students, parents, and staff (*evidenced by 2010 document review*)

Recommendations made June 17, 2009

- Rigorous instruction with a focus on data use as it pertains to the needs of the individual student
- A professional development plan focused around identified areas of weakness (English Language Arts) (*evidenced by Renewal Site Visit document review*)
- Documentation noting progress towards establishing a formal grading policy
 - Timeline for completion and adoption of a formal grading policy (*evidenced by 2010 document review*)
- Documentation noting the process in place for updating the curriculum
 - At least one completed curriculum
 - Timeline for the completion of all curriculum (*evidenced by 2010 document review*)
- Procedures for on-going assessment and monitoring
 - Conditions of the financial oversight section of the Probation order must be met (*evidenced by monthly document review done by BPS Finance Office*)
- ECS will submit a School Improvement Plan in October of each school year and a Three Year Academic Plan to address the three year Charter Renewal (*plans submitted annually as requested*)

In the current renewal charter application, ECS is requesting to add an additional kindergarten classroom with an increase of 20 students each year until they grow their program to three classes at each grade level, kindergarten – grade 8.

Site visits and classroom observations conducted from October of 2009 through April of 2012 are documented in the *Monitoring Matrix* and referenced as evidence throughout this report. During the renewal site visit on October 4 and 5, 2012, the team interviewed the Board of Trustees (BOT), school administrators, teachers, parents and students. Evidence collected during those interviews is also included in this report.

Three guiding questions serve as a lens to direct this report:

1. Is the school an academic success and able to operate in an educationally sound manner?
2. Is the school organizationally viable and able to operate in a fiscally sound manner?
3. Is the school faithful to the terms of its charter and has it adhered to applicable laws and regulations?

1. IS THE SCHOOL AN ACADEMIC SUCCESS AND ABLE TO OPERATE IN AN EDUCATIONALLY SOUND MANNER?

Finding: The school minimally engages students in high quality, rigorous instruction that is aligned with school design characteristics and curriculum.

Evidence: Constructivism, a key element of the current charter, is implemented with varying degrees of effectiveness, as evidenced during classroom observations throughout the current renewal charter. Classroom instruction at ECS is predominantly “teacher talk” with students answering questions with limited or single word answers without sharing their reasoning. In most classrooms observed during the current renewal charter, students were learning facts and approaching tasks in rote ways.

Finding: Teachers plan to deliver high-quality, rigorous instruction, but implementation is lacking.

Evidence: Teachers submit lesson plans which must be aligned to the schools key design elements. Lesson plans are submitted to the Chief Academic Officer (CAO) for “feedback of strengths” and “needs also suggestions”, aligned to the Charlotte Danielson lesson plan rubric, Domain 1 and Domain 4. This process was implemented at the beginning of year two of the current three year renewal charter. During the teacher focus group interview, teachers indicated that the rubric for lesson plans is very clear and that they receive valuable feedback from the CAO regarding objectives, standards, procedures, integration, and differentiation. Teachers also indicated that the new CAO has an open door policy and is focused on building a culture of improving lesson plan design and delivery. However, as stated in the previous evidence, rigorous instruction that requires critical thinking is implemented with varying degrees of effectiveness.

According to the CAO, long range planning is focused on data, climate and culture, and behavior management. Evidence of professional development offerings supports this long range plan. According to teachers and the leadership team, as evidenced during the focus group interviews, development of the long range plan has helped ECS, “to allow us to identify and support our initiatives most effectively.”

Finding: Data from assessments are used by teachers to inform, guide and improve instructional practice.

Evidence: Teachers began training in Data Driven Dialogue in the summer of 2012. During the teacher focus group interview, teachers indicated that ECS has, “identified goals that enable the staff to build together. Our goal is to be driven by data to look at the information and use the data and analyze it so that it will have a significant impact on the time we have with the students.” The TERC four phased data dialogue has been implemented and was evidenced in four of four common planning meetings observed. ECS has also developed a Data Silo and the Student Readiness Index (SRI), tools that teachers use to document and design appropriate intervention based strategies to improve student performance. Additional information about the Data Silo and the SRI are contained in the next section. As a result of these new efforts, teachers indicate that they believe that they have more data to work with and more support interpreting the data, and while implementation of the four phased data dialogue holds promise, the school has not yet fully developed a data driven culture at the school, as evidenced by the lack of differentiation in the classrooms observed.

According to the CAO, “common planning time has a lot of potential, but it can also be wasted time when it is not structured.” Therefore, a member of the leadership team joins each common planning group at least once a week; the CAO meets with the group two times monthly, the CIO/Director of Professional Development meets with the group once a month, and the Dean of Students meets with the group once a month.

Finding: In order to more effectively monitor student progress during the school year, the school instituted and utilizes a Data Silo and a Student Readiness Index (SRI).

Evidence: During the 2011 – 2012 school year, year two of the current three year renewal charter, the school’s Chief Information Officer (CIO) developed a Data Silo, which centrally houses student assessment data. Together with the CAO, they then created the Student Readiness Index (SRI), a tool that gathers information from several sources, including the Data Silo and eDoctrina. The Data Silo identifies student performance trends and eDoctrina provides an item-analysis of skills students have mastered or missed. This information is used to help quantify where students are in their development and identify students who are in need of additional targeted instructional supports. Teachers receive an updated SRI for each of their students quarterly and the information from this form is used to direct conversations with administrators, specialists, students and parents. Teachers use the SRI document to design appropriate intervention based strategies to improve student performance.

During the teacher focus group, teachers indicated that, “over the past two years, we have all focused in on the same initiatives, and use of data to drive instruction is a priority. Now we are seeing the initiatives are still in place from last year and we are all on the same page.” Another teacher stated, “There are now [referring to the appointment of Heather Lyon as CAO in 2011-2012] common goals for the school and communication is clear. Expectations are communicated and we are held accountable to follow through.” The newly appointed CAO ushered in a new level of accountability, transparency, and high expectations.

Finding: ECS failed to meet the academic performance goals as outlined in the current charter, but recent initial indicators show progress, despite failure to meet or exceed stated targets.

Evidence: ECS current charter includes the following performance goals:

Annually increase the number of students at Level 3 by 10% on the required state assessments. ECS did not meet this goal in 2009 – 2010; however, 2010-2011 data shows an overall increase of 25% in ELA and 24% in mathematics (ELA Level 3 increased from 16 students in 2010 to 20 students in 2011; Math Level 3 increased from 29 students in 2010 to 36 students in 2011); in 2011-2012, there was an increase of 14% in ELA while mathematics scores remained static.

Increase its scores according to the Commissioner’s Performance Index for AYP, for NY State assessments by the end of the second renewal. ECS did not meet this goal for ELA, but did meet this goal for mathematics in both 2010 and 2011.

By the end of the second renewal term, students in grades 3 – 8 who have been continuously enrolled will perform on par with the state average for proficiency on the NYS ELA and mathematics assessments. ECS did not meet this goal. However, ECS has improved its scores from 2010 – 2012.

80% of the students in grades K – 3 who are continuously enrolled will achieve benchmark status according to DIBELS by year-end test results. ECS did not meet this target during the current charter term, but the percent of students achieving benchmark status did increase from 2010 – 2012, from 56% to 59% to 60%. It is important to note that of the 14% population of ELL students more than half of them are enrolled in these grades.

80% of the students in grades 3 – 8 who are continuously enrolled will maintain a Level 3 or increase to a Level 4 on the on the NYS ELA and mathematics assessments. ECS did not meet this target during the current charter term. However, there was an increase in the percent of students in grades 3 – 8 who are continuously enrolled from 2011 to 2012, 68% stayed at Level 3 or increased to Level 4 in ELA and 70% did the same in mathematics.

75% of the continuously enrolled students in grades 1 – 8 will demonstrate a year's growth on the Terra Nova reading and mathematics assessment. 2011 results show that 72% of students demonstrated a year's growth in mathematics and 75% of students demonstrated a year's growth in ELA. 2012 test results are not yet available.

ECS is working towards strengthening the academic program as evidenced by the following:

- an additional reading specialist, ESL teacher and part time RtI specialist were hired in year 3 (increased from one of each in year 1)
- dedicated block of 50 minutes for RtI was added to the schedule in year 3
- addition of reading materials for guided reading in year 3
- coaching provided for teachers in the classroom to support Readers and Writers Workshop and the Lucy Caulkins CCLS aligned curriculum in year 3
- training on running records administration which rates student's accuracy on reading passages and places them in appropriate reading levels for guided reading in year 3
- training in the four phases of data dialogue through Research for Better Teaching in year 3
- increased accountability and support for staff on implementation of school initiatives beginning in year 2
- inter-rater reliability among evaluators through Danielson teacher evaluator training beginning in year 2
- focus on improving Tier 1 instruction through RtI through professional development and coaching in year 3
- all teachers are participating in peer review to provide feedback and develop exemplary lessons beginning in year 2 with two teachers participating and all teachers participating in year 3

Finding: In most classrooms, climate is somewhat characterized by high, clear expectations for student behavior and routines.

Evidence: Classroom rules and routines are established and internalized in most classrooms, characterized by consistent management strategies in all classrooms observed during the current renewal charter.

Finding: The school establishes and maintains an environment for students, staff, and other stakeholders that is physically safe and free from harassment and discrimination.

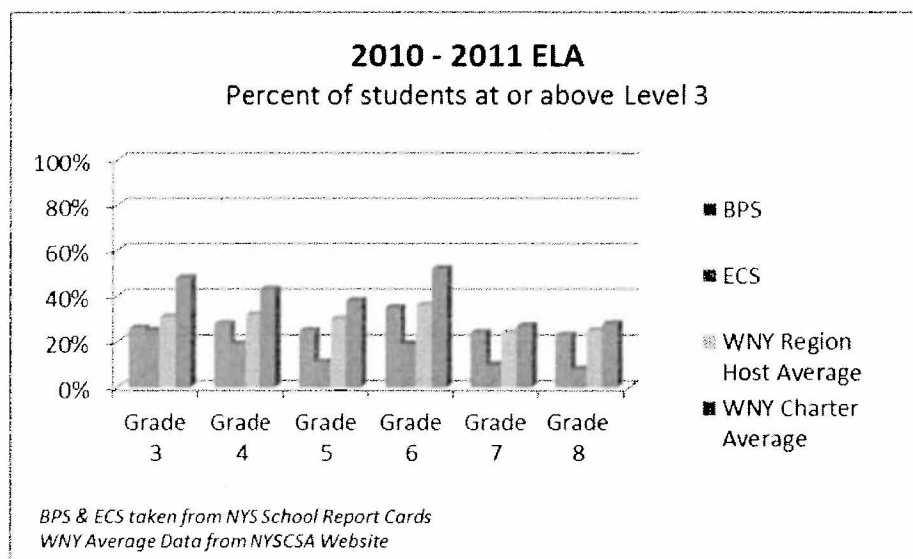
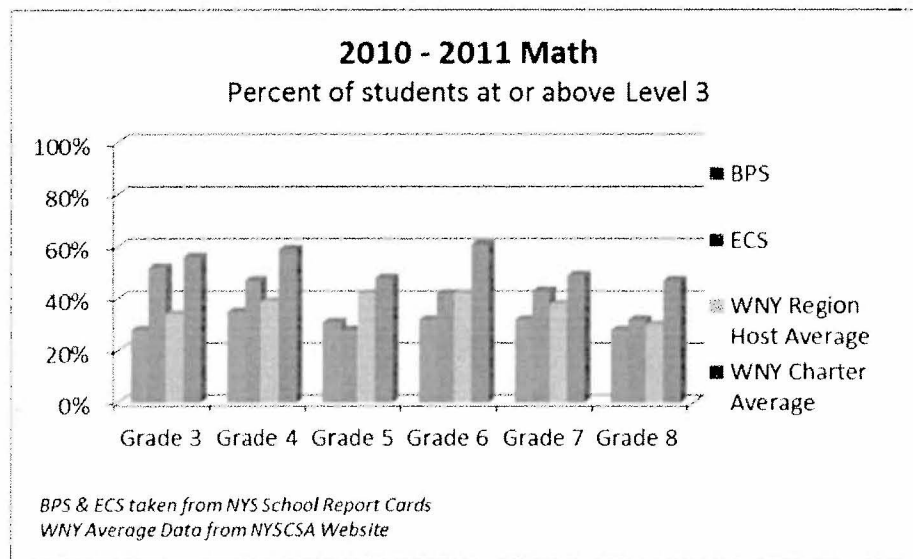
Evidence: Relationships among stakeholder groups appear to be positive and productive with cordial and respectful relationships between teachers and students, as evidenced by classroom observation evidence gathered during the current renewal charter. Student focus group interview evidences that students feel safe and they are "proud to be" an ECS student. During the parent focus group interview, a parent stated, "the school is safe, has cameras. There are no bullying issues, the school has good check in – check out procedures." ECS has an established Complaint Policy in the event that a parent or staff member wishes to address a concern.

Finding: The school effectively addresses the social, emotional, and health needs of its students and the key components of the school's climate and culture reflect the school mission and design.

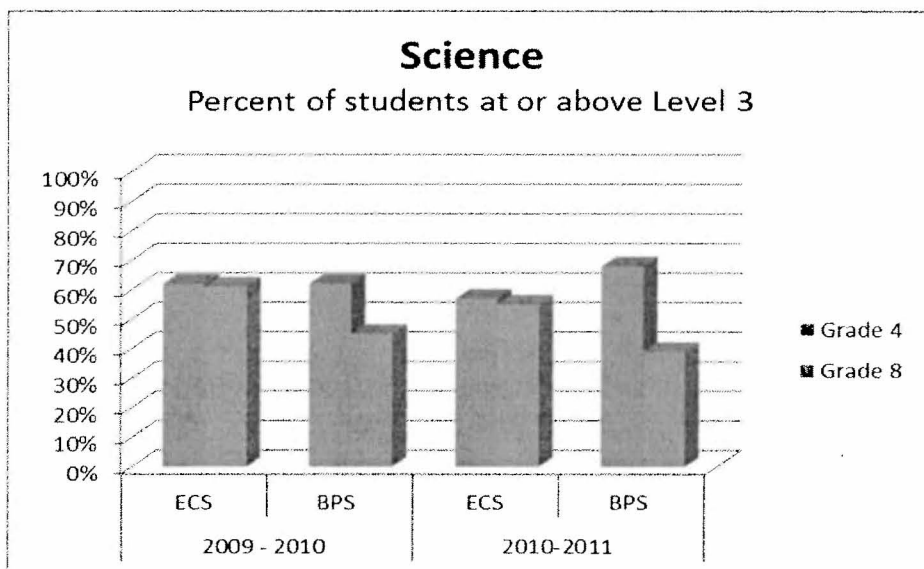
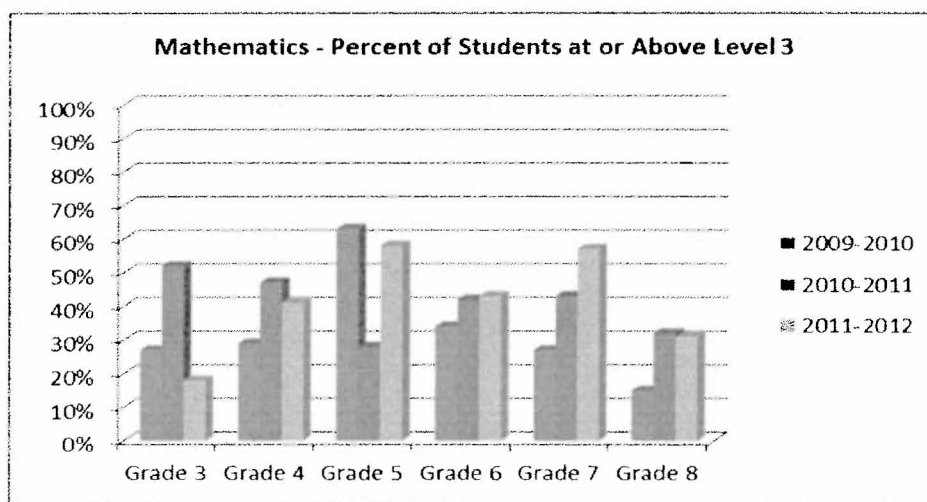
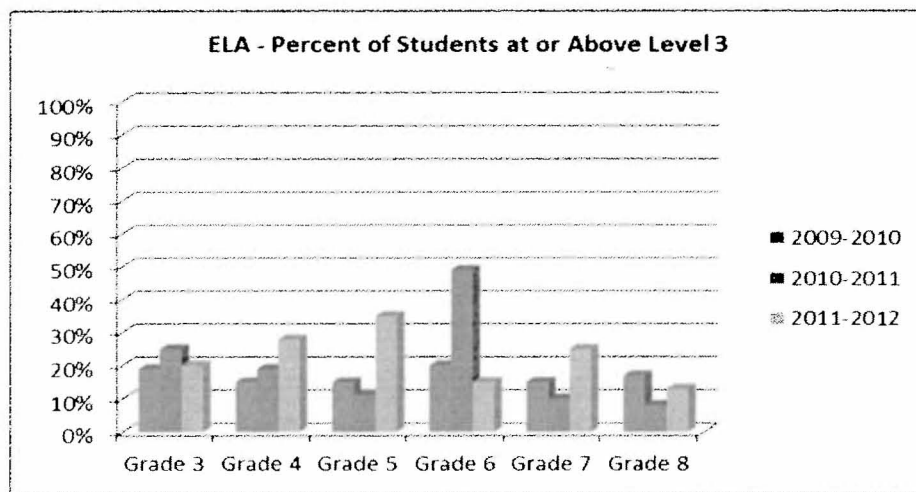
Evidence: The key design element of non-violence education and conflict resolution is effectively implemented as evidenced by the student behaviors observed during site visits and parent, teacher, and student focus group interviews. When asked, “what does ECS do to support your child?” a parent responded, “ECS supports my child by supplying breakfast club and after school programs. There is homework help after school and that supports working parents. Before and after school activities are free of charge.” (*ECS is open from 7:00 am until 6:30 pm*) The student focus group interview evidences that ECS students are made to feel special. The teacher focus group interview revealed that one of the strengths of ECS is that they are a “family”, and the key design element of looping promotes the familial atmosphere. The Dean of Students has spearheaded the new implementation of PBIS, whereby cultivating positive behaviors and relationships to permeate throughout the learning community.

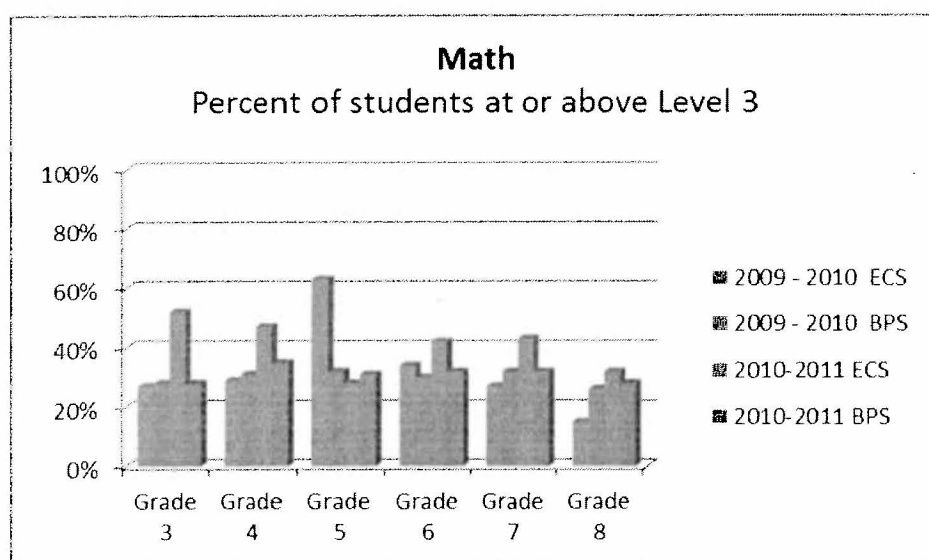
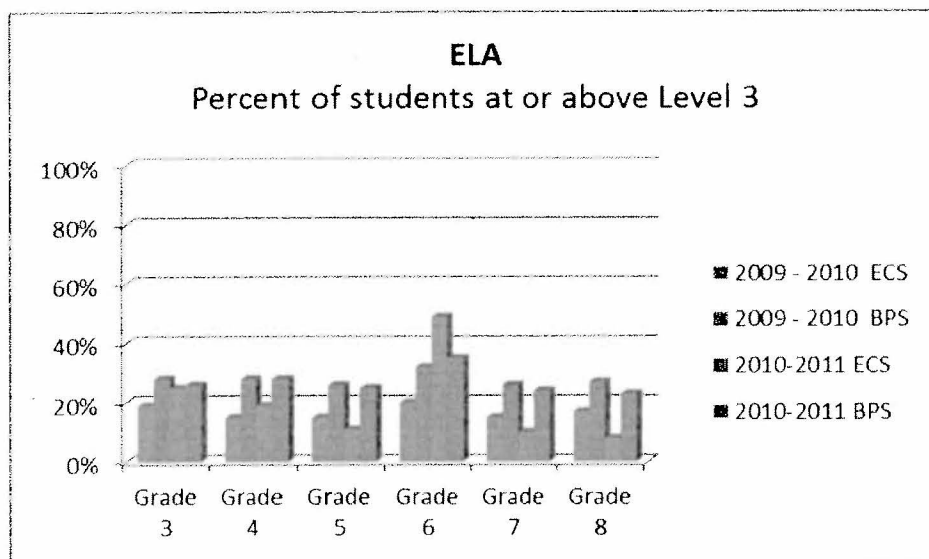
Academic Data:

2010 – 2011 Data as compared to Buffalo Public Schools, WNY Region Host District Average, and WNY Charter Average (WNY region includes Buffalo, Lackawanna, Niagara Falls, Syracuse, and Rochester).



2009 – 2012 trend data for Enterprise Charter School during the current renewal charter.





2. IS THE SCHOOL ORGANIZATIONALLY VIABLE AND ABLE TO OPERATE IN A FISCALLY SOUND MANNER?

Finding: The school is fiscally healthy.

Evidence: The BOT has provided financial oversight to establish and maintain a fiscally sound organization. ECS contracts with a firm of Certified Public Accountants (CPA) who assists with managing the fiscal operations of the school. The CPAs prepare financial documents, budgets, and perform analyses and report to the Chief Executive Officer (CEO) and the Board. Additionally, one of the CPAs dedicated to the operation of the school meets monthly with the Board's Finance Committee to review budgets and the school's financial status. The Board approves the annual operating budget, reviews monthly budget reports, reviews quarterly cash flow and fund balances, and requires an annual independent financial audit. Monthly submissions of documents requested by the Buffalo Board of Education are timely and complete. ECS adheres to a balanced budget, follows generally accepted accounting practices, is operating pursuant to long range financial planning, tracks grant funds, and follows appropriate accounting procedures for managing payroll.

In school year 2010 – 2011, year one of the current three year renewal charter, ECS succeeded in securing its purchase of the school facility. As a result of obtaining this asset, ECS was then able to design and build a state-of-the-art gymnasium to augment and improve their physical education program.

Finding: The BOT have failed to regularly and systematically assess performance of the CEO against clearly defined goals and make effective and timely use of the evaluations.

Evidence: Without an annual evaluation, the BOT are unable to systematically assess the performance of the CEO against defined goals. Information garnered from the focus group discussion revealed that the CEO's contract had not been fully honored by the previous BOT; the CEO had only been formally evaluated once in the previous renewal term, despite the fact that her contract calls for an annual evaluation by the BOT. However, the CEO has received an annual evaluation in each year of the current renewal term. The BOT is exploring the future administrative structure of the leadership teaming, stating, "we are reevaluating the need for a CEO at this time." There is little evidence that the BOT was making timely decisions to ensure effective leadership at ECS. The BOT is taking steps to improve this process through their work with the High Bar (this work began following the October 4 and 5, 2012 site visit).

Finding: The BOT members have failed to fully understand the responsibility for which they have been charged, failing to evaluate their own effectiveness or obtain training to further governance development over years one and two of the current charter period. However, recent changes, including changes in BOT membership in years two and three, and training acquired in board governance in year three, show a renewed commitment to the responsibility for which they have been charged.

Evidence: During the October 5, 2012 site visit, a focus group assembled to meet with the BOT. Despite the fact that ECS selected the day and time for the scheduled focus group, only three of nine BOT members were present. Furthermore, one of the three BOT members present had less than 1-year experience on the board. According to the BOT and the CEO, the decision that only three members would attend the focus group was made in consultation with their attorney in order to comply with Open Meetings Law.

According to the BOT bylaws, unexcused absence from two (2) consecutive regular meetings or four (4) meetings of the board in any 12-month period shall, without limitation, be considered cause for removal. By the board's own admission, they have failed to honor this bylaw and dismiss BOT members who have failed to attend meetings with fidelity. Two BOT members recently resigned, as they were unable to fulfill this requirement.

In discussion with the BOT, they were unable to articulate key components in the charter renewal document. Their failure to review and internalize the document resulted in discrepancies and inaccuracies submitted in the renewal charter. For example, the renewal charter indicates that BOT members began training in the summer of 2012 with The High Bar, an organization that provides software tools, training, and consulting services for improved board governance; however, discussions with the board revealed that training had not yet commenced. Additional evidence provided following the October 4 and 5, 2012 site visit indicates that the board has only recently begun to use The High Bar as an option.

During the BOT focus group interview, it was evident that the BOT was a fractured and passive entity. According to the renewal charter and the BOT focus group interview, the trustees recognize a need for greater accountability and a more robust and organized format for communicating and monitoring expectations. Modeling key branches of a turnaround plan, what the charter renewal refers to as their "modified turnaround plan", there is a clause that all BOT members who have served for more than two

years must resign. According to the BOT focus group interview, the “board needs new blood. We have been a passive group,” and “current BOT members have been put on notice by the newly appointed BOT president, that they are required to be there and participate.” Moving forward, the BOT plans to rely heavily on data gathered from an evaluative methodology, in the areas of student performance, teacher performance, instructional leadership, and BOT accountability.

Finding: The BOT has failed to comply with open meeting laws, with certain qualifications.

Evidence: The BOT are required to post meeting agendas within 72 hours prior to a meeting and meeting minutes within two weeks following the meeting, in accordance with open meeting laws. Upon investigation on October 4, 2012 and again on October 18, 2012, ECS did not have any agendas or minutes posted on its website. It should also be noted that a new provision to the Open Meetings Law (which took effect on February 2, 2012) indicates that any documents which will be distributed at board meetings should be posted online prior to the meeting (to the extent practical as determined). Again, upon investigation, no copies of resolutions or other documents for BOT discussion were posted online.

Finding: The board has established goals outside of the school’s performance goals and periodically reports on them during BOT meetings.

Evidence: The renewal charter includes goals and initiatives identified by the BOT. Board minutes provide evidence that these goals are periodically included in Board reports and discussions. The BOT began work with The High Bar in October of 2012 to support them in strengthening their governance of ECS.

Finding: The board has avoided creating conflicts of interest where possible and, where not possible, has managed those conflicts of interest in a clear and transparent manner.

Evidence: All BOT members have a signed conflict of interest form on file. In keeping with the Operations Agreement with Buffalo Public School District (the authorizer), ECS notifies the district whenever there is a change to in the Board roster and forwards all signed conflict of interest forms prior to appointment.

Finding: School leadership monitors the effectiveness of the school’s academic program and operations, with certain qualifications.

Evidence: The school’s leadership team monitors the operational aspects related to finance effectively as evidenced by the school’s fiscal stability and adherence to New York State Charter School Act and applicable Federal Charter Laws. However, due to a concentration on the purchase of their facility during the first year of the current three year renewal charter, focus was diverted from the academic components and programmatic changes, with regards to implementation of the key elements of constructivism and differentiation, as evidenced by classroom observations and failure to meet performance goals stated in the current charter. ECS admits that they were also faltering under the leadership of the previous CAO, who ultimately resigned at the end of the first year of the current three year renewal charter. Furthermore, the effective implementation following professional development offerings was not managed nor well documented by the previous CAO. During the teacher focus group interview, a teacher stated, “past professional development was not monitored or supported until this past year (referring to the appointment of Heather Lyon as CAO in September of 2011).” However, additional teacher comments indicate that they now feel supported and held accountable by Dr. Lyon to implement professional development and to improve their practice based on professional development received. It is evident that the appointment of Dr. Lyon, CAO, in the second year the current charter, has had a significant impact on accountability, academics, and clear expectations.

Included in the charter renewal as part of their “modified turnaround plan,” is a clause which will require all staff to reapply for their jobs to establish the systems for progression of instruction and learning. According to teachers interviewed in the focus group, the concept of reapplying for their current jobs has, “enabled staff to see our goals together and helped us build as a group with a sense of community, that we are all accountable for the learning of our students.”

Finding: School leaders effectively communicate with all members of the school community, including parents/families, students, and other stakeholders, with certain qualifications.

Evidence: ECS communicates with parents/families and students via phone calls, progress reports, parent-teacher conferences, and the parent portal (internet). Communications regarding the renewal process were sent home in the monthly newsletter and in a separate letter.

3. IS THE SCHOOL FAITHFUL TO THE TERMS OF ITS CHARTER AND HAS IT ADHERED TO APPLICABLE LAWS AND REGULATIONS?

Finding: The school demonstrates a degree of faithfulness to the mission, vision, and educational philosophy defined in the current charter, with certain qualifications, and the school provided evidence that each of the key elements are being addressed to some extent.

Evidence: The key elements of the current charter are:

Project Based Learning (PBL): PBL is implemented with varying degrees of fidelity, as evidenced by classroom observations and review of lesson plans. In some classrooms, PBL appears to be implemented as activities around a topic, as opposed to implementation through the 3 phases of PBL.

Extended School Year/Day: ECS offers an extended day and extended school year, when compared to the District of location. School instructional hours are 9:25 am – 4:10 pm with before and after school hours from 7:00 am – 6:30 pm. ECS currently has a 200 day academic calendar and is requesting a change to a 195 day academic calendar in the renewal charter application. ECS is also requesting a change to their daily schedule such that an hour is designated at the start of the day for teachers to engage in professional development and team meetings; subsequently, the students’ instructional day will be shortened by 35 minutes to 9:15 am – 3:30 pm, however with common planning time scheduled prior to the start of the instructional day, additional instructional time has been added within the students’ day. Mentoring and tutoring programs will be offered beginning at 3:30 pm so that students may attend enrichment activities and partake in instruction targeted to their specific needs.

Departmentalization: ECS is departmentalized from grades 5 – 8 as evidenced by site visit and review of teacher schedules.

Differentiation/Individualized Instruction: Differentiation is implemented with varying degrees of effectiveness, as evidenced during classroom observations throughout the current renewal charter. Learning centers were evident in all classrooms where appropriate.

The school has adopted the consultant teacher model for students with disabilities and the diverse needs of learners are met by providing on-level reading and writing materials.

Non-Violence Education and Conflict Resolution: The school has implemented PBIS.

Constructivism: Constructivism allows for students to have input on the delivery and content of instruction. Constructivism is implemented with varying degrees of effectiveness, as evidenced during

classroom observations throughout the current renewal charter. Classroom instruction at ECS is predominantly “teacher talk” with students answering questions with limited or single word answers without sharing their reasoning. In most classrooms observed over during the current renewal period, students were learning facts and approaching tasks in a rote manner.

Looping: ECS utilizes looping in grades 1 – 8 as evidenced by the site visit and review of teacher schedules.

Academic offerings include specials at every level: Art, music, physical education, computers, vocational technology, and foreign language is offered full year at every grade level as evidenced by site visit and review of teacher schedules.

Enrichment and Academic Intervention Services: A Response to Intervention (RtI) block is offered daily during the instructional school day to provide students extra time in reading and mathematics. Classes are based on student performance and the classroom teacher’s recommendation. All students who scored a Level 1 or 2 are required to participate in AIS. This year, the RtI block has been scheduled as a tumbling period to maximize staff contact with students.

Commitment to Staff Development: Evidence of a thorough professional development plan was presented along with artifacts that correlated to what was presented in focus groups and in the renewal application; for ex. there was evidence of professional development targeting the Common Core Learning Standards (CCLS) and the charter renewal indicates that CCLS professional development began in the 2011 – 2012 school year.

In the past, implementation of professional development appears to have been one of compliance rather than focusing on improving teacher practice, as evidenced by teacher focus group comments such as, “past professional development was not monitored or supported until this past year (referring to the appointment of Heather Lyon as CAO in September of 2011).” Additional teacher comments indicate that they now feel supported and held accountable by Dr. Lyon to implement professional development and to improve their practice based on professional development received. It is evident that the appointment of Dr. Lyon, CAO, in the second year of the current three year charter, has had a significant impact on accountability, academics, and clear expectations. According to the CAO, “some of the changes we hoped would impact student performance were not realized, we had professional development, but we didn’t have someone to monitor the implementation. The attention to these efforts has improved.”

Finding: The school adheres to the New York State Charter School Act and Federal Charter Law, with certain exceptions.

Evidence: The school fails to adhere to New York Education Law, Article 56 – Charter Schools, §2857 (2), having failed to post their Annual Report on their website and make their report publicly available (website was reviewed on October 18, 2012). Furthermore, contained within the same law, the school is required to make their school report card publicly available at BOT meetings and shall, “ensure that such information is easily accessible to the community”; while discussion of the school report card was evidenced in BOT meeting minutes, it should be noted that the school report card posted on the ECS website during the October 2012 visit was the 2009-2010 report card; the posted report card has since then been updated with the most current version.

RECOMMENDATION FOR RENEWAL

It is recommended that ECS be renewed for a term of three years. Subsequent renewals will be based upon the schools ability to provide families of the Buffalo Public Schools with a high quality school (as evidenced by the academic success, faithfulness to their charter, organizational and fiscal viability, and

adherence to applicable federal and state charter laws) where student achievement improves through the use of innovative teaching techniques. Therefore, the following conditions are recommended, to be determined following approval of a three year renewal term:

- In the case where the school is faithful to their charter, organizationally and fiscally viable, and adhering to applicable federal and state charter laws, academics will be the determining factor for subsequent renewals
 - Academic performance goals will be included in the operating agreement
- Oversight to be aligned to the New York State Education Department's *Charter School Performance Framework and Renewal Protocol* to monitor progress toward any compliance issues identified, with site visits, at minimum, but not limited to, four times annually
 - The *Diagnostic Tool for School and District Effectiveness* will be used a review tool; means such as interviews, classroom observations and surveys will be utilized to gather evidence of effectiveness
- Addition of 20 students annually is not approved

Attachment B

Enterprise Charter School

K-8 Results in the
Buffalo City School District

Controlling for students' poverty, LEP, and special education status

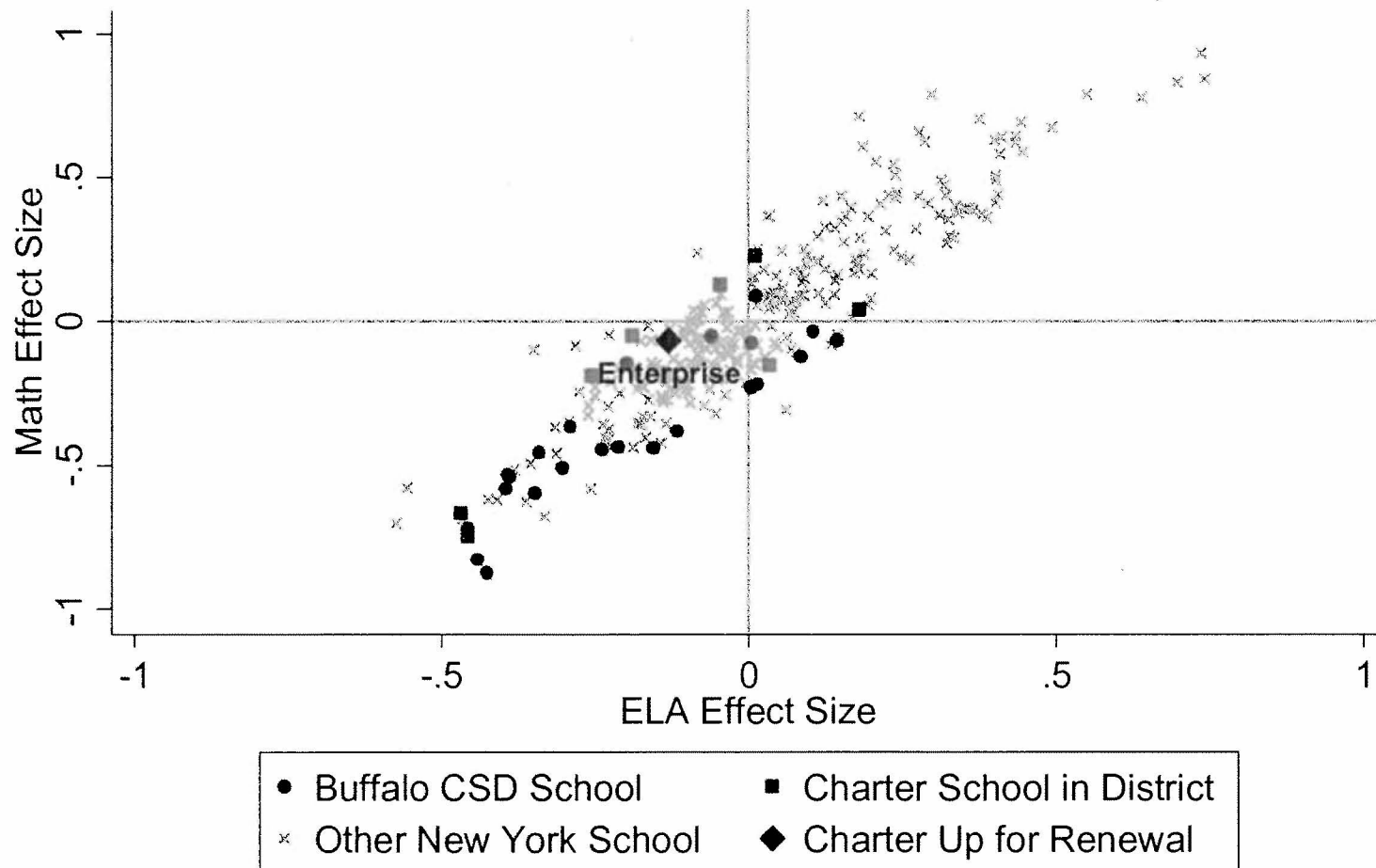
**REGRESSION RESULTS
(COMBINING ALL TESTED GRADES,
COMPARED TO STATE AND DISTRICT
AVERAGES)**

Summary of Adjusted Performance Combining Tested Grades

			Math		ELA		Number of Students in Analysis		
Charter Up for Renewal	School Year	Tested Grades	Effect Size	District Effect Size	Effect Size	District Effect Size	School	District	State
Enterprise	2012	3-8	-0.07	-0.31	-0.13	-0.18	264	12116	107388
Enterprise	2011	3-8	-0.08	-0.32	-0.20	-0.24	262	13167	101323
Enterprise	2010	3-8	-0.22	-0.29	-0.23*	-0.16	270	13065	96950

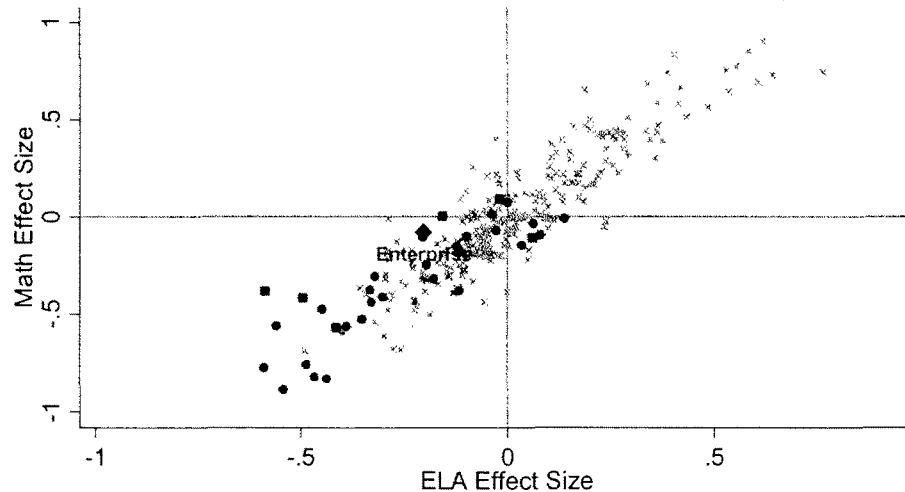
Math and ELA Adjusted Performance Compared to All NY Elementary Schools, 2012

Controlled: Difference between Actual and Predicted Proficiency
Grades 3-8 Combined Performance for K-8 Schools, 2012



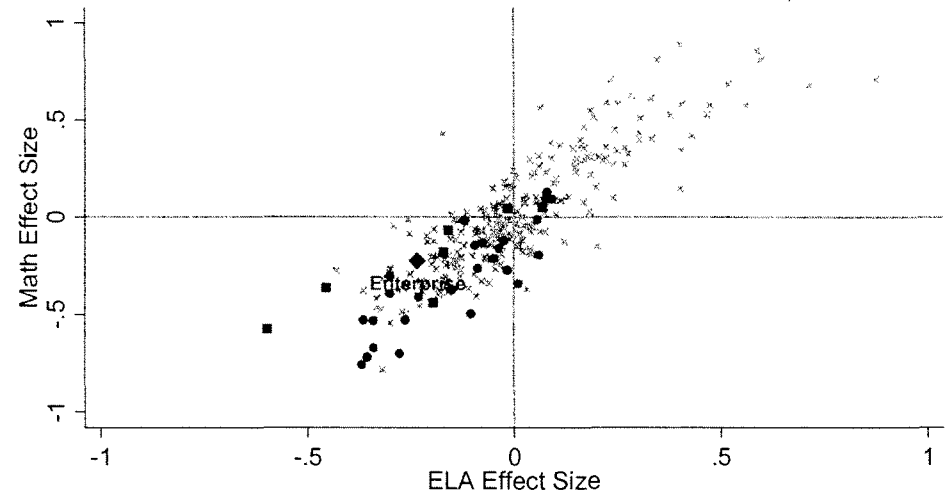
Math and ELA Adjusted Performance Compared to All NY Elementary Schools 2011 and 2010

Controlled: Difference between Actual and Predicted Proficiency
Grades 3-8 Combined Performance for K-8 Schools, 2011



- Buffalo CSD School
- Charter School in District
- × Other New York School
- ◆ Charter Up for Renewal

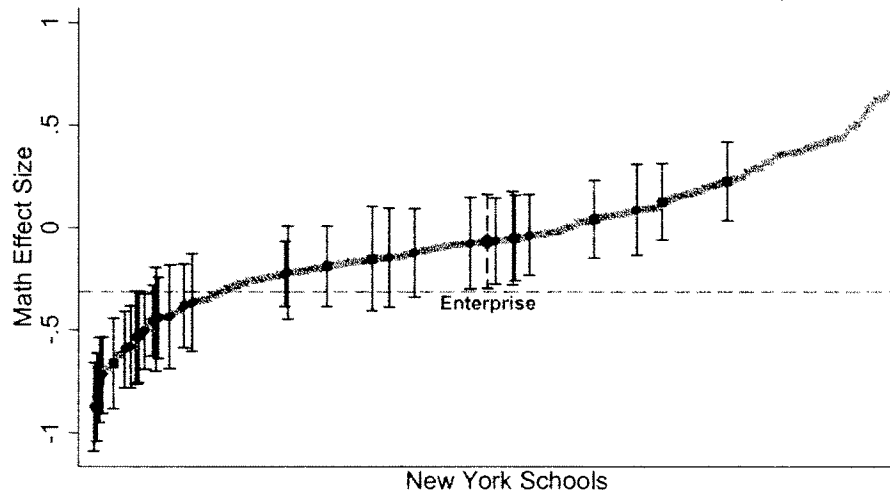
Controlled: Difference between Actual and Predicted Proficiency
Grades 3-8 Combined Performance for K-8 Schools, 2010



- Buffalo CSD School
- Charter School in District
- × Other New York School
- ◆ Charter Up for Renewal

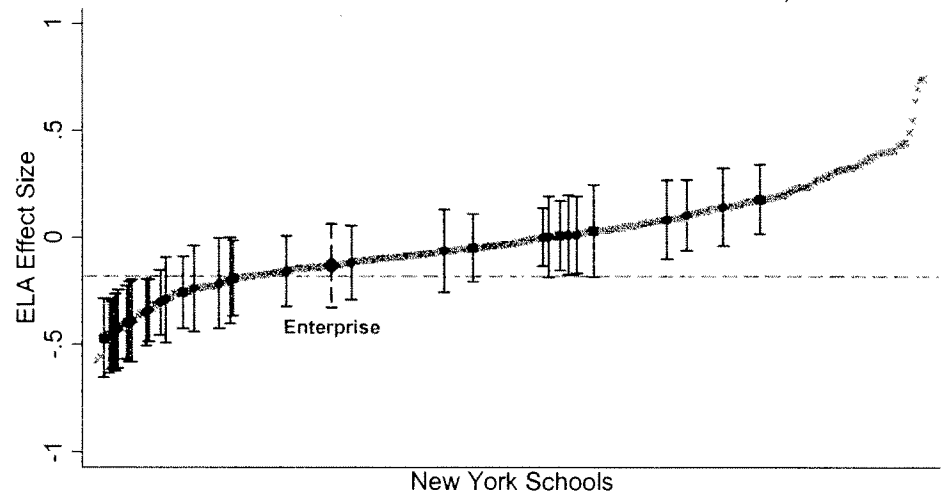
Math and ELA Adjusted Performance, 2012 Compared to the District (Dashed Line)

Controlled: Difference between Actual and Predicted Math Proficiency
Grades 3-8 Combined Performance for K-8 Schools, 2012



- Buffalo CSD School
- Other New York School
- Charter School in District
- ◆ Charter Up for Renewal

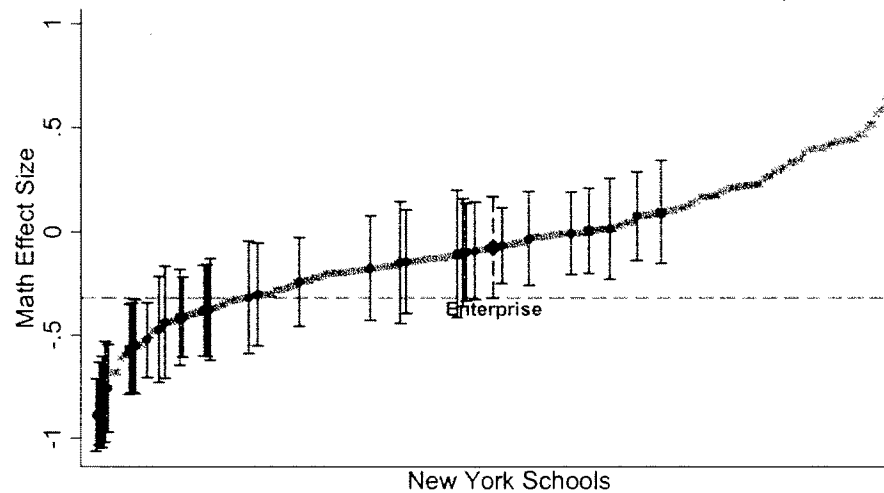
Controlled: Difference between Actual and Predicted ELA Proficiency
Grades 3-8 Combined Performance for K-8 Schools, 2012



- Buffalo CSD School
- Other New York School
- Charter School in District
- ◆ Charter Up for Renewal

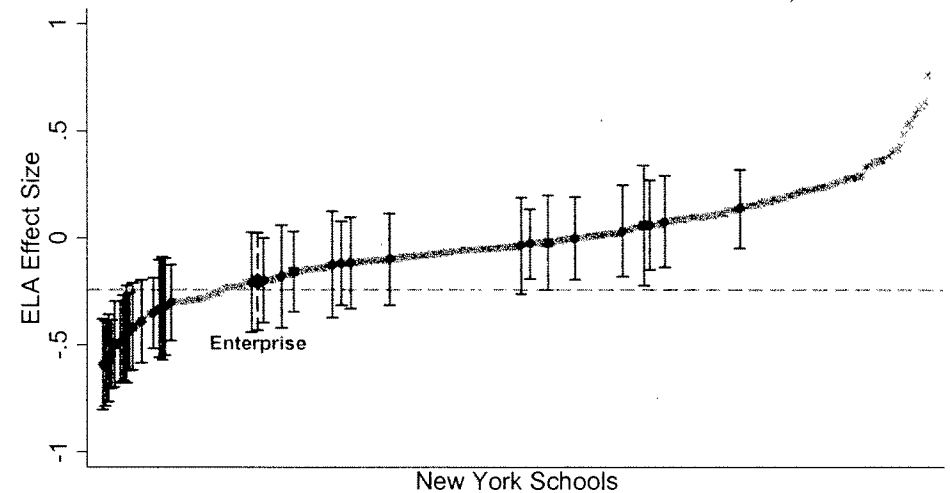
Math and ELA Adjusted Performance, 2011 Compared to the District (Dashed Line)

Controlled: Difference between Actual and Predicted Math Proficiency
Grades 3-8 Combined Performance for K-8 Schools, 2011



- Buffalo CSD School
- Charter School in District
- × Other New York School
- ◆ Charter Up for Renewal

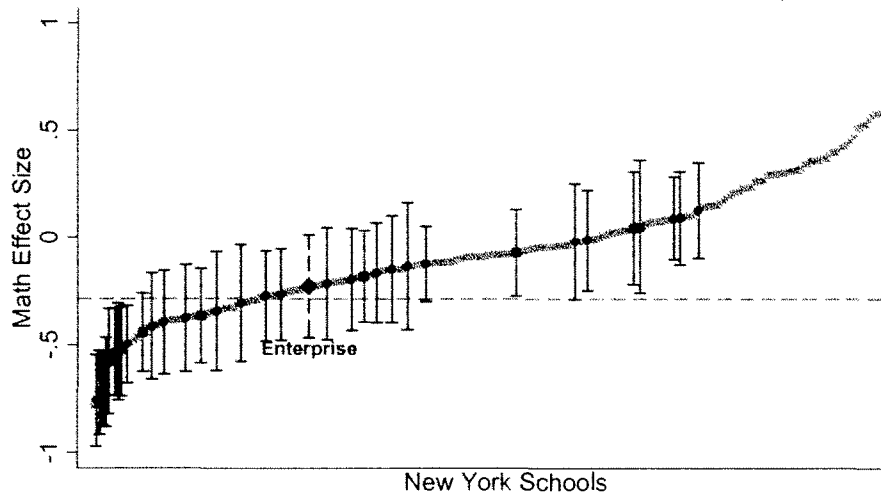
Controlled: Difference between Actual and Predicted ELA Proficiency
Grades 3-8 Combined Performance for K-8 Schools, 2011



- Buffalo CSD School
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- × Other New York School
- ◆ Charter Up for Renewal

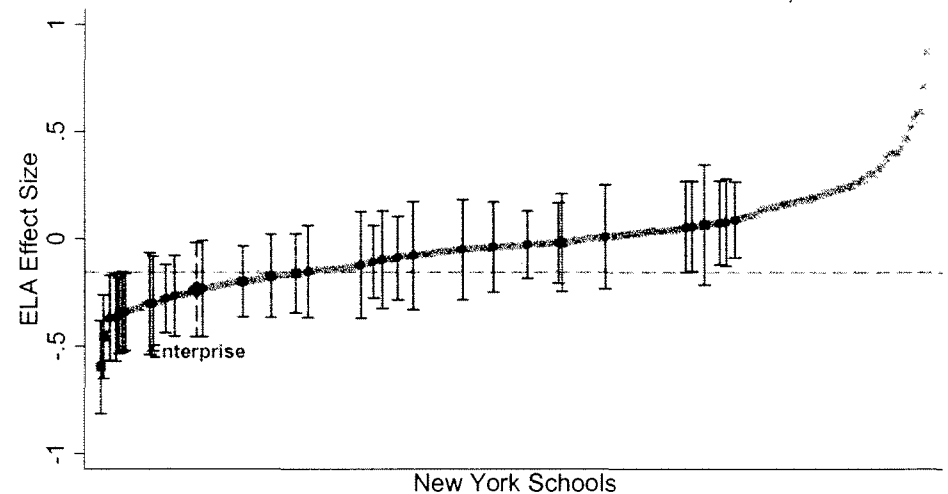
Math and ELA Adjusted Performance, 2010 Compared to the District (Dashed Line)

Controlled: Difference between Actual and Predicted Math Proficiency
Grades 3-8 Combined Performance for K-8 Schools, 2010



- Buffalo CSD School
- Charter School in District
- * Other New York School
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Controlled: Difference between Actual and Predicted ELA Proficiency
Grades 3-8 Combined Performance for K-8 Schools, 2010



- Buffalo CSD School
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Percent at or above proficiency

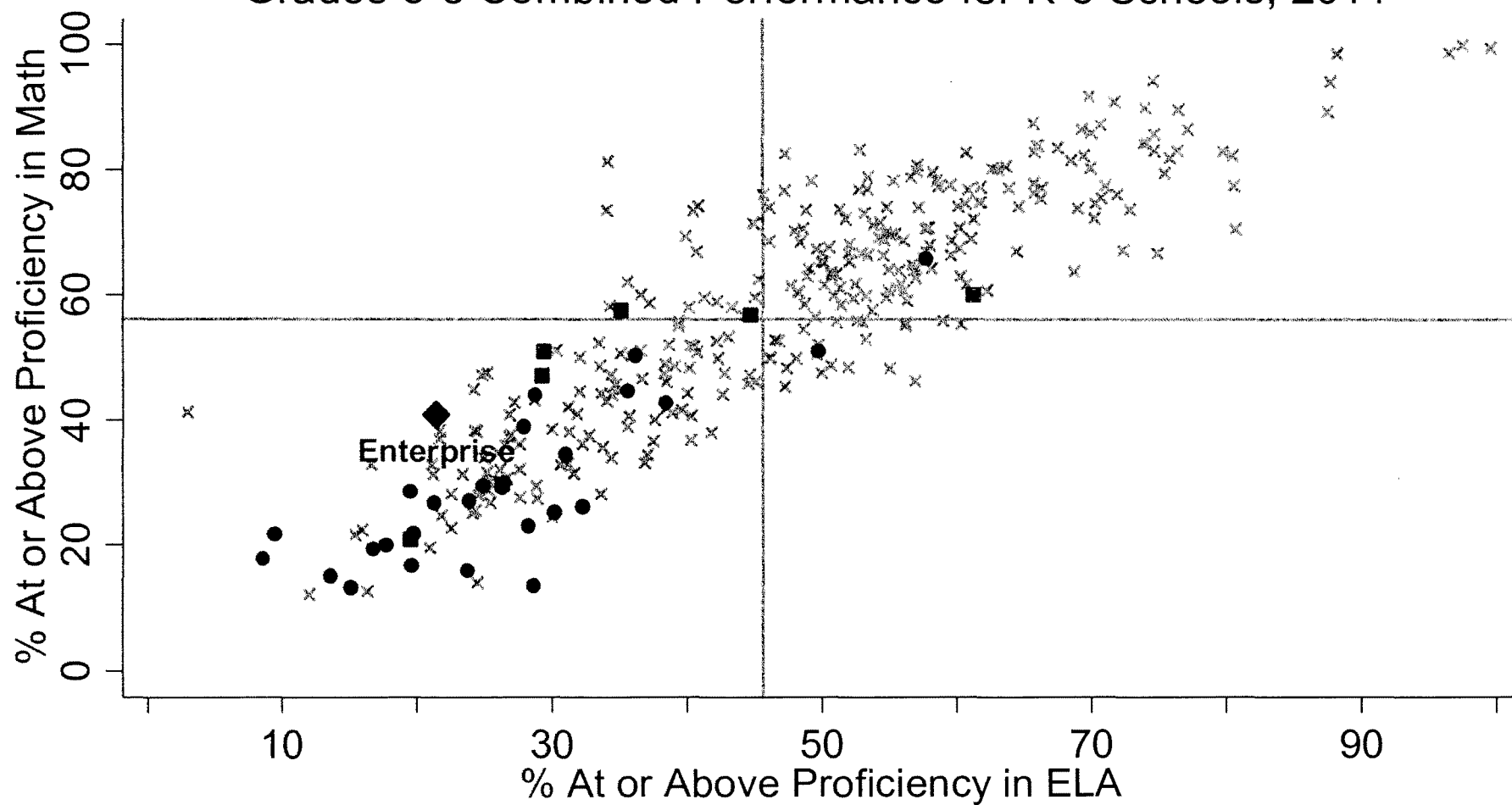
**UNCONTROLLED PERFORMANCE RESULTS
(COMBINING ALL TESTED GRADES,
COMPARED TO STATE AND DISTRICT
AVERAGES)**

Summary of Uncontrolled Performance Combining Tested Grades

			Math Proficiency Rates (At or Above Proficiency)			ELA Proficiency Rates (At or Above Proficiency)		
Charter Up for Renewal	School Year	Tested Grades	Charter	District	State	Charter	District	State
Enterprise	2012	3-8	42%	33%	57%	23%	27%	46%
Enterprise	2011	3-8	41%	32%	56%	21%	25%	45%
Enterprise	2010	3-8	33%	30%	53%	17%	26%	44%

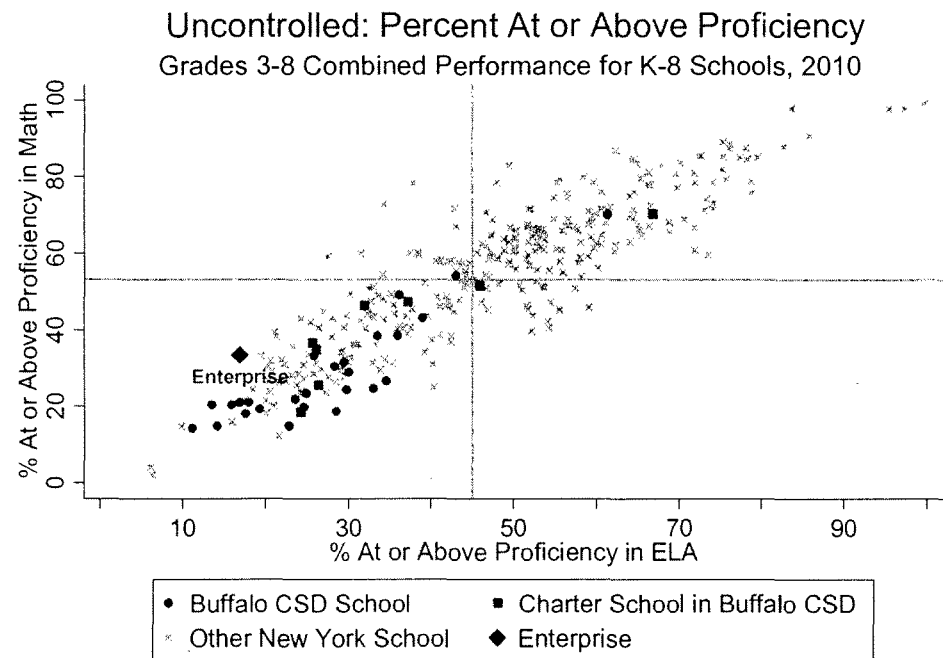
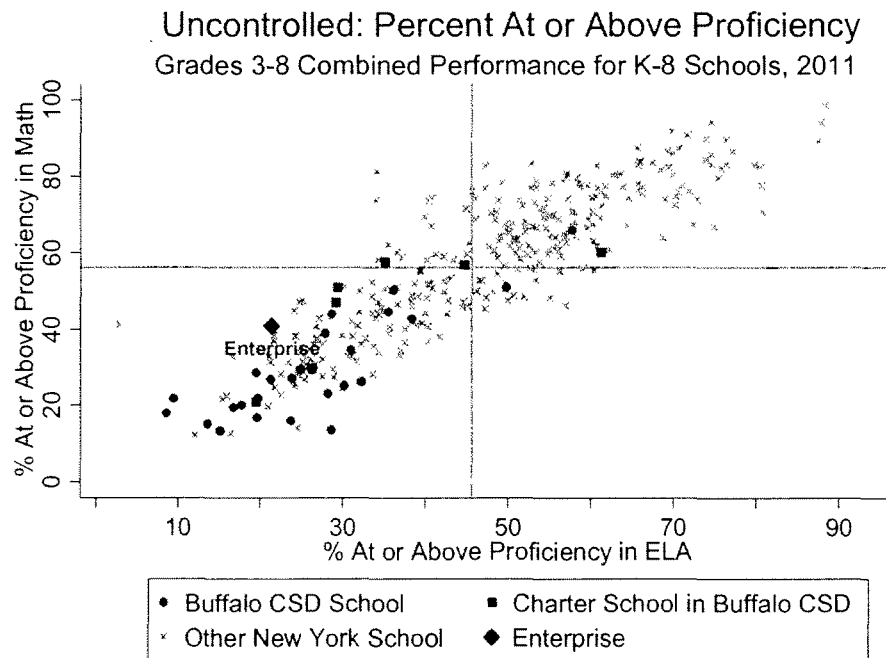
Uncontrolled: Percent At or Above Proficiency

Grades 3-8 Combined Performance for K-8 Schools, 2011



- | | |
|-------------------------|---------------------------------|
| • Buffalo CSD School | ■ Charter School in Buffalo CSD |
| × Other New York School | ◆ Enterprise |

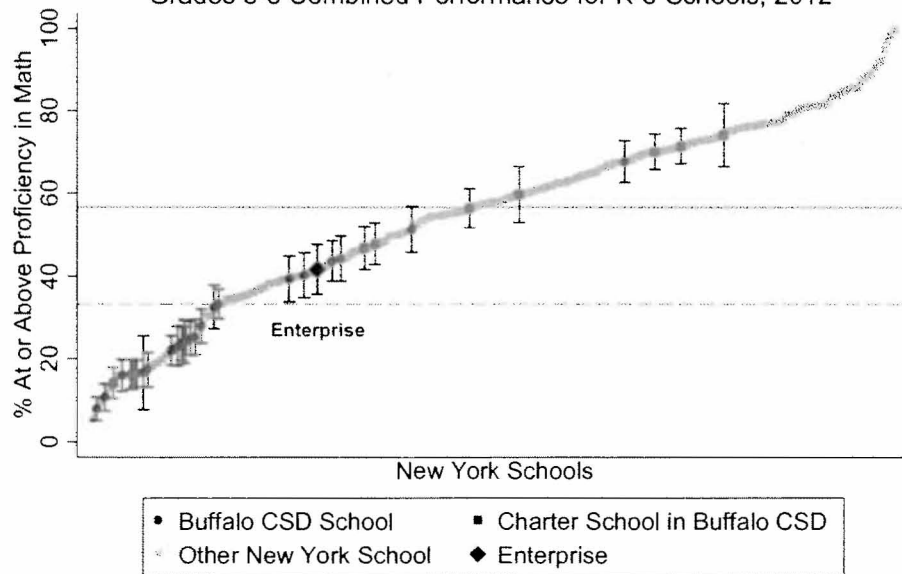
Math and ELA Proficiency Rates Compared to All NY Elementary Schools 2011 and 2010



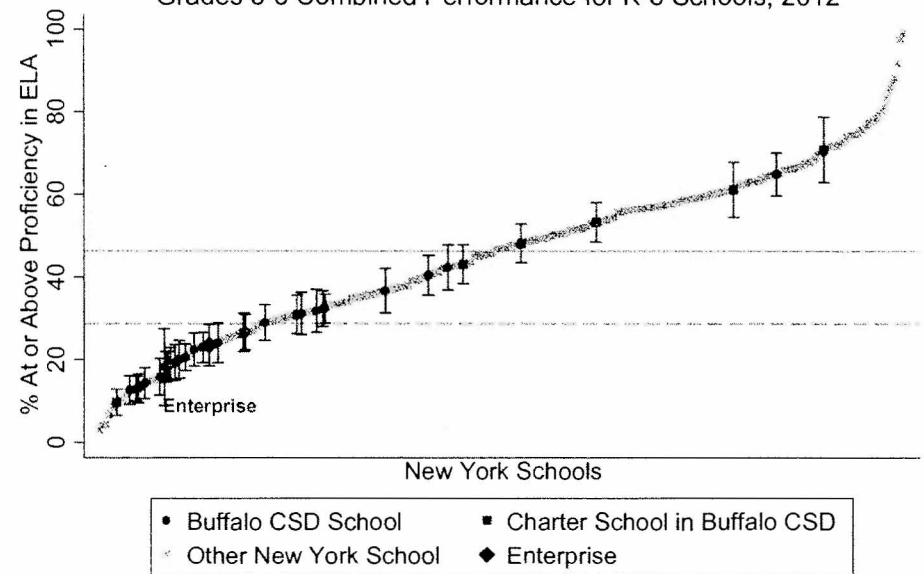
Math and ELA Proficiency Rates, 2012

Compared to the District (Dashed Line)

Uncontrolled: Percent At or Above Math Proficiency
Grades 3-8 Combined Performance for K-8 Schools, 2012



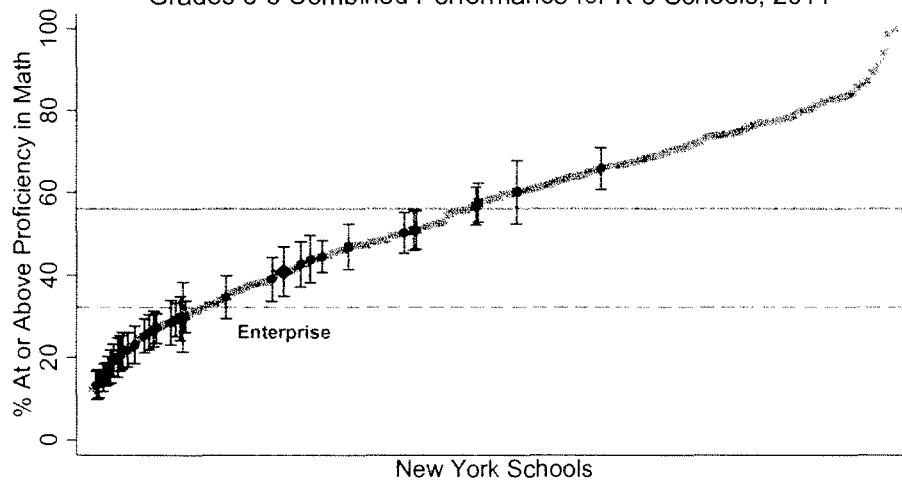
Uncontrolled: Percent At or Above ELA Proficiency
Grades 3-8 Combined Performance for K-8 Schools, 2012



Math and ELA Proficiency Rates, 2011

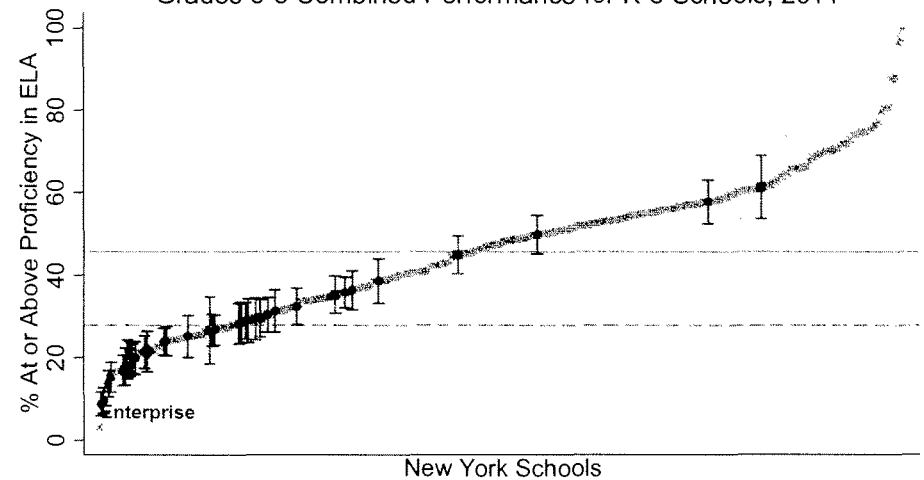
Compared to the District (Dashed Line)

Uncontrolled: Percent At or Above Math Proficiency
Grades 3-8 Combined Performance for K-8 Schools, 2011



- Buffalo CSD School
- × Other New York School
- Charter School in Buffalo CSD
- ◆ Enterprise

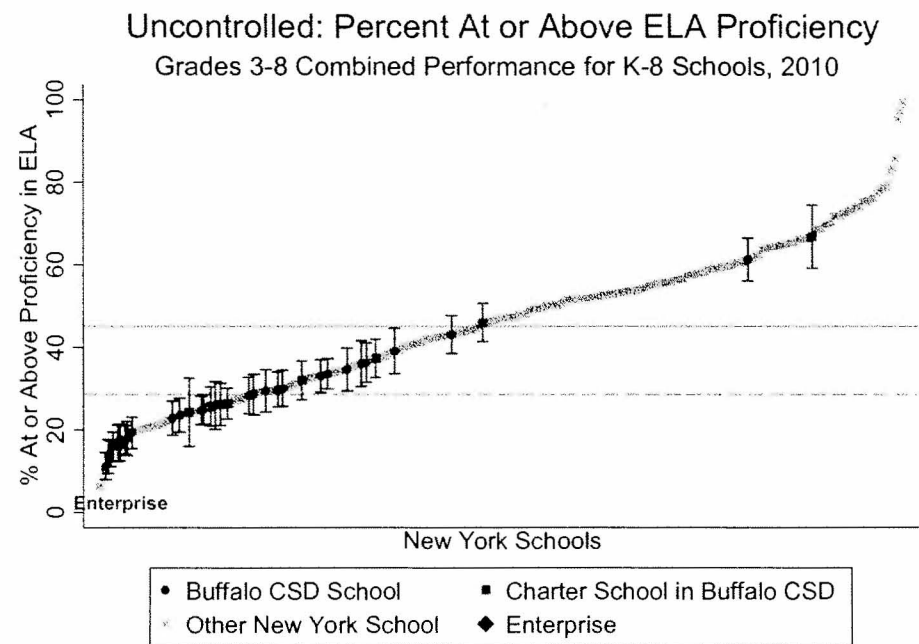
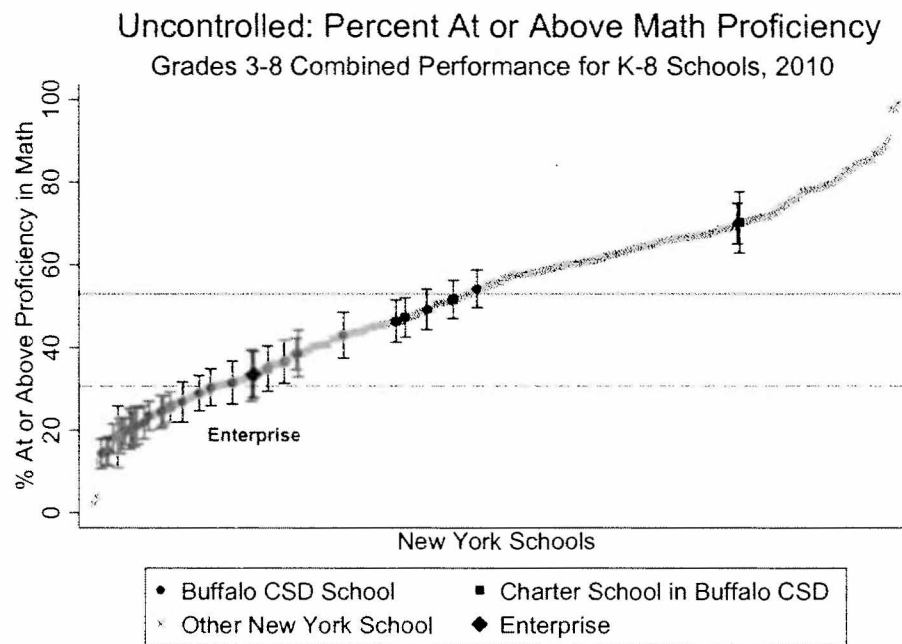
Uncontrolled: Percent At or Above ELA Proficiency
Grades 3-8 Combined Performance for K-8 Schools, 2011



- Buffalo CSD School
- × Other New York School
- Charter School in Buffalo CSD
- ◆ Enterprise

Math and ELA Proficiency Rates, 2010

Compared to the District (Dashed Line)





BUFFALO PUBLIC SCHOOLS

Office of the Superintendent

City Hall, Room #712
Buffalo, New York 14202

Phone (716) 816-3575

Fax (716) 851-3033

ELECTRONIC SUBMISSION

Ms. Sally Bachofer
Executive Director
Office of Innovative School Models
New York State Education Department
89 Washington Avenue
Room 475 EBA
Albany, NY 12234

May 9, 2013

Re: Section 2852(5) submission to the Board of Regents of Proposed Renewal Charter for Enterprise Charter School

Dear Ms. Bachofer:

On January 9, 2013 pursuant to subdivision 2851(4) of the Education Law, the Buffalo City School District Board of Education approved an application for a renewal for the above-referenced charter school (the "Approved Renewal Application"). Subsequent thereto the Buffalo City School District Board of Education entered into a proposed renewal charter with the school for the Approved Renewal Application (the "Proposed Renewal Charter"). That application, along with the following, was submitted on February 14, 2013:

1. One (1) copy of the Proposed Renewal Charter.
2. One (1) copy of the Approved Renewal Application.
3. A list of speakers from the October 10, 2012 Buffalo City School District Board of Education meeting and the January 9, 2013 Board of Education meeting. It should be noted that all speakers for Enterprise Charter School spoke in favor of the school and renewal of their charter.
4. One (1) copy of the Buffalo City School District Board of Education's recommendation approving the Approved Renewal Application, and one (1) copy of the Buffalo City School District Renewal Report for the School.
5. One (1) copy of the Buffalo City School District Board of Education's recommendation approving the Operating Agreement, one (1) copy of the Enterprise Charter School Board of Trustee's recommendation approving the Operating Agreement, and one (1) copy of the Operating Agreement between the Buffalo City School District Board of Education and Enterprise Charter School for the Third Renewal Charter, July 1, 2013 – June 30, 2016.
6. Evidence of notification to public and non-public schools in the geographic vicinity of the charter school.

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The Approved Renewal Application, and any other supporting materials, correspondence, etc., are provided for informational purposes only and are not part of the Proposed Renewal Charter. Similarly, any correspondence involving the Proposed Renewal Charter as a result of the comment period provided to the Board of Regents pursuant to subdivision 2852 (5-a) of the Education Law should not be construed as part of the Proposed Renewal Charter.

On April 23, 2013, pursuant to Section 2852(5-a) of the Education Law, the New York State Board of Regents took action concerning the proposed renewal charter for the Enterprise Charter School, for which the Buffalo City School District Board of Education is the chartering entity, and based on persistently weak student performance data, voted to recommend that the Buffalo City School District Board of Education abandon its request for a three-year renewal and submit a proposed renewal charter which, at most, spans a period of one year.

Therefore, on May 8, 2013, pursuant to subdivision 2851(4) of the Education Law, the Buffalo City School District Board of Education voted to approve a recommendation for a renewal for the above-referenced charter school (the "Approved Renewal Application") for a period of one year, expiring on June 30, 2014, at which time, the Buffalo City School District Board of Education as the chartering entity for Enterprise Charter School, will assess the School's progress at meeting performance benchmarks established for the school by the Buffalo City School District Board of Education and make a determination concerning renewal for the School's charter.

In keeping with our past and subdivision 2852(5) of the Education Law, today's "by hand" submission to the Department will constitute the official submission of the Buffalo City School District to the Board of Regents and commence the Regents' statutory review period.

On behalf of the Buffalo City School District Board of Education, we look forward to working closely with the Board of Regents and the Department in your review of the Proposed Renewal Charter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dr. Pamela C. Brown". The signature is fluid and cursive, with a large loop at the end.

Dr. Pamela C. Brown
Superintendent of Schools
Buffalo City School District

C: Angela Cullen, Director, Buffalo Public Schools
Jill Norton, CEO, Enterprise CS
Richard Morrisroe, BOT President, Enterprise CS
Debra Sykes, Associate Superintendent, Buffalo Public Schools

"Putting children and families first to ensure high academic achievement for all."

BUFFALO BOARD OF EDUCATION

May 8, 2013

Agenda

I. BOARD RECOGNITION

II. SUPERINTENDENT'S UPDATE

III. COMMENTS FROM SPEAKERS

IV. RESPONSE TO SPEAKERS FROM SUPERINTENDENT

V. ACTION ON MINUTES FROM PREVIOUS MEETINGS

April 23, 2013

VI. COMMITTEE REPORTS

VII. REPORTS AND RECOMMENDATIONS FROM THE SUPERINTENDENT

A. Personnel Affairs

1. Personnel Changes
 - a. Instructional
 - b. Civil Service Miscellaneous
 - c. Administrative
2. Miscellaneous Personnel
 - a. DeGroot Management, Inc. - Unemployment Expenditures Administrative Services
3. Report: Negotiations Update

B. Educational Affairs

4. Consultant Contract
 - a. Center for Applied Linguistics – Program Evaluation – JUNTOS Dual Immersion
5. Contract Services
 - a. UB Orthopaedics & Sports Medicine – Certified Athletic Trainers
6. District Credit
 - a. Buffalo Teacher Resource Center District Credit Courses
7. Miscellaneous Educational – **No Items**

C. Business Affairs

8. Award of Contract
 - a. Allstate General Contracting, Inc. – Interior Reconstruction Work – PS # 80
9. Award of Purchase
 - a. G & G Fitness – Wellness & Fitness Equipment
 - b. Tyson Foods – USDA Bonus Commodity
10. Payment for Legal Services
 - a. Bond, Schoeneck & King, PLLC
 - b. Goldberg Segalla, LLP
 - c. Harris Beach, PLLC
 - d. Hiscock & Barclay, LLP
 - e. Hodgson Russ, LLP
 - f. Jaekle Fleischmann & Mugal, LLP
11. Miscellaneous Business
 - a. Enterprise Charter School Renewal

D. Financial Affairs

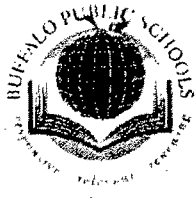
12. Miscellaneous Financial
 - a. Report: New Grant Awards

E. Board Policies

13.
 - a. Policy # 6110 - Code of Ethics for All School Board Members, Officers & District Personnel (**Remove from Table**)

VIII. UNFINISHED BUSINESS

IX. ADJOURNMENT



DR. PAMELA C. BROWN
Superintendent

BOARD OF EDUCATION

65 Niagara Square • Room 801 City Hall
Buffalo, New York 14202
Phone: (716) 816-3570 • Fax: (716) 851-3937

Board of Education
APPROVED

MAY - 8 2013
[Signature]
Board Office

BOARD OF EDUCATION MEMBERS

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MRS. ROSALYN L. TAYLOR
Vice-President-Student Achievement

EXCERPT FROM BOARD MEETING OF May 8, 2013

APPROVED, a motion made by Mr. Hernandez, seconded by Mrs. Taylor, to approve Item VII.C.11.a. Enterprise Charter School Renewal. The vote was unanimous.

"Putting children and families first to ensure high academic achievement for all."

MEETING DATE:	May 8, 2013	MAY - 8 2013
TYPE:	Board Recommendation	<i>James M. Kane</i> BOARD OFFICE
DIVISION:	Instructional	
AGENDA ITEM:	Enterprise Charter School Third Renewal Charter	

INTRODUCTION:	It is recommended that the Buffalo City School District Board of Education vote to approve a recommendation for a renewal for the Enterprise Charter School for a period of one year, expiring on June 30, 2014, at which time, the Buffalo City School District BOE as the chartering entity for Enterprise Charter School, will assess the School's progress at meeting performance benchmarks established for the school by the Buffalo City School District BOE and make a determination concerning renewal for the School's charter.
----------------------	---

Submitted by:

Angela W. Cullen
Angela Cullen
Director, O.S.P.

Recommended by:

James M. Kane
James M. Kane
Chief of Staff

Pamela C. Brown
Dr. Pamela C. Brown
Superintendent



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

ASSISTANT COMMISSIONER
OFFICE OF SCHOOL INNOVATION
ROOM 475 EBA
Tel. 518/474-4817
Fax 518/474-7558

RECEIVED

APR 30 2013

SUPERINTENDENT'S OFFICE

-VIA EMAIL AND U.S. MAIL-

April 24, 2013

Mary Ruth Kapsiak, President
Buffalo Board of Education
712 City Hall
Buffalo, New York 14202

Dear Ms. Kapsiak:

On April 23, 2013, pursuant to Section 2852(5-a) of the Education Law, the New York State Board of Regents took the following action concerning the proposed renewal charter for the Enterprise Charter School, for which the Buffalo Board of Education is the charter entity:

VOTED: That, pursuant to §2852(5-a) of the Education Law, the Board of Regents returns the proposed third renewal charter of the Enterprise Charter School to the Board of Education of the City School District of the City of Buffalo for reconsideration with the following comments and recommendations: based upon the consistently weak student performance data for Enterprise Charter School, it is recommended that the Board of Education of the City School District of the City of Buffalo, abandon its request for a three-year renewal of the school's charter and submit a proposed renewal charter which, at most, spans one year (expiring on June 30, 2014), at which time the Buffalo BOE as the chartering entity for Enterprise, will assess the School's progress at meeting performance benchmarks established for the School by the Buffalo BOE and make a determination concerning renewal of the School's charter.

The item that was before the Regents for action can be found on the Regents web page at: <http://www.regents.nysed.gov/meetings/2013Meetings/April2013/413p12a3.pdf>

Any resubmission of a proposed renewal charter for Enterprise Charter School from the Buffalo Board of Education, pursuant to Section 2852(5-b) of the Education Law, must be received by the State Education Department no later than Friday, May 10, 2013 in order for it to be considered by the Regents at their May 2013 meeting. Any such

resubmission must include a formal letter of transmittal requesting that the Regents consider the Buffalo Board of Education's proposed renewal charter for Enterprise, including the new proposed charter term, and a copy of the resolution of the Buffalo Board of Education approving such proposed renewal charter, including the new proposed charter term.

Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,



Sally Bachofer

c: ✓ Pamela Brown, Superintendent
Angela Cullen, Supervisor, Office of School Performance
Bill Clark, Director, NYSED
Leslie Templeman, NYSED
Susan Gibbons, NYSED