


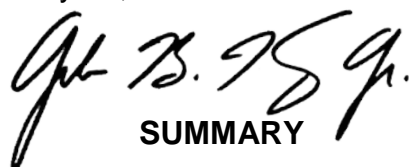


**TO:** The Honorable the Members of the Board of Regents

**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:** July 17, 2013

**AUTHORIZATION(S):**   
SUMMARY

**Issue for Decision (Consent Agenda)**

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 July 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 charter 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	<b>Enterprise Charter School</b>
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 <sup>st</sup> Renewal: March 2008, through June 30, 2010 (2 years) 2 <sup>nd</sup> 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 <sup>th</sup> 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 – a three-year renewal. That proposed charter was submitted to the Board of Regents on February 14, 2013.

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

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 April 2013 Board of Regents meeting, the Regents considered the Buffalo Board of Education's proposed three-year charter renewal for Enterprise Charter School. On April 22, 2013, pursuant to its authority under Education Law S2852 (5-a), the Board of Regents voted to return that proposed renewal charter to the Buffalo Board of Education for reconsideration, with a recommendation that the Buffalo Board of Education propose a charter renewal of no more than one year for Enterprise.

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, a one-year renewal. See attached recommendation letter and Buffalo Board of Education resolution submitted to Regents on May 9, 2013 (Attachment A). The one-year renewal charter agreement was signed by the President of the Enterprise Charter School Board of Trustees on July 16, 2013 and submitted to the Regents by the Buffalo Board of Education on July 17, 2013.

### **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, *nunc pro tunc* to July 1, 2013, 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.



## BUFFALO PUBLIC SCHOOLS

### Office of the Superintendent

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Buffalo, New York 14202

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#### **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,



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

**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. Jaeckle Fleischmann & Mugel, 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  
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BOARD of Education  
APPROVED

MAY - 8 2013  
*J. Miller*  
BOARD Office

## BOARD OF EDUCATION MEMBERS

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### 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.

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<b>MEETING DATE:</b>	May 8, 2013
<b>TYPE:</b>	Board Recommendation
<b>DIVISION:</b>	Instructional
<b>AGENDA ITEM:</b>	Enterprise Charter School Third Renewal Charter

MAY - 8 2013  
*James M. Kane*  
BOARD OFFICE

<b>INTRODUCTION:</b>	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.
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**Submitted by:**



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

**Recommended by:**



**James M. Kane**  
Chief of Staff



**Dr. Pamela C. Brown**  
Superintendent



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

ASSISTANT COMMISSIONER  
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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