



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

TO: P-12 Education Committee

FROM: John B. King, Jr.

SUBJECT: Charter Schools: Renewal of Charter Authorized by the Board of Trustees of the State University of New York (SUNY)

DATE: April 28, 2011

AUTHORIZATION(S):

SUMMARY

I recommend that the Board of Regents approve the following proposed renewal charter as proposed by the Board of Trustees of the State University of New York (SUNY) in its capacity as a charter school authorizer under Article 56 of the Education Law and that the charter be extended for a term up through and including April 24, 2016.

The following table outlines information about this proposed charter school. Additional information about the application and the review of that application is included in the attached Recommendation and Executive Summary from the SUNY Charter Schools Institute's Renewal Report for the school (Attachment).

Tapestry Charter School – 2nd Renewal

Name of Charter School	Tapestry Charter School
Terms and Dates of Charter	Initial Charter: April 24, 2001 – April 23, 2006 1 st Renewal: April 24, 2006 – April 23, 2011
Lead Applicant(s)	Amy Friedman, BoT Chair
Management Company	N/A
Other Partner(s)	N/A
School District of Location	Buffalo CSD
Grade Levels	K-12
Enrollment	770 at full enrollment
New Material Term	April 24, 2011 - April 24, 2016
Date Approved by SUNY BOT	May 11, 2010

Reasons for Recommendation

The proposed charter school: (1) meets the requirements set out in Article 56 of the Education Law, and all other applicable laws, rules and regulations; (2) will operate in an educationally and fiscally sound manner; (3) 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 Article 56 of the Education Law; and (4) will have a significant educational benefit to the students expected to attend the charter school.

Recommendation

VOTED: That the Board of Regents approves and issues the second renewal charter of the Tapestry Charter School as proposed by the Board of Trustees of the State University of New York, and that its provisional charter be extended for a term up through and including April 24, 2016.

Attachment



Charter Schools Institute
The State University of New York

Subsequent Renewal Report

Tapestry Charter School

May 3, 2010

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The final version of Institute renewal reports should be broadly shared by the school with the entire school community. The reports will be posted on the Institute’s website at:

REPORT INTRODUCTION

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

Information about the SUNY renewal process, including the Institute’s comprehensive Charter Renewal Handbook and an overview of the requirements for renewal under the New York Charter Schools Act of 1998 (as amended, the “Act”), are available on the Institute’s website at: www.newyorkcharters.org/schoolsRenewOverview.htm.

RECOMMENDATION AND EXECUTIVE SUMMARY

Recommendation

Full-Term Renewal

The Charter Schools Institute recommends that the SUNY Trustees approve the Application for Early Subsequent Renewal of the Tapestry Charter School and renew its charter for a period of five years—from 2011 to 2016—with authority to provide instruction to students in kindergarten through 12th grade, with a maximum enrollment of 770 students, and consistent with the other terms set forth in its Application for Early Subsequent Renewal.

Background and Required Findings

According to the SUNY Renewal Practices:

In subsequent renewal reviews, and in contrast to initial renewal reviews, the State University Trustees evaluate the strength and effectiveness of a school’s academic program almost exclusively by the degree to which the school has succeeded in meeting its academic Accountability Plan goals during the Accountability Period. This approach is consistent with the greater time that a school has been in operation and a concomitant increase in the quantity and quality of student achievement data that the school has generated. It is also consistent with the Act’s purpose of moving from a rules-based to an outcome-based system of accountability in which schools are held accountable for meeting measurable student achievement results.

Tapestry Charter School (“Tapestry”) has applied for an Early Subsequent Full-Term Renewal of five years. In its ninth year of operation, the SUNY Renewal Practices provide only two possible renewal outcomes for Tapestry: Full-Term Renewal or denial of its Application for Early Subsequent Renewal. In order to earn a Full-Term Subsequent

¹ The *Practices, Policies and Procedures for the Renewal of Charter Schools Authorized by the State University Board of Trustees* (revised September 15, 2009) are available at: <http://www.newyorkcharters.org/documents/renewalPractices.doc>.

Renewal, Tapestry must demonstrate that it has met the criteria for such a renewal as described in the SUNY Renewal Practices. Specifically, the school must have “previously received a Full-Term Renewal and consistently met or come close to meeting its academic Accountability Plan goals.” Having previously been awarded a Full-Term Renewal of five years and based on the Institute’s review of the evidence that it gathered and that Tapestry Charter School has provided including, but not limited to, the school’s Application for Early Subsequent Renewal, evaluation visits conducted during the charter period, a renewal evaluation visit conducted in the fourth year of the current charter period, and the school’s record of academic performance as determined by the extent to which it has met its academic Accountability Plan goals, the Institute finds that the school has consistently met its academic Accountability Plan goals during the Accountability Period.”²

Based on all the evidence submitted in the current charter term and as described in, or submitted with, the Application for Renewal, the Institute makes the following findings required by the Act.

The Tapestry Charter School as described in the Application for Early Subsequent Renewal meets the requirements of the Act and all other applicable laws, rules and regulations. The school has demonstrated the ability to operate in an educationally and fiscally sound manner in the next charter period. Finally, given the programs it will offer, its structure and its purpose, approving the school to operate for another five years is likely to improve student learning and achievement and materially further the purposes set out in Education Law subdivision 2850(2).

Therefore, in accordance with the standard for Subsequent Renewal found in the SUNY Renewal Practices, the Institute recommends that the SUNY Trustees approve Tapestry Charter School’s Application for Charter Renewal and renew the charter for a full-term of five years.

Consideration of School District Comments

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

Summary Discussion

Academic Success

Tapestry Charter School has met the academic goals in its Accountability Plan. Since the first year of the Accountability Period, the school met the key goals of mathematics and English language arts goals each year. Notably, in the most recent year, the school exceeded each of the five measures comprising its overall mathematics goal with all but one student scoring proficient on the state mathematics exam. In English language arts, Tapestry also essentially met all five measures. The school has also met its science and social studies goals during the Charter Period. According to the state’s NCLB accountability system, the school is deemed to be in good standing.

² SUNY Renewal Practices, Full-Term Renewal standard (9).

Throughout its Accountability Period, Tapestry has posted strong results on the New York State 3rd through 8th grade English language arts exam³ and the school's preliminary fourth-year cohort Regents English proficiency rate suggests that the school is on track to demonstrating a similar level of performance at the high school level. The school has outperformed its local school district by a wide margin at the elementary, middle, and high school levels and has consistently exceeded the performance target set in the state's NCLB accountability system. In relation to demographically similar schools, Tapestry has performed better than expected to a large degree. With respect to cohort growth, Tapestry has demonstrated improvement, and overall, performance has improved steadily.

During the current Accountability Period, Tapestry has improved its performance on the state's 3rd through 8th grade mathematics exam⁴ and in the current year virtually all students scored proficient on the exam. In addition, preliminary fourth-year high school Accountability Cohort data indicate that the school is on track to achieving its absolute target on Regents mathematics exams this year. The school has consistently outperformed its local school district and demographically similar schools state-wide by large margins on the elementary/middle school mathematics exams while the leading high school cohort is on track to exceeding the local school district's fourth-year Accountability Cohort proficiency rate. In terms of growth, since 2006-07, when two years of 3rd through 8th grade state test data became available, the school has consistently improved its overall cohort performance.

With regard to Tapestry's graduation goal, based on preliminary results from the school's first graduating cohort, with 100 percent of students satisfying the school's graduation requirements, Tapestry is on track to meeting its target. In addition, 100 percent of Tapestry's anticipated graduates have applied to college and 100 percent have been accepted in at least one college or university.

The school has informal systems to gather assessment and evaluation data and has used these data over the course of the charter period to identify weaknesses in student learning. Within the lower and high school programs, Tapestry has regularly administered useful standardized and other assessments. Throughout the charter period, the school has regularly communicated each student's achievements and progress to his or her parents/guardians, most notably through its portfolio system. In addition, the school implemented, late in the charter period, a proficiency-based system to evaluate student achievement of long-term learning targets.

Tapestry Charter School has a defined curriculum and uses it to prepare students to meet New York State learning standards. Teachers assume significant responsibility for regularly reviewing and revising curricular documentation. Teachers have received adequate guidance and resources in determining what to teach and when to teach it. Late in the charter period, the school had begun to develop more comprehensive curricular documents

³ In interpreting a school's year-to-year changes in the absolute measure, the Institute puts the results in the context of overall state-wide changes. In general, the state-wide proficiency rate on the English language arts exam increased by five percent from 2006-07 to 2007-08 and by nine percent from 2007-08 to 2008-09. From a related perspective, the median school had a proficiency rate of 68.7 percent, 72.8 percent, and 80.9 percent during the three years respectively. These year-to-year changes suggest the importance of the comparative measures included in the goal.

⁴ In interpreting a school's year-to-year changes in the absolute measure, the Institute puts the results in the context of overall state-wide changes. In general, the statewide proficiency rate on the mathematics exam increased by nearly six percent from 2006-07 to 2007-08 and by eight percent from 2007-08 to 2008-09. From a related perspective, the median school had a proficiency rate of 79.5 percent, 86.2 percent, and 90.8 percent during the three years respectively. These year-to-year changes in absolute results suggest the importance of the comparative measures included in the goal.

that integrate the school's instructional methods, namely the use of learning expeditions across subject areas.

High quality instruction has been evident in some classrooms at the school. Teachers generally plan purposeful lessons with clear learning targets aligned to the school's curriculum. In particular, students in the lower school have generally been engaged by rigorous instruction, which has been differentiated to meet the range of learning needs represented in the student population.

Elements of strong instructional leadership have been present at Tapestry during the charter term. School leaders are highly committed to the school's mission and instructional methodology and set high expectations for student achievement. The school has implemented a useful teacher evaluation system late in the charter period. In addition to strengthening the level of instructional support provided to teachers at the lower school, a building principal was hired and the previous school leader was promoted to serve as the school's executive director. At both the upper and lower schools, teachers receive additional support and professional development from "instructional guides" provided through the school's partnership with Expeditionary Learning.

Tapestry Charter School has provided effective support to assist at-risk students throughout the charter period. The school has clear procedures for identifying students with disabilities and provides them with sufficient support. Finally, the school provides sufficient resources, including multiple instructional specialists, in order to provide a range of interventions to meet the needs of struggling students.

Throughout the school, a safe and orderly environment has been established. Teachers generally employ effective classroom management strategies and foster an environment where learning is clearly valued. However, in the school's seventh year of operation, the second within the current charter term, inspectors noted low-level misbehavior particularly in crew classes.

Organizational Effectiveness and Viability

From its inception, the mission of Tapestry Charter School has been to, "provide a challenging and rigorous education in an environment that emphasizes diversity, compassion, collaboration, community, creativity, and leadership, so that students are academically and socially prepared to meet the demands of further education while maturing into productive and caring adults with a lifelong passion for learning." The school board and leadership have been mindful of the mission, which is displayed on the school website, in its family handbooks and in other materials produced by the school. The school board recently revised the school's mission statement (see Plans for the Next Charter Period, page 9) with the assistance of a consultant in an effort to more succinctly capture the spirit of Tapestry. Tapestry has generally been faithful to its school-wide key design elements – a school culture of caring, family and community engagement and ongoing professional development. The school has implemented its lower school key design elements: multi-age classrooms and progressive teaching techniques. As an outgrowth of its partnership with Expeditionary Learning, the high school has focused on its key elements; namely, rigorous academics with real world learning and physical and emotional fitness, as well as knowledge and understanding of the arts.

Parents and students are satisfied with the school, according to the results of annual surveys in which parents have expressed strong positive attitudes. Each year, more than

90 percent of the high school students return the following September. The school also maintains a significant student wait list. In the last four years, the school has had at least a 95 percent attendance rate each year.

Tapestry has established a well-functioning organizational structure with staff, systems, and procedures that allow the school to carry out its academic program. The organizational structure supports distinct lines of accountability with clearly defined roles and responsibilities. Day-to-day operations are competently managed. The school has hired and retained quality personnel and has maintained adequate levels of student enrollment throughout the charter period.

The Tapestry school board has worked effectively to achieve the school's mission and provide oversight to the total educational program. The school has benefited from a strong a stable board of trustees, the members of which have adequate skills and expertise to provide effective governance. All trustees consistently attend board meetings and are active on board committees. The board has taken an active role in the development of the school's curriculum, the marketing of the school's program, fund-raising, and in particular, securing a new facility to house Tapestry's entire K–12 program. The board has been engaged in continuing to develop a partnership with Canisius College as a professional development resource for the school and where Tapestry high school students may attend classes at a reduced rate. It has received regular information and data from school leaders over the charter period and conducts an annual review of the executive director through a formalized process that includes undertaking a survey of the parents, teachers and the administration to determine the school's areas of strength and weakness.

The Tapestry school board appears to have generally operated within its by-laws. In terms of numbers of trustees, the board has had some vacancies and as one trustee has recently retired the board will likely need to recruit new trustees. The board has identified skills that it wants a new member to possess (public relations and legal skills) and is taking a careful approach to recruitment so that active, diligent members are added. The school board now has a comprehensive board manual to orient new trustees. The board has conflict of interest provisions in its code of ethics and by-laws and has avoided such conflicts to the extent possible, is very aware of the not-for-profit organization conflicts of its members and seeks advice from its outside accountant on the subject as necessary, such as conducting fair market value analyses when needed. The school's code of ethics needs to be revised to provide guidance to employees rather than just trustees. A very few technical defects were noted in the school's bylaws.

The school board has spent time throughout the charter period updating various policies. For example, the board recently formulated a social networking policy that had been submitted in draft form to the staff for feedback and then finalized. The complaint and discipline policies, however, have not undergone that process and are in need of revision. While the school board holds its meetings in compliance with the Open Meetings Law and reviews and approves board meeting minutes, there is a dearth of minutes for the board's active committees.

During the charter term and at the time of the renewal inspection the school appeared to be in general and substantial compliance with the Act and applicable state and federal laws, rules and regulations with only minor exceptions and has compiled a record of substantial compliance with the terms of its charter during the charter term. Tapestry has designed and put into

place effective systems and controls to ensure that legal and charter requirements were and are met including skilled personnel, policies and procedures and attention to detail. Minor exceptions in the teacher certification area were noted and were in the process of being corrected at the time of the visit. There was only one recorded complaint made to the Institute during the charter term and it required no formal action by the Institute. The school uses different paid and pro bono legal counsel depending on its needs and the subject matter at issue including for real estate and human resources issues.

While Tapestry enrolls a percentage of special education students that is reflective of the district and provides a more than adequate program to retain those students, the school only has approximately one percent of its students who are English language learners (ELLs). The school has active outreach to ELLs through two small parochial schools that are in contact with refugee populations, but this effort has not yielded many ELLs. The school's website also references the availability of the application in Spanish but a local district school focusing almost exclusively on ELLs was reported to attract many of the area ELLs. The school has also recruited and provided applications at community centers that ELL parents frequent with little result. Buffalo was described by the school board as not being as diverse as New York City, for example, and therefore presenting more recruitment challenges with respect to ELLs. While the Institute finds that the above efforts satisfy the statute the Institute relayed to the school that further progress or efforts would be expected during the next charter term from Tapestry and all SUNY charter schools.

Fiscal Soundness

Tapestry Charter School has operated pursuant to a long-range financial plan and has created realistic budgets that are monitored and adjusted appropriately over the course of the charter period. Annual budgets are developed by the school's contracted accounting firm with appropriate input from the school's executive director, principals and other key staff. Budget variances are routinely analyzed and shared with the executive director, board treasurer and finance committee.

The school has maintained appropriate fiscal policies, procedures and controls related to external and internal compliance for cash disbursements, cash receipts, bank reconciliations, payroll, fixed assets, grants/contributions, and the preparation of financial statements. The accounting firm works with the school's executive director, board treasurer and finance committee, along with the rest of the school board to ensure that the policies and procedures are documented and followed by school staff. The school's Fiscal Year (FY) 2008-09 audit report of internal controls—related to financial reporting and compliance with laws, regulations and grants—disclosed no material weaknesses, or instances of non-compliance. The lack of other deficiencies in the reports provides some, but not absolute, assurance that the school has maintained adequate internal controls and procedures.

The school has complied with financial reporting requirements during the charter period. Budget, quarterly and annual financial statement audit reports were filed in a timely, accurate and complete manner. Each of the school's annual financial statement audit reports followed generally accepted accounting principles as required and received an unqualified opinion, indicating that, in the auditor's opinion, the school's financial statements and notes fairly represent, in all material respects, the school's financial position, changes in net assets, and cash flows. The school board reviews and approves the annual financial statement audit report.

Tapestry has maintained adequate financial resources to ensure stable operations over the course of the charter period and has monitored and successfully managed stringent cash flow. The school completed FY 2008-09 in fairly stable financial condition, increasing both cash reserves and total net assets. However, despite the increase in cash reserves the school maintains limited liquid assets, which lessens the schools short-term fiscal viability. The school has a negative working capital ratio, indicating it does not have enough short-term assets possibly to cover all immediate liabilities, short-term debt or any unforeseen expenditures that may arise. It should be noted that the limited liquid assets and negative working capital is directly affected by the school's land acquisition and renovation/construction of a new facility, an intentional and strategic decision made by management and the school board. These two financial accomplishments can be attributed to the increase in net assets for the school. The school has no major investments and any cash is left in savings and/or money market accounts. With the exception of one year, revenues have exceeded expenses at an average of four and a half percent throughout the charter period. This positive trend demonstrates the school's ability to balance revenues and expenditures given economic and facility challenges.

Plans for the Next Charter Period

The school has provided all of the key structural elements for a renewal charter and they are deemed to be reasonable, feasible, and achievable. The school has revised its mission statement as follows:

Tapestry Charter School is a K-12 public school for children, parents and teachers who believe in weaving together the essential elements that inspire a lifelong passion for learning.

Perhaps the most significant changes the school proposed by the school for the next charter period are its facility plans; in fact, those plans prompted the school's early application for renewal. Continued financing that would allow completion of the expansion has been contingent upon the school being granted a Subsequent Renewal. The completion of the expansion would allow the lower and upper grades to be housed in a single location within the term of the proposed renewal charter.

The school would continue providing instruction in kindergarten through 12th grades. Tapestry proposes an increase in its enrollment levels in both the lower and upper grades. The school would essentially double its lower grade enrollment over a three-year period, by adding a section to each grade. The increase in student population would provide additional funds to support the school's facility expansion plans. Additional students in the lower school would allow more students who are experienced with Expeditionary Learning model to be able to transition to the high school program successfully. The application asserts that by enlarging the lower school and co-locating the lower and high schools, teachers would become members of science and math departments that could then coordinate science and math curriculum planning and professional development.

As proposed in its Application for Early Subsequent Renewal, Tapestry would maintain most of the key design elements contained in its existing charter, while adding elements as a result of its proposed expansion. As noted above, the school would transition to using a single campus for all grades within the renewal charter period, which the school believes would strengthen the educational program. As part of the implementation of this approach,

a second instructional guide would be added to the staff to serve these grades. Other Key Design Elements include the following: (1) multi-age classrooms; (2) a school culture of caring; (3) progressive teaching techniques; (4) weaving together humanities, science, arts, and social responsibility; (4) family and community engagement; and (5) ongoing professional development for teachers.

The school has presented a reasonable and appropriate fiscal plan for the term of the next charter that is likely achievable. The school has taken a strong strategic approach in budgeting and planning for the next term. Due to state deficit problems, and the uncertainty of per pupil funding, the school has developed a conservative working budget that shows per pupil funding remaining flat throughout the next charter term. The plan projects minor operating and cash flow surpluses in each year which will further strengthen the school's fiscal stability. The plan is contingent on the school meeting enrollment goals, which it has historically demonstrated the ability to accomplish. Long-range fiscal projections are more susceptible to error than those for a single year. Such projections are subject to revision due to changes in local conditions, objectives, laws and state funding. The school will be required to continually develop and adopt annual budgets based on known per pupil amounts for the districts from which it draws enrollment.

The school has taken on significant additional fiscal responsibilities in acquiring land and renovating and constructing a new building. The school was able to obtain a parcel of land for below market value and has secured financing for the complete renovation of the existing building on the land from a local business developer. The renovation of the building reflects Phase I of the school's construction plan, which is scheduled to be completed by the start of the 2010-11 school year and will house the high school grades. Once complete and upon being granted a renewal charter, Phase II would begin. The school leadership believes that a renewal would give the school leverage to further secure Phase II financing, which would support the construction of an additional building connected to the high school and housing kindergarten through 8th grade. Revenue that would be generated from the increased enrollment enabling the school to shoulder the burden of the long-term financing debt associated with the new and renovated buildings without causing any issues to school operations, including increased staffing.

Members of the current board of trustees expressed their intent to continue their service to the school. Board members have the requisite skills and understanding of their roles and responsibilities in order to adequately provide oversight to the school during the term of the proposed charter. The school would continue their relationship with two organizational partners: Expeditionary Learning would continue to provide support for the ongoing implementation of the instructional approach; and the Canisius College of Education and Human Services would provide professional development services.

The Institute notes that while the school may have had a specific purpose in mind for seeking the early renewal decision that is available to all schools applying for Subsequent Renewal if they meet the criteria, its findings are in no way influenced by such purposes. To the extent that Tapestry Charter School has consistently achieved its key academic goals, continues to implement an educational program that supports achieving those goals, operates an effective and viable organization, and is fiscally sound, the Institute deems its plans to continue to implement the educational program as proposed in its Application for Renewal during the next as reasonable, feasible and achievable.