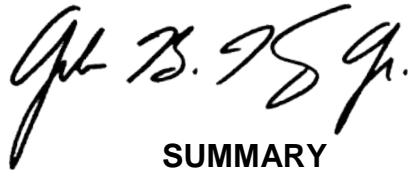




**TO:** P-12 Education Committee  
**FROM:** Ken Slentz  
**SUBJECT:** Renewal Decision for Charter Schools Authorized by the Board of Regents: Pinnacle Charter School  
**DATE:** April 18, 2012

**AUTHORIZATION(S):**   
**SUMMARY**

**Issue for Decision**

Charter Renewal Application for the Pinnacle Charter School which is authorized by the Board of Regents.

**Reason(s) for Consideration**

Required by State Statute.

**Proposed Handling**

This issue will come before the Regents P-12 Committee for discussion and action and then before the Full Board for action at the April 2012 meeting of the Board of Regents.

**Procedural History**

**Pinnacle Charter School**

Initial Charter issued by the Board of Regents in: January 2003

(Charter Term: January 15, 2003- January 14, 2008)

First Renewal Charter issued by the Board of Regents in December 2007

(Charter Term: January 15, 2008 – June 20, 2009)

Second Renewal Charter issued by the Board of Regents in May 2009

(Charter Term: July 1, 2009 – June 30, 2012)

## **Background Information**

Last month, the Board of Regents took action on three renewal recommendations concerning Charter Schools authorized by the Regents. At that time, staff indicated that a fourth Regents-authorized Charter School had submitted a Renewal Application for consideration by the Regents; Pinnacle Charter School, and that staff was completing the due-diligence process for this school and would be bringing a Renewal recommendation concerning Pinnacle to the Regents at the April meeting.

To ensure that charter school quality is maintained across the Regents' portfolio for currently operating charter schools, the Regents and the Department must also establish fair and transparent processes for charter renewal and non-renewal decisions that are based on merit, inclusive evidence, and that uphold the highest standards for quality. As with all continuing improvements to charter authorizing and oversight work, the Department is committed to aligning practice with the National Association of Charter School Authorizer's *Principles and Standards for Quality Charter Authorizing*.

NACSA outlines the following standards related for charter renewal decisions. A quality authorizer:

- Bases the renewal process and renewal decisions on thorough analyses of a comprehensive body of objective evidence defined by the performance framework in the charter contract.
- Grants renewal only to schools that have achieved the standards and targets stated in the charter contract, are organizationally and fiscally viable, and have been faithful to the terms of the contract and applicable law.
- Does not make renewal decisions, including granting probationary or short-term renewals, on the basis of political or community pressure or solely on promises of future improvement.

In developing the renewal recommendation before you today, the Department adhered to NACSA's standards for renewal decision-making. The recommendation was made after a full due-diligence process including thorough review of the information presented by each school in its Renewal Application, including a specific fiscal review, a two-day renewal site visit conducted by a Department team in the fall of 2011, comprehensive analysis of achievement data, consideration of public comments, and additional information provided by the Pinnacle.

Pinnacle Charter School, which is located in Buffalo, was originally chartered by the Regents in 2003. Based upon concerns related to student performance, the School received a short-term renewal in 2008 (one year and five months). When that renewal expired in 2009, the Regents granted the School another short-term renewal for three years, again because of continuing concerns about student performance. That second short-term renewal expires on June 30, 2012.

Staff recommends that, based on a history of short-term renewals and serious concerns related to student academic performance, that Pinnacle Charter School's charter not be renewed. Summary information about Pinnacle Charter School's

Renewal Application and performance over the current charter term, including specific analyses of academic performance, is included in the attached Renewal Recommendation Report. Also attached is information provided by Pinnacle Charter School after Department staff spoke with the school leadership to discuss the Department staff recommendations for nonrenewal.

### **Recommendation**

VOTED: That the Board of Regents denies the renewal application for the Pinnacle Charter School, that the board of trustees of the Pinnacle Charter School be provided notice of this action and that its charter will terminate upon the expiration of its current charter term on June 30, 2012, and that the board of trustees of the Pinnacle Charter School is directed to take all steps necessary to close the school in accordance with its charter and the school closure procedures of the Department and cease instruction as of June 30, 2012; including but not limited to the immediate provision of notice of this nonrenewal action to the parents of existing students of the Charter School, the parents of any students in the Charter School's most recent lottery and the parents of students on the Charter School's waiting list, provision for the orderly transfer of student records to the Buffalo City School District and disposition of the Charter School's assets.

### **Timetable for Implementation**

The Regents action for Pinnacle Charter School will become effective June 30, 2012.

Attachment



# New York State Education Department Charter School Office

## **Charter School Renewal Recommendation Report**

---

**Pinnacle Charter School**  
*Application for 3rd Charter Renewal*

April 2012

## Introduction

This report is the primary means by which the Charter School Office of the New York State Education Department (the “Department”) summarizes for the New York State Board of Regents its findings and recommendations regarding a charter school’s Renewal Application.

## Charter School Summary

<b>Name of Charter School</b>	Pinnacle Charter School
<b>Lead Applicant(s)</b>	Dr. Fenice Boyd, Board Chair
<b>District of Location</b>	Buffalo City School District
<b>Districts Served</b>	Buffalo City, Cheektowaga, Cheektowaga Maryvale, Cheektowaga Sloan, Cleveland Hill, Kenmore-Tonawanda, and West Seneca
<b>Opening Date</b>	Fall 2003
<b>Charter Terms</b>	Initial Charter Term: January 15, 2003 through January 14, 2008 1st Renewal Charter Term: January 15, 2008 through June 30, 2009 2nd Renewal Charter Term: July 1, 2009 through June 30, 2012 <i>3rd Renewal Charter Term: Department Recommendation – Non-renewal</i>
<b>Management Company</b>	None
<b>Partners</b>	None
<b>Facilities</b>	115 Ash Street, Buffalo; lease with private landlord
<b>Enrollment and Grade Span during Current Charter Term</b>	540 students in grades K through 8 in 2009-2010 560 students in grades K through 8 in 2011-2012
<b>Current Maximum Enrollment and Grade Span</b>	Maximum enrollment of 560 students in grades K through 8
<b>Mission Statement</b>	“To use communication as a focus to optimize the potential of each child to meet or exceed the New York State Learning Standards and advance to personal independence with short and long term contributions to the community.”

## Background

The Board of Regents granted an initial charter to Pinnacle Charter School (“Pinnacle” or the “School”) in December 2002. The school opened in Buffalo, NY, in September 2003 with 165 students in grades K through 3. The school added grades 4 through 6 in the 2004-2005 school year, then grades 7 and 8 in the subsequent two years. Pinnacle has been at its full K through 8 grade span since 2006-2007, and currently enrolls approximately 560 students in grades K through 8 during the 2011-2012 school year. The Regents have granted the School two short-term Renewal Charters. In December of 2007, although the School had requested a full five-year charter renewal term, Department staff recommended a renewal term of approximately one year and five months “to give the School the opportunity to meet its stated goals and demonstrate improved academic performance.”<sup>1</sup> The Regents approved the staff recommendation and

<sup>1</sup> Source: <http://www.regents.nysed.gov/meetings/2007Meetings/December2007/1207emscvesida1.htm>.

granted a First Renewal Charter for a term starting on January 15, 2008, and ending June 30, 2009. In April of 2009, although the school again requested a full five-year charter renewal term, the Regents granted a three-year Second Renewal Charter for a term starting on July 1, 2009, and ending June 30, 2012. The Summary of Charter School Renewal indicated that “the School has not yet been able to meet its student achievement goal of having at least 75% of all Grade 3-8 students (who have attended the School for at least three years) score at or above Level 3 on all State assessments, but it has made progress.”<sup>2</sup> In its third Renewal Application, Pinnacle requests a full five-year charter renewal term.

### **Recommendation and Required Findings**

#### **Recommendation:** Non-Renewal

After a thorough Department review of the evidence submitted by Pinnacle and gathered by the Department, including, but not limited to, evaluation visits conducted during the charter term, and the school’s record of educational success based on NYS assessment data, for the reasons outlined in this summary, the Department recommends that the charter of the Pinnacle Charter School not be renewed. The Department staff recommendation is that the Board of Regents **deny** the Renewal Application and allow the School’s current charter to expire as of the last day of the current charter, June 30, 2012. The School would therefore not be allowed to provide instruction beyond the final day of classes for the 2011-2012 school year.

Based on the review of evidence related to the School’s educational record, the Department is **unable** to make all of the findings that the Board of Regents, as the chartering entity is required by NYS Education Law Article 56, the Charter Schools Act (the “Act”) to make in order to approve a charter application.<sup>3</sup> In particular, given the educational record of the school over the past three academic years as described below, the Department **cannot** find that Pinnacle has demonstrated the ability to operate in an educationally sound manner; that approving the renewal application is likely to improve student learning and achievement and materially further the purposes set out in the Act in Education Law §2850(2); nor that approving the renewal application would have a significant educational benefit to the students expected to attend Pinnacle Charter School (which is a required finding because the school district in which the charter school is located has not consented to the School’s Renewal Application).

In short, Pinnacle’s performance over their most recent charter term, in both ELA and mathematics, based on NYS assessments can be described as generally declining, being among the lowest in the State (well below State averages), and no better than other schools in Buffalo. While the School has implemented some programmatic changes that are designed to improve performance in future years, the possibility of future promise is insufficient to overcome the School’s cumulative record of low academic achievement and is not enough to support a recommendation to approve the Renewal Application.

---

<sup>2</sup> Source: <http://www.regents.nysed.gov/meetings/2009Meetings/April2009/0409emsca4.htm>.

<sup>3</sup> Section 2852(2) states: An application for a charter school shall not be approved unless the charter entity finds that: (a) the charter school described in the application meets the requirements set out in this article and all other applicable laws, rules and regulations; (b) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; (c) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article; and (d) in a school district where the total enrollment of resident students attending charter schools in the base year is greater than five percent of the total public school enrollment of the school district in the base year (i) granting the application would have a significant educational benefit to the students expected to attend the proposed charter school or (ii) the school district in which the charter school will be located consents to such application.

## Summary of Evidence

### Educational Record

For the current charter renewal term (July 1, 2009 through June 30, 2012), Pinnacle articulated the following absolute, growth, and comparative goals for student performance.

- **Absolute Goal:** 75% of third through eighth graders (with a minimum retention rate of three years at the school) will meet or exceed levels 3 and 4 on the NYS assessments in English language arts (ELA), mathematics, social studies and science.
- **Growth Goal:** Each year, each grade-level cohort of students will reduce by one-half the gap between the percent at level 3 or 4 on the previous year's NYS assessment and 75% at levels 3 or 4 on the current year's NYS assessment.
- **Comparative Goal:** Each year, the percent of all tested students (with a minimum retention rate of 3 years at the school) performing at level 3 or 4 will be greater than that of all students in the same tested grades in the local school district.

According to data submitted in the School's Renewal Application as well as additional data analysis conducted by the Department, Pinnacle did not fully meet any of these goals based on NYS assessment data from 2008-2009, 2009-2010, and 2010-2011. This was also the case, as noted in Background Information above, when the School applied for both of its prior renewal charter terms, which resulted in two short-term renewals (approximately one-year and five months, and three years respectively), during which the School was provided the opportunity to demonstrate improved academic achievement and meet these goals. The School has not done so. Of note is an overall flat or downward trend in performance on both ELA and mathematics, across all grade levels, between Spring 2009 assessments (just prior to the start of the School's current three-year charter term) and Spring 2011 assessments, even when examining results using mean scaled scores rather than percent of students scoring at level 3 or 4 (given the recalibration of cutpoints between the 2008-2009 and 2009-2010 testing years). *Of particular note, based on 2010-2011 NYS assessment data in grades 3 through 8, only 1 in 5 students at Pinnacle scored at Level 3 or 4 in both ELA and mathematics.*

Additionally, under New York State's current Differentiated Accountability System, in November of 2011, Pinnacle was identified for Improvement (year 1) Comprehensive status for failure to meet Adequate Yearly Progress for students in ELA in 2009-2010 and 2010-2011. The School did not articulate any academic goals based on assessment instruments other than the NYS assessments.

In order to provide further context, the Department conducted additional analyses of Pinnacle's performance on NYS assessments in grades 3 through 8 over the past three years, in English language arts and mathematics, in comparison to other K-8 public schools located in Buffalo and across the state. This was done in two ways.

- 1) **Uncontrolled: Comparison of percentage of students scoring at Level 3 and 4.** First, the percentage of students scoring at Level 3 and 4 at Pinnacle profiled in comparison to the other public schools in Buffalo (both charter and traditional), as well as the district and state average.
- 2) **Controlled: Multi-variate regression model predicted vs. actual performance.** Second, a multi-variate regression model<sup>4</sup> is used to predict the expected performance of a school,

---

<sup>4</sup> All public schools, including charter schools, in New York State of the same type (in this case, schools that tested students in grades 3 through 8) are included in the regression model, and model accounts for the racial composition of students at the school and percentage of students identified as eligible for free- and reduced-price lunch income, English language learners, and

controlling for the demographic composition of students that attend the school. Pinnacle’s performance against this regression model, along with those of other public schools in Buffalo and the State, is expressed as an effect size.<sup>5</sup> A positive effect size indicates that the school is performing higher than would be predicted using the regression model and a negative effect size indicates that the school is performing lower than would be predicted using the regression model.

In both comparisons, a confidence interval<sup>6</sup> is calculated to indicate whether the calculated percentage or effect size may fall within a “margin of error.”

The table below presents the uncontrolled percentage of Pinnacle students scoring at level 3 and 4 on the NYS assessments in ELA and mathematics over the past three years in comparison to other public schools testing grades 3 through 8 in the Buffalo Public Schools and the State.

**Percentage of Students Scoring at Level 3 and 4 on the NYS assessments in Grades 3 through 8**

School/District	Subject	2008-2009 <sup>7</sup>	2009-2010	2010-2011
Pinnacle	ELA	55%	26%	20%
Buffalo Public Schools	ELA	57%	29%	28%
State - ELA	ELA	71%	42%	43%
Pinnacle	Math	78%	37%	21%
Buffalo Public Schools	Math	66%	31%	32%
State – Math	Math	82%	49%	53%

Graphic displays of this data, along with comparison to individual public schools in Buffalo and the State, both controlled and uncontrolled, are presented in *Appendix A: Comparative Performance Analysis, Controlled and Uncontrolled*. The results, in brief, can be summarized as follows: ***Pinnacle’s performance in both ELA and mathematics over the past three years based on NYS assessments declines from 2009 to 2011, is among the lowest in the State (well below State averages), is on balance no better than other schools in Buffalo, and is at or less than predicted when controlled for student demographics.***

On December 1 and 2, 2011, a Department team conducted a renewal site visit at Pinnacle. During this visit, the team interviewed members of the Board of trustees, school administrators, teachers, parents and students. Members of the team also conducted over forty classroom visits, including every grade level and major subject area. This followed an interim site visit conducted by a Department team on May 18, 2011. The renewal site visit team noted that the School implemented major program changes since the employment of a new Chief Academic Officer in August of 2011 (who replaced the founding school

---

students with disabilities at each school. The overall predicted proficiency rating is calculated as a weighted average by the number of students tested in a given grade.

<sup>5</sup> An “effect size” is determined by dividing the difference between the predicted and actual level of performance by the standard deviation. An effect size is calculated for each grade level and then an aggregate effect size is computed for the overall performance of the school, which is the measure being profiled. As rule of thumb, an effect size of 0.2 to 0.3 is generally considered to have a small effect, with 0.5 having a medium effect, and 0.8 or above having a large effect.

<sup>6</sup> For the first set of comparisons of percentages of students scoring at Level 3 and 4, the confidence intervals are calculated using the formula for binomial proportion distributions. For the second comparisons based on the regression model, the confidence intervals are calculated using the standard errors of the prediction, which takes into account school random effects. Both sets of confidence intervals are calculated at 95% confidence level. This “margin of error” is represented visually in the Appendices by the vertical bars—the “whiskers”—above and below each plotted point.

<sup>7</sup> Note that All NYS Assessment cut scores were recalibrated between the 2008-2009 and 2009-2010 tests.



leader), to support its focus on literacy instruction to improve communication skills and achievement. Findings of the team related to the school's educational program included the following

- The school uses a variety of assessment measures to evaluate student progress on an ongoing basis, though benchmarking against state standards is being implemented systematically for the first time this year.
- The school has initiated multiple strategies to address academic insufficiencies as rapidly as possible, including: push-in special education and intervention services; assessments and processes for generating formative data; structures for data analysis, informed planning and sharing of best practices; implementation of RTI program; and development of individual student learning plans revised on a six-week cycle. Structures and practices for use of data are in early stages but do demonstrate progress toward creating a vital system for analysis and utilization.
- Use of classroom time and instructional rigor was more consistent in the elementary as compared to the middle school grades.
- With Board guidance and support, the school has developed processes for regular and systematic review of academic program quality and effectiveness.
- The new school leader and the newly configured leadership team have made significant progress implementing positive changes—notably with climate and student behavior. They have empowered teachers to make curriculum and instruction decisions in their grade-level teams, which has proved to be a powerful lever for implementing program changes and cultivating buy-in.
- The culture of the school is orderly, respectful, focused on learning, and generally positive. There are marked improvements attributable to the Positive Behavioral Interventions and Supports (PBIS) program, Redirection Room, and mutual respect and accountability as well as collaboration among all stakeholders.
- Parent involvement is actively pursued, and parents are more involved in the school than in previous years.
- The school is in process of implementing major program changes to address core issues negatively impacting performance that were identified through an evaluation and planning process. However, formal systems for ongoing program evaluation are being newly implemented.

Despite programmatic changes that may position the School for possible increased success in the future that were observed by the renewal site visit team, this possible promise is insufficient to overcome the School's cumulative educational record of low academic achievement.

### Organizational and Fiscal Soundness

For the current charter renewal term (July 1, 2009 through June 30, 2012), Pinnacle established goals for quality staff and partnership involvement purposes, with several sub-objectives, reported by the School as described below:

- The School met its objective of 80% of teachers and staff meeting or exceeding (level 3 or 4) the performance indicators of the Danielson Framework for Teaching for 2009-2010, and for classroom teachers only for 2010-2011.
- The School met its objective for at least 90% of teachers (with a minimum retention rate of two years at the school) to meet their Professional Development Portfolio goals in both 2009-2010 and 2010-2011.
- The School met its retention goal of 80% for teachers, with 95% of teachers retained for 2010-2011 and 2011-2012.

- An annual objective related to maintaining a level 4 of 5 in Approach, Implementation, and Outcome variables on the Continuous Improvement for Information and Analysis, Staff Development and Leadership (based on *The School Portfolio Toolkit* by Vicotria L. Bernhardt, 2002) was met in 2009-2010, but not met in 2010-2011 due to leadership transition.
- A goal related to increasing the number of school initiatives garnering a community response was met for one event and not for another.
- The School reported all three of its objectives related to parental satisfaction and partnership involvement in 2009-2010 and 2010-2-11, except for a parent satisfaction survey objective in 2010-2011, which the school attributes to change in leadership.

The Department team that visited Pinnacle for a renewal site visit in December of 2011 made findings about the school's organizational viability that included the following:

- Parents interviewed were generally satisfied with the school.
- Over the past year, Board members demonstrated a strong commitment to the school and the community it serves and a clear understanding of their governance role, taking key actions to address leadership transition issues.
- The facility is a healthy and well maintained environment well suited to its purpose.

The Department reviewed audited financial statements for the School for the prior five operating years 2006-2007 through 2010-2011. The school has maintained a strong financial position since the first year the school operated in 2003-2004. The school began with a positive net assets balance in the initial year and continued with this growth. Any decline in net assets in one year was minor and did not significantly affect the overall financial position of the school. During the past two renewal periods, the school had an asset balance of \$794,299 in 2007-2008 with an increase in the balance to \$3,062,146 in 2010-2011. The working capital ratio increased from 1.00 to 2.66 during this period. Comparison of the prior year budgets to actual revenue and expenses were available for prior years. A review of fiscal years 2008-2009 through 2010-2011 showed a variance of less than 5% in actual revenues and expenses versus budgeted amounts. Any variance over 5% had a reasonable explanation. The Department also reviewed Reports on Internal Control over Financial Reporting issued with the annual independent audit for 2003-2004 through 2010-2011 and found no instances of non-compliance with governmental auditing standards.

Pinnacle hires fiscal consultants, an independent accounting firm, to manage the fiscal operations of the school. They refer to this as outsourcing the function of the Certified Financial Officer (CFO) and they do not have any additional in-house business staff. The outsourcing of the accounting functions provides additional fiscal oversight for the school and the cost of outsourcing this function is reasonable. Representatives of the accounting firm meet monthly with Pinnacle's board of trustees to review financial documents and procedures. The board also has a separate finance committee, which reports directly to the full board and meets monthly with the consultants.

In general, the Department has few concerns about the School's current organizational and fiscal soundness.

### *Faithfulness to the Charter*

Pinnacle's mission is "to use communication as a focus to optimize the potential of each child to meet or exceed the New York State Learning Standards and advance to personal independence with short and long term contributions to the community." Key design elements of the School's charter include:

- Coalition of Essential Schools model, with a communication focus and integrated thematic instruction.
- Communication as a theme, which allows the school to use a seamless model integrating all NYS learning standards.
- Greater parental involvement in the school.
- Strong teachers and leader provided with extensive professional development and support.
- Multiple measures to ensure that students are meeting and exceeding state academic standards.
- Extended school day and year.

The Department team that visited Pinnacle for a renewal site visit in December 2011 made findings about the school's faithfulness to its charter that included the following:

- The communication-focused mission has matured from a looser guiding principle to a more concrete programmatic focus on literacy instruction to provide children with the tools to develop as communicators. All groups interviewed addressed the development of a real link from mission to practice, and asserted the mission's centrality to the school's work.
- Governance and leadership structures are implemented with fidelity to charter. Minor adjustments are within reason, aligned to mission, and designed to support strategic focus on literacy.
- The school implemented program changes to support its focus on literacy instruction to improve communication skills and achievement.
- The school has shifted some program components away from the explicit model of the Coalition of Essential Schools presented in its charter – but has maintained certain components.

Over the current charter term, the Department has noted several modifications to the School's key design elements as the School has attempted to be responsive to student needs. Ultimately, though, these modifications and the School's overall implementation of its program has been insufficient to allow the school to achieve its mission, despite being in its ninth year of operation, with the full K through 8 grade span in place since 2006-2007.

### **Summary of Public Comment**

As required by the Act, the Department notified the Buffalo City School District and public and nonpublic schools in the same geographic area as Pinnacle about the submission of the school's Renewal Application. The District held the required hearing on January 4, 2012. According to the minutes of the hearing, a brief informational presentation about the school was made by a District staff person, and representatives from Pinnacle were given an opportunity to respond to questions from the Board of Education Charter School Committee members. Questions were asked regarding test scores and steps the school is taking to address them, Board of Trustees members, the school's reward system for good behavior, the literacy program, internet support, parent involvement, students with special needs, and teacher evaluations. The school leader made the case for the potential turnaround of the school academically. Three members of the Buffalo Board of Education Charter School Committee submitted "Charter School Renewal Forms." In response to a question regarding the number of years recommended for renewal for Pinnacle Charter School, one respondent indicated a recommendation of two years, one three years, and one five years. No other public comments were received.

### Student Demographics<sup>8</sup>

	2008-2009		2009-2010		2010-2011	
	Percent of Charter Enrollment	Percent of Buffalo CSD Enrollment	Percent of Charter Enrollment	Percent of Buffalo CSD Enrollment	Percent of Charter Enrollment	Percent of Buffalo CSD Enrollment
<b>Race/Ethnic Origin</b>						
American Indian or Alaska Native	0	1	0	1	NA	NA
Black or African American	88	57	91	56	NA	NA
Hispanic or Latino	6	15	6	15	NA	NA
Asian or Native Hawaiian or Pacific Islander	0	3	0	4	NA	NA
White	5	24	3	23	NA	NA
Multiracial	0	0	0	1	NA	NA
<b>Special Populations</b>						
Eligible for Free Lunch	65	74	53	70	NA	NA
Eligible for Reduced-Price Lunch	16	8	13	7	NA	NA
Limited English Proficient	0	8	0	8	NA	NA
Students with Disabilities	18	17	18	17	NA	NA

<sup>8</sup> Source: Figures for 2008-2009 and 2009-2010 were taken from Department School Report Card, the Basic Education Data System (BEDS), Special Education School District Data Profile, and derived from data reported by the School in its Renewal Application. Note that data for the Buffalo CSD is for all students in the district (K-12).

**Board of Trustees<sup>9</sup>**

<b>Name</b>	<b>Position on Board</b>	<b>Committee Affiliation(s)</b>	<b>Area of expertise, and/or additional role</b>	<b>Term Information</b>
Fenice Boyd, Ph.D.	Chair	Nominating, SIT	Education, Policy	Elected May 2005. 3 terms at 3 years each. Expiration 2014.
Broderick Cason	Vice-Chair	Personnel, Nominating, Marketing	Business, Marketing	Elected 2007. 2 terms at 3 years each. Expiration 2013.
Charles Edwards	Trustee	Personnel, Marketing	Business, Marketing	Elected 2007. 2 terms at 3 years each. Expiration 2013.
Dennis Horrigan	Treasurer	Finance	Healthcare Management	Elected 2006. 2 terms at 3 years each. Expiration 2012.
Richard Stanton	Chair 2009-2011	Finance	Legal	Elected May 2005. 3 terms at 3 years each. Expiration 2014.
Stephen Phelps, Ph.D.	Secretary	Nominating, SIT	Education	Elected march 2010. 1 term at 3 years. Expiration 2013.
Linda Gordon	Staff Representative	SIT	Staff	Elected 2010. 1 term at 1 year, Expiration 2012.
Julie Varner	Member	Personnel	Parent	Elected 2010. 1 term at 1 year.

**School Leader History**

<b>Name</b>	<b>Term</b>
Heidi Rotella, Chief Academic Officer	2003-2004 to March 2011
Heather Lyon, Chief Academic Officer, Interim	March 2011 to July 31, 2011
Linda Marsalek, Chief Academic Officer	August 1, 2011 to Present

<sup>9</sup> Source: This is accurate as of the submission of the Renewal Application in August of 2011. The School has had recently added some new members to the board that the Department is in the process of reviewing.



# New York State Education Department

## **Charter School Renewal Recommendation Report**

### **Appendix A: Comparative Performance Analysis, Controlled and Uncontrolled**

#### **Pinnacle Charter School**

*Application for 3<sup>rd</sup> Charter Renewal*

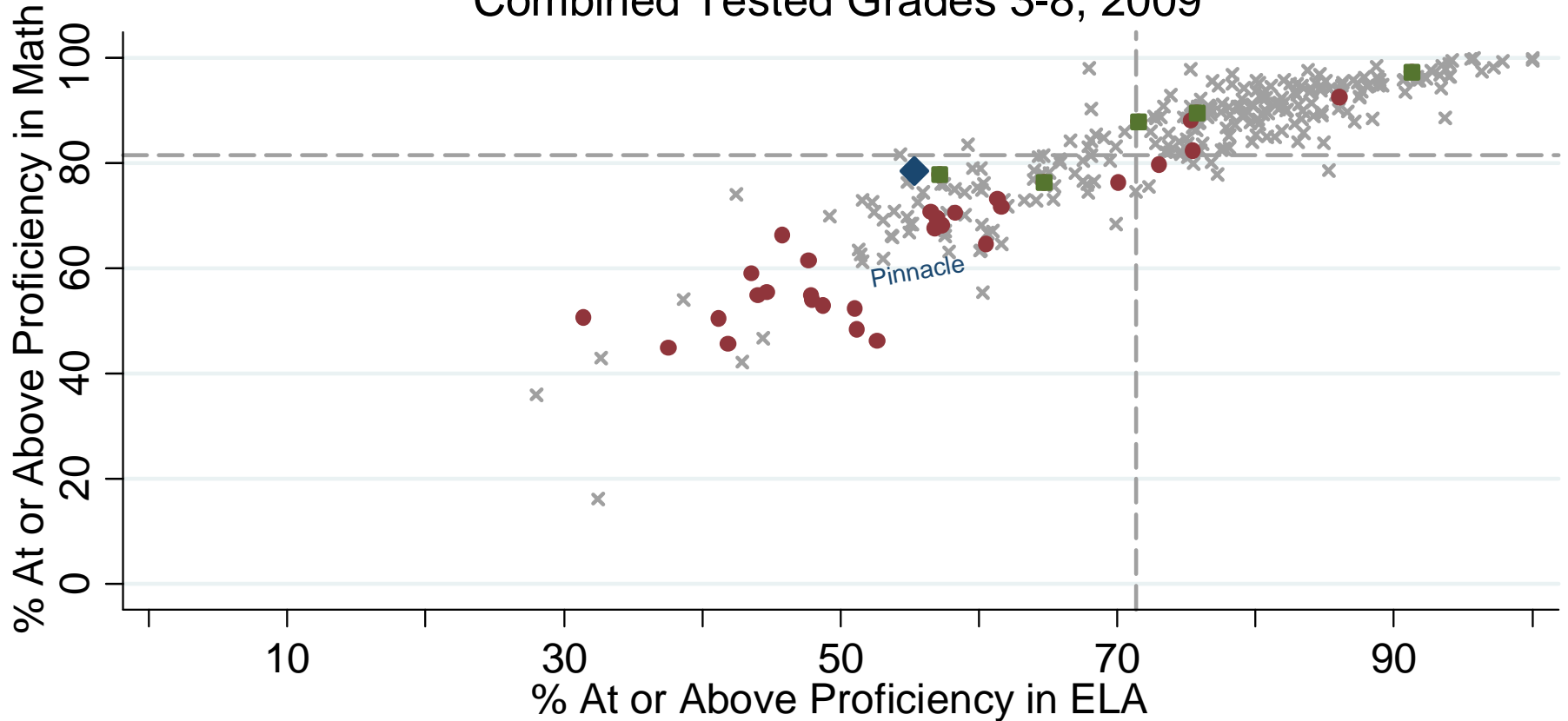
April 2012

2009, 2010, and 2011 Performance on NYS Assessments in Grades 3 through 8 English Language Arts and Mathematics

Compared to Other Public Schools in Buffalo and in NYS who tested students in Grades 3 through 8

# Uncontrolled: Percent At or Above Proficiency

## Combined Tested Grades 3-8, 2009

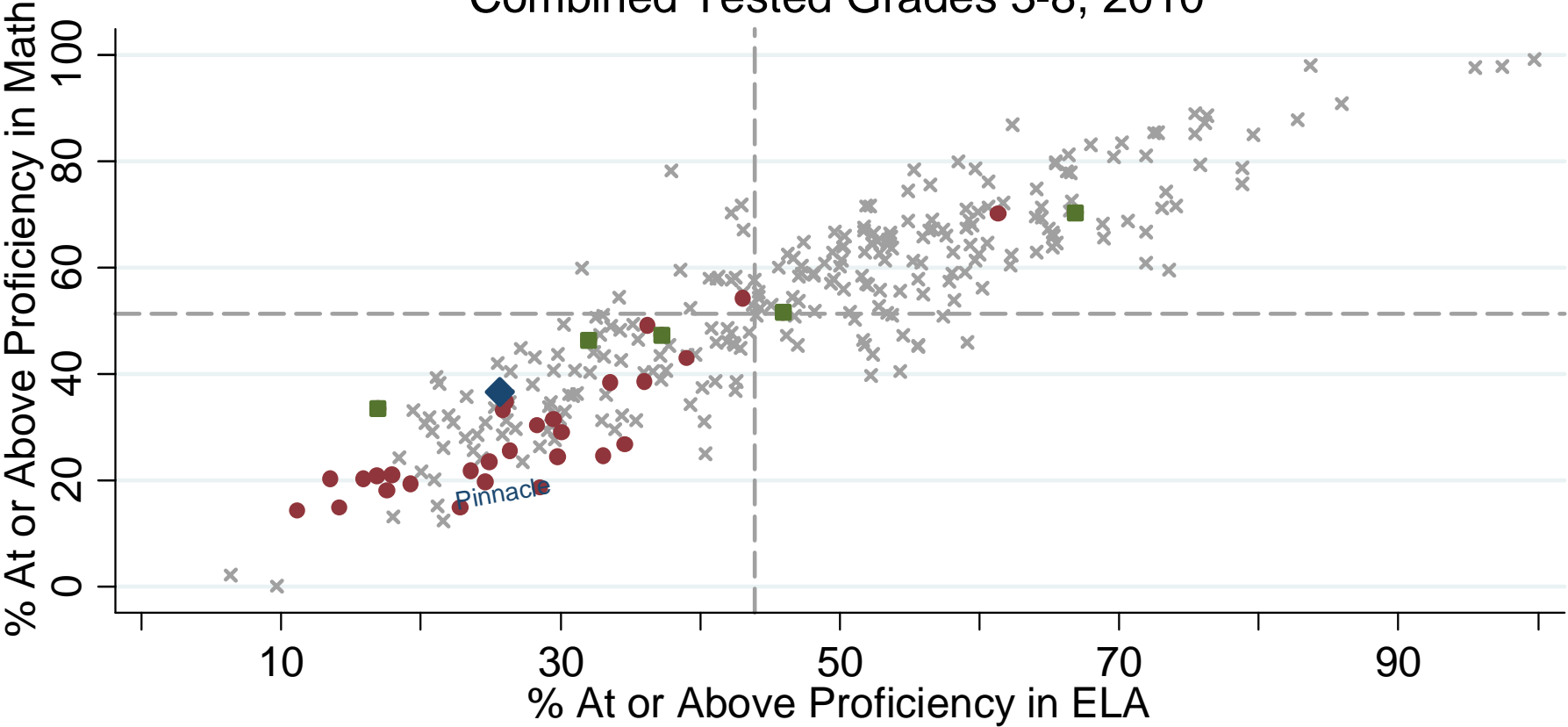


- Buffalo CSD Schools
- Charter Schools in Buffalo
- × Other New York Schools
- ◆ Pinnacle

Note: Compared to other 3-8 schools.  
Dashed lines represent the state average.  
Schools with less than 30 students are not displayed on the graph.

# Uncontrolled: Percent At or Above Proficiency

## Combined Tested Grades 3-8, 2010

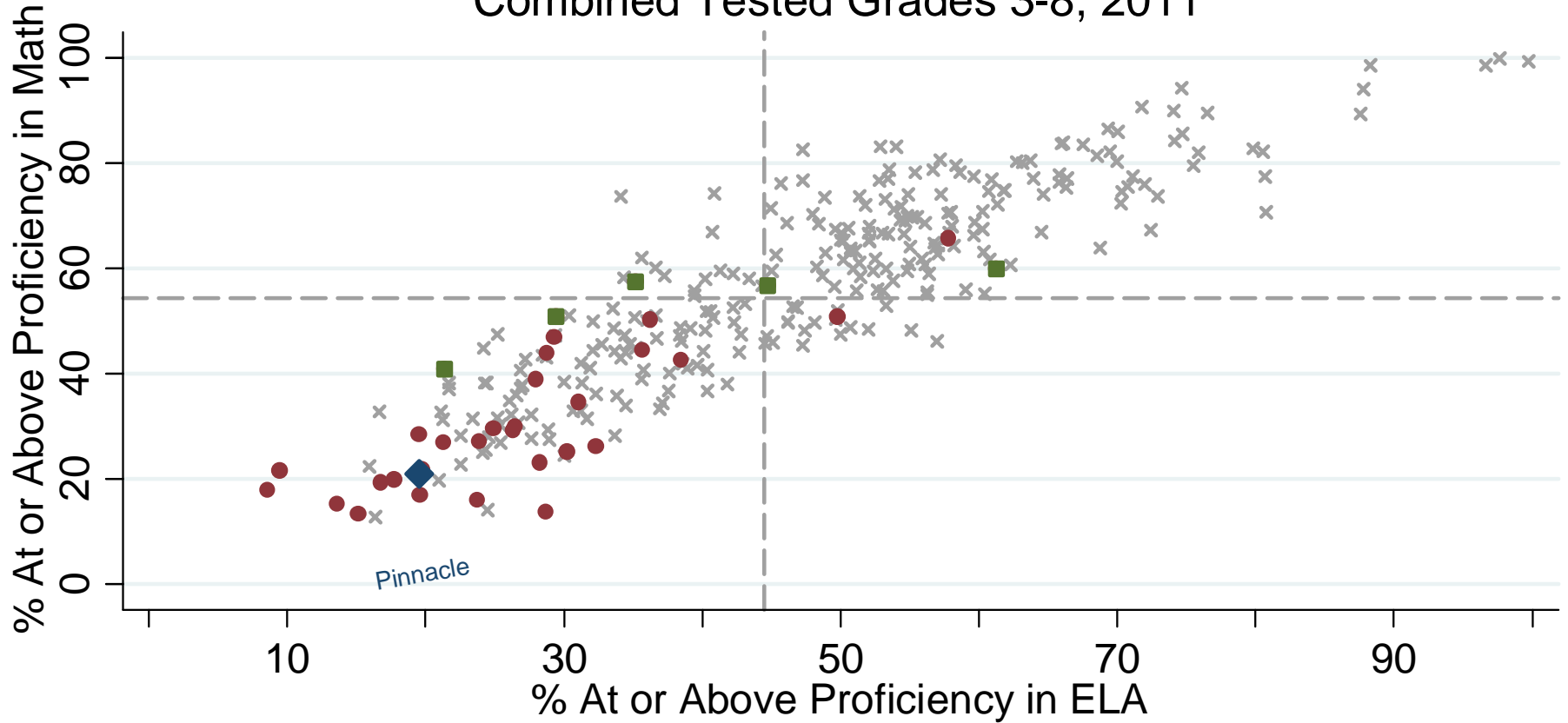


Note: Compared to other 3-8 schools.  
Dashed lines represent the state average.  
Schools with less than 30 students are not displayed on the graph.



# Uncontrolled: Percent At or Above Proficiency

## Combined Tested Grades 3-8, 2011

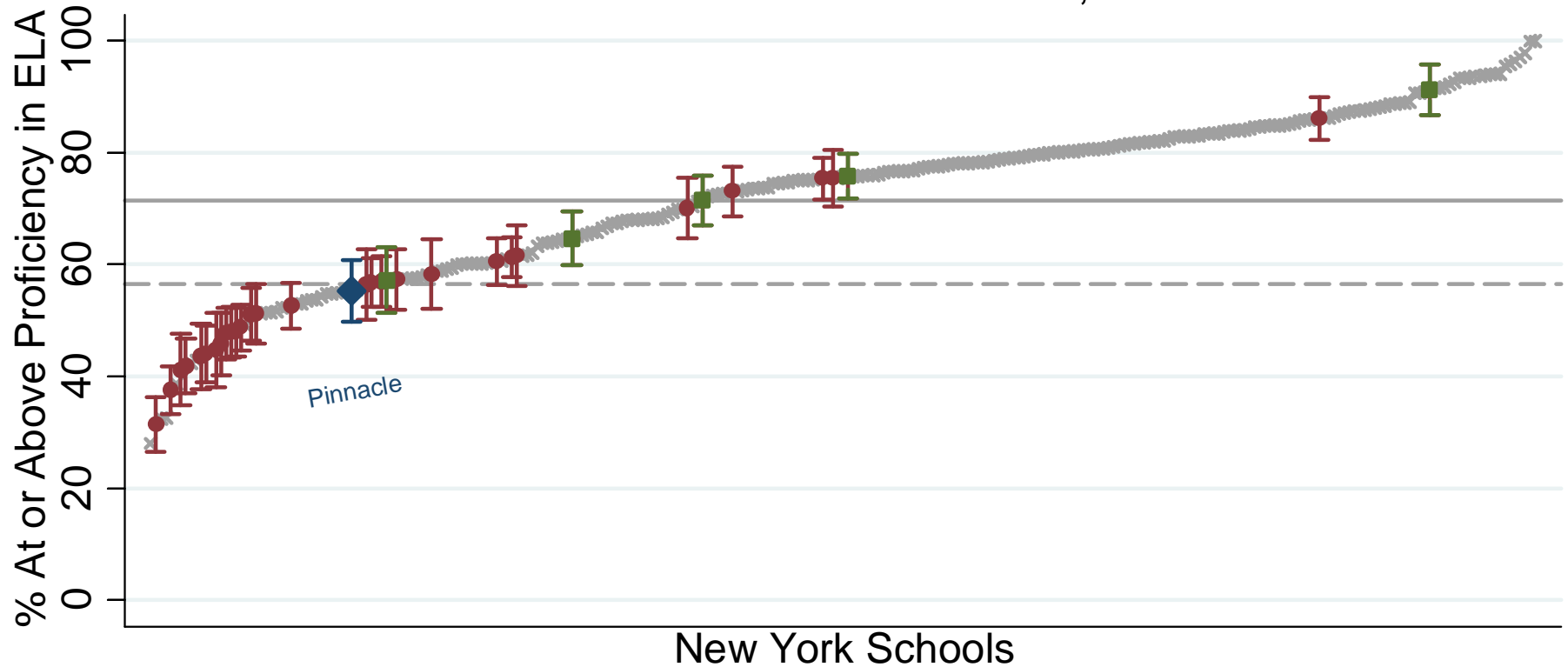


- Buffalo CSD Schools
- Charter Schools in Buffalo
- × Other New York Schools
- ◆ Pinnacle

Note: Compared to other 3-8 schools.  
Dashed lines represent the state average.  
Schools with less than 30 students are not displayed on the graph.

# Uncontrolled: Percent At or Above ELA Proficiency

## Combined Tested Grades 3-8, 2009



- |                          |                              |
|--------------------------|------------------------------|
| ● Buffalo CSD Schools    | ■ Charter Schools in Buffalo |
| × Other New York Schools | ◆ Pinnacle                   |

Note: Compared to other 3-8 schools.

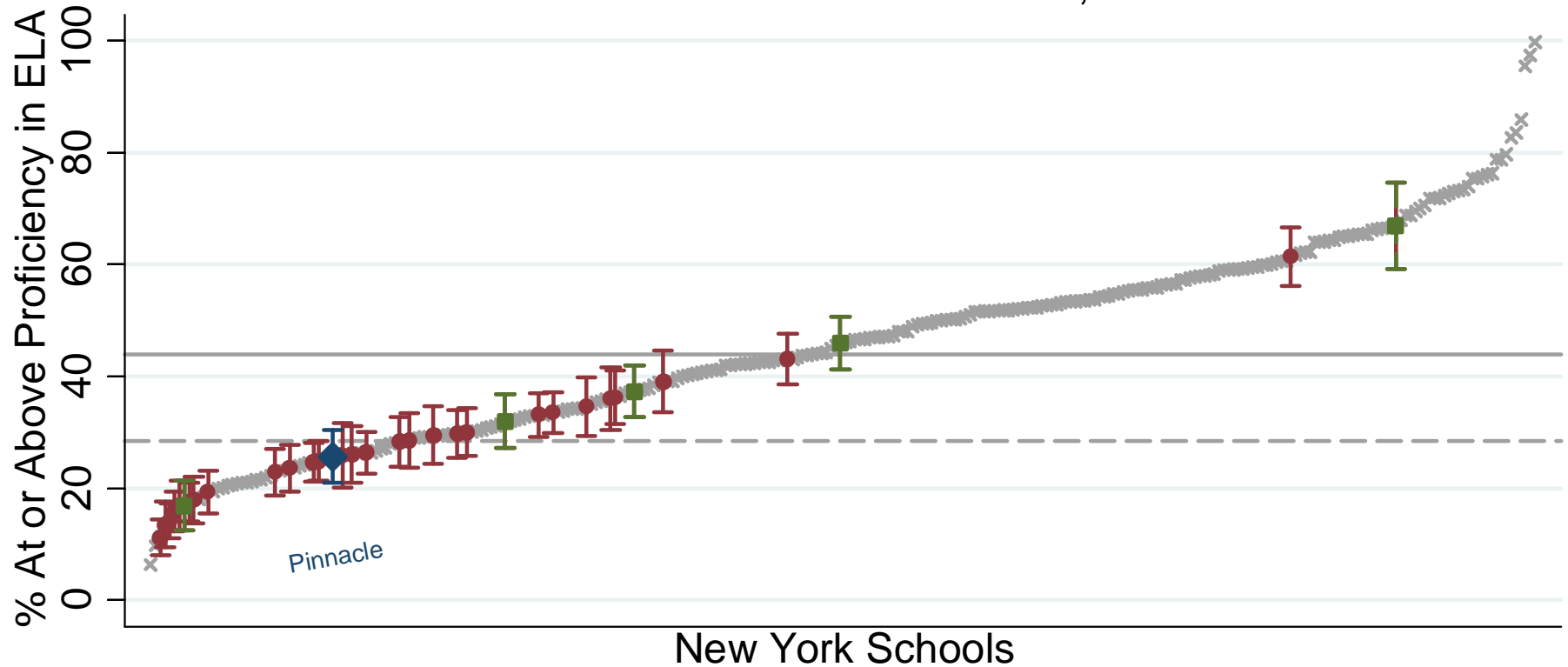
Solid horizontal line represents the state average.

Dashed horizontal line represents the district average.

Schools with less than 30 students are not displayed on the graph.

# Uncontrolled: Percent At or Above ELA Proficiency

## Combined Tested Grades 3-8, 2010

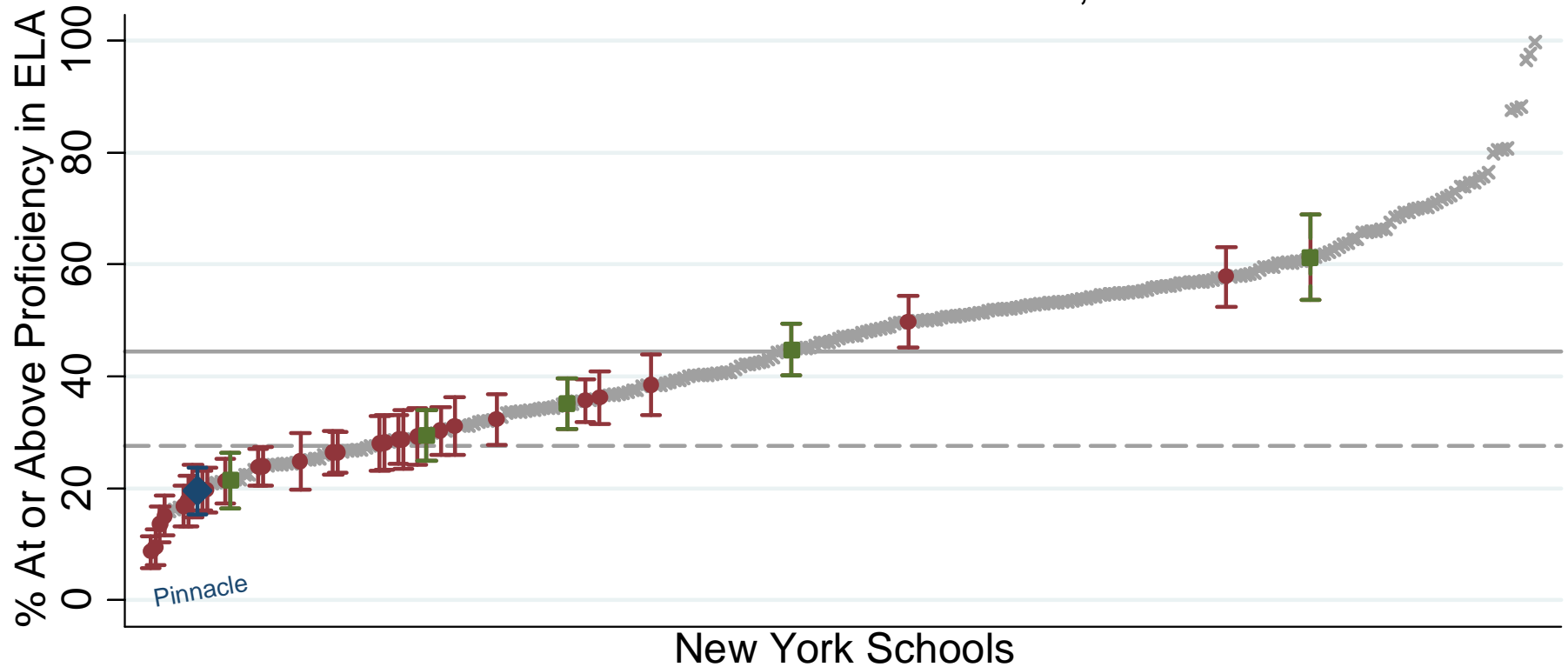


- Buffalo CSD Schools
- Charter Schools in Buffalo
- × Other New York Schools
- ◆ Pinnacle

Note: Compared to other 3-8 schools.  
 Solid horizontal line represents the state average.  
 Dashed horizontal line represents the district average.  
 Schools with less than 30 students are not displayed on the graph.

# Uncontrolled: Percent At or Above ELA Proficiency

## Combined Tested Grades 3-8, 2011

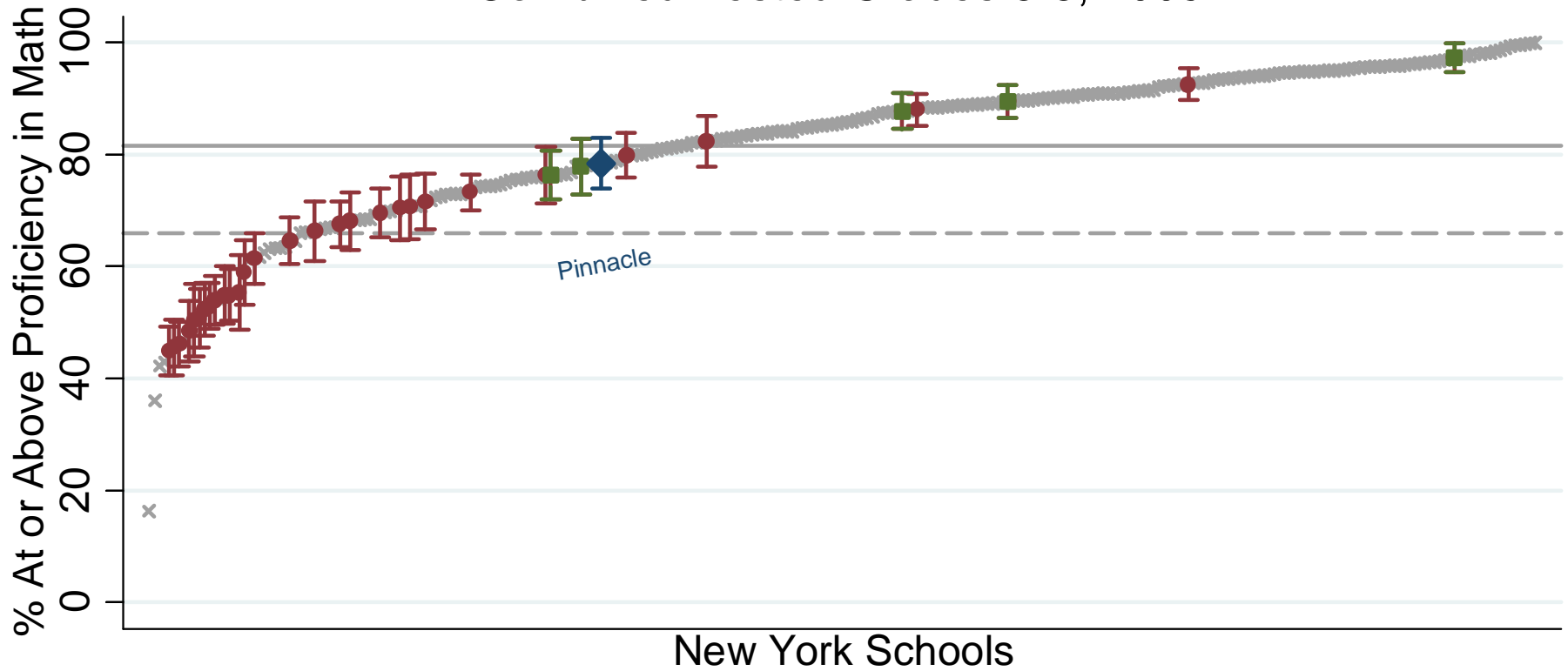


- Buffalo CSD Schools
- Charter Schools in Buffalo
- × Other New York Schools
- ◆ Pinnacle

Note: Compared to other 3-8 schools.  
Solid horizontal line represents the state average.  
Dashed horizontal line represents the district average.  
Schools with less than 30 students are not displayed on the graph.

# Uncontrolled: Percent At or Above Math Proficiency

## Combined Tested Grades 3-8, 2009

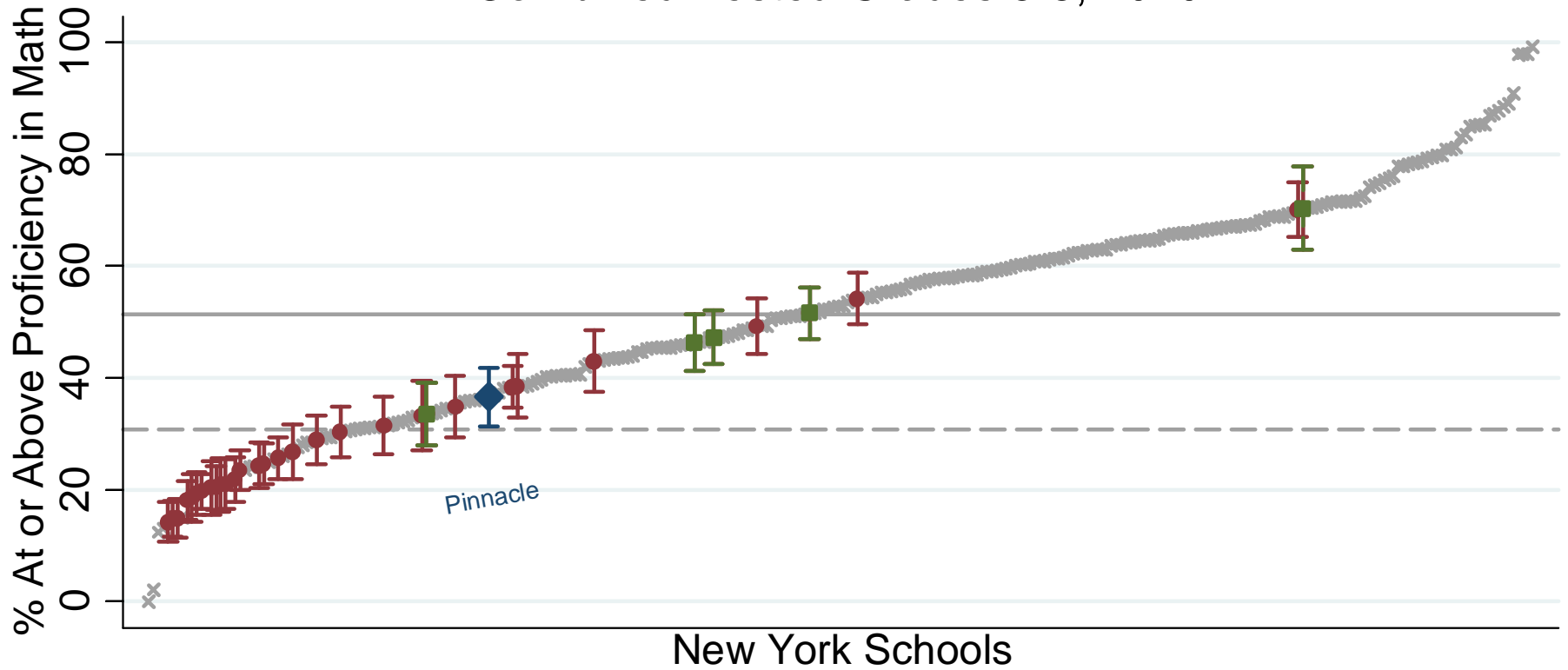


- Buffalo CSD Schools
- Charter Schools in Buffalo
- × Other New York Schools
- ◆ Pinnacle

Note: Compared to other 3-8 schools.  
Solid horizontal line represents the state average.  
Dashed horizontal line represents the district average.  
Schools with less than 30 students are not displayed on the graph.

# Uncontrolled: Percent At or Above Math Proficiency

## Combined Tested Grades 3-8, 2010

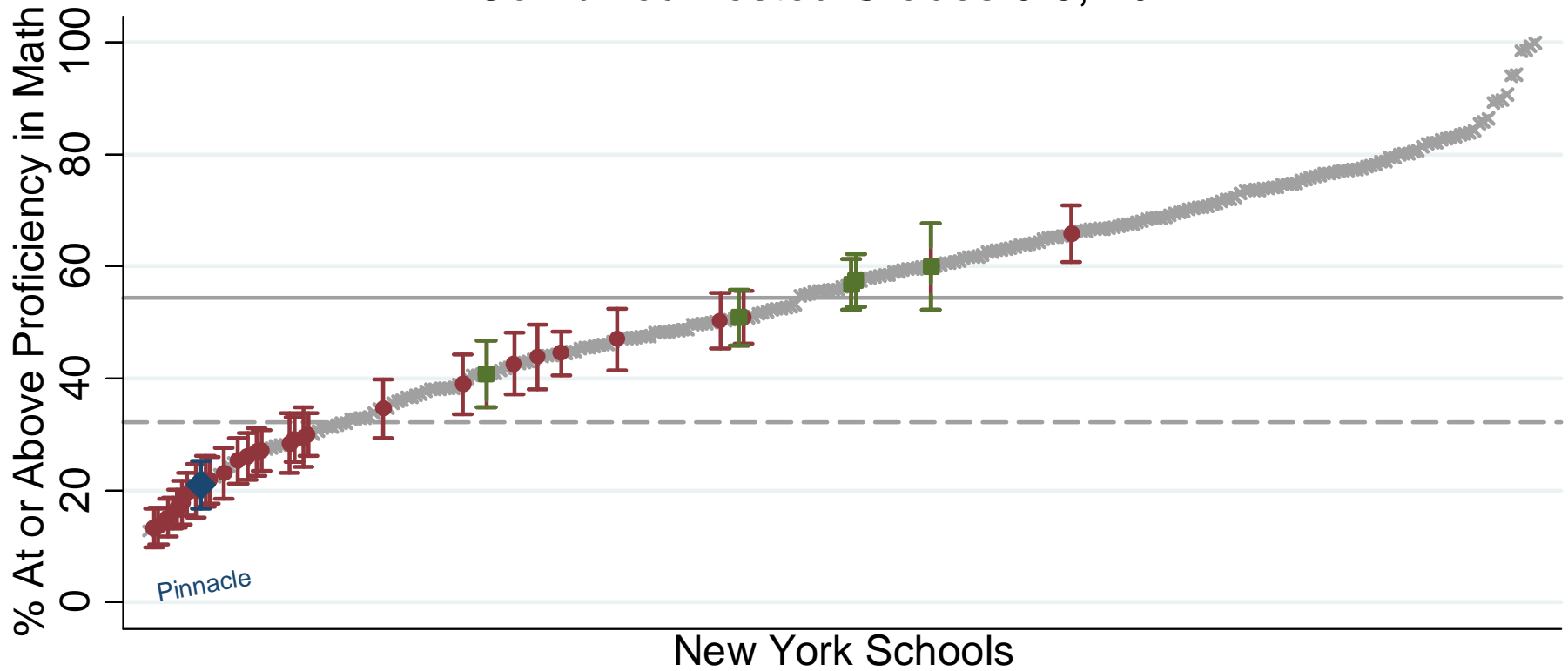


- Buffalo CSD Schools
- Charter Schools in Buffalo
- × Other New York Schools
- ◆ Pinnacle

Note: Compared to other 3-8 schools.  
Solid horizontal line represents the state average.  
Dashed horizontal line represents the district average.  
Schools with less than 30 students are not displayed on the graph.

# Uncontrolled: Percent At or Above Math Proficiency

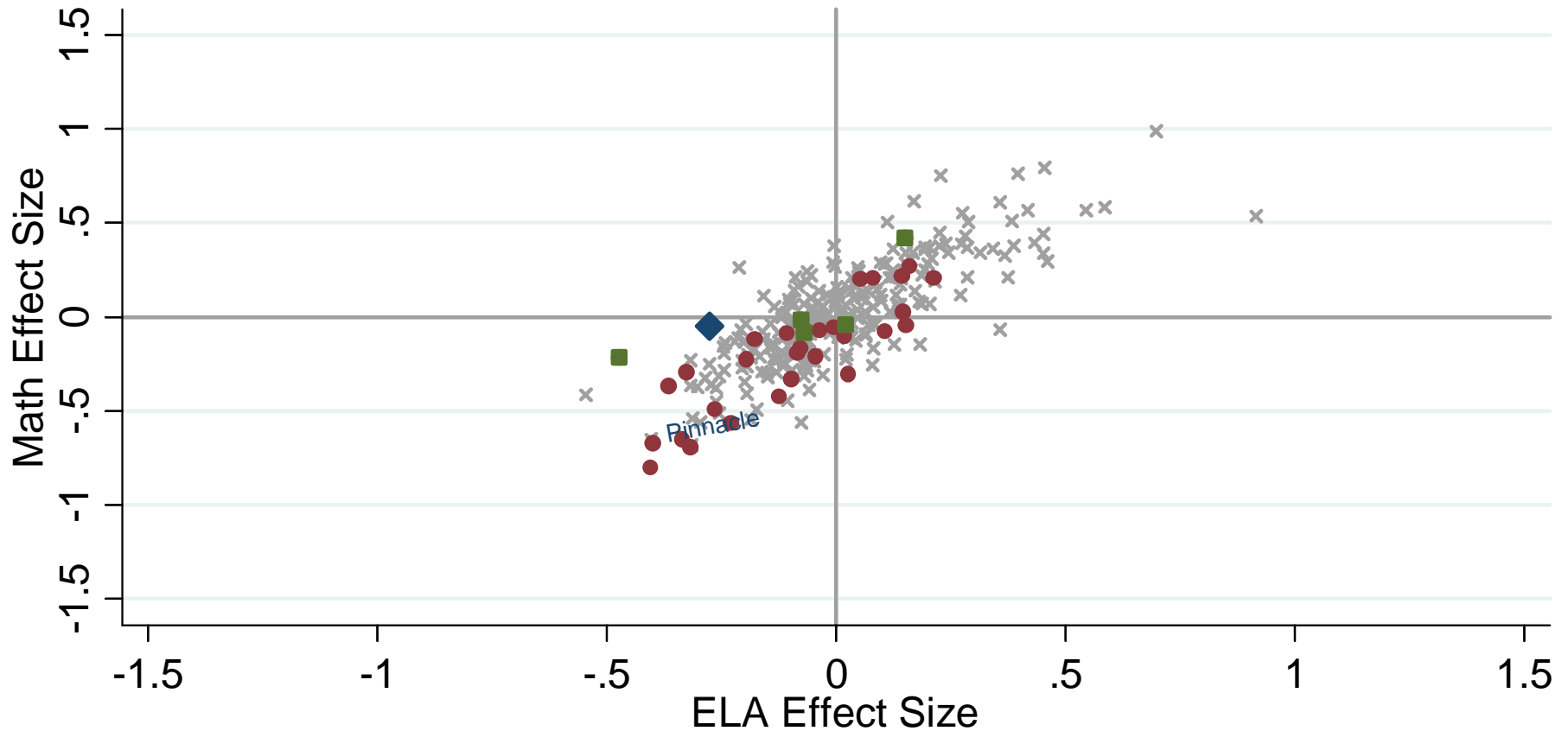
## Combined Tested Grades 3-8, 2011



- Buffalo CSD Schools
- Charter Schools in Buffalo
- × Other New York Schools
- ◆ Pinnacle

Note: Compared to other 3-8 schools.  
Solid horizontal line represents the state average.  
Dashed horizontal line represents the district average.  
Schools with less than 30 students are not displayed on the graph.

# Controlled: Difference between Actual and Predicted Proficiency Combined Tested Grades 3-8, 2009

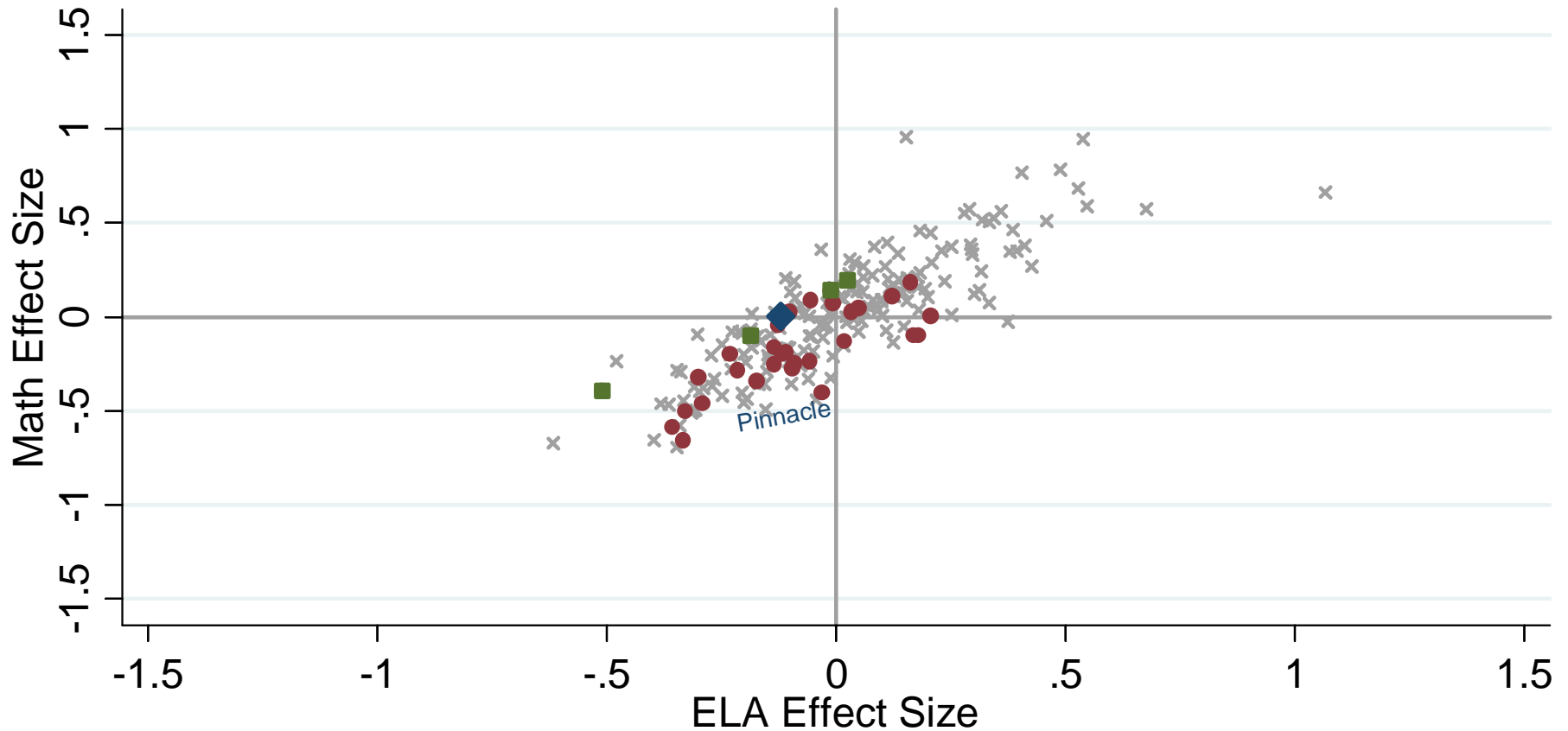


- Buffalo CSD Schools
- Charter Schools in Buffalo
- × Other New York Schools
- ◆ Pinnacle

Note: Controlling for student demographic characteristics. Compared to other K-8 schools. Schools with less than 30 students are not displayed on the graph.

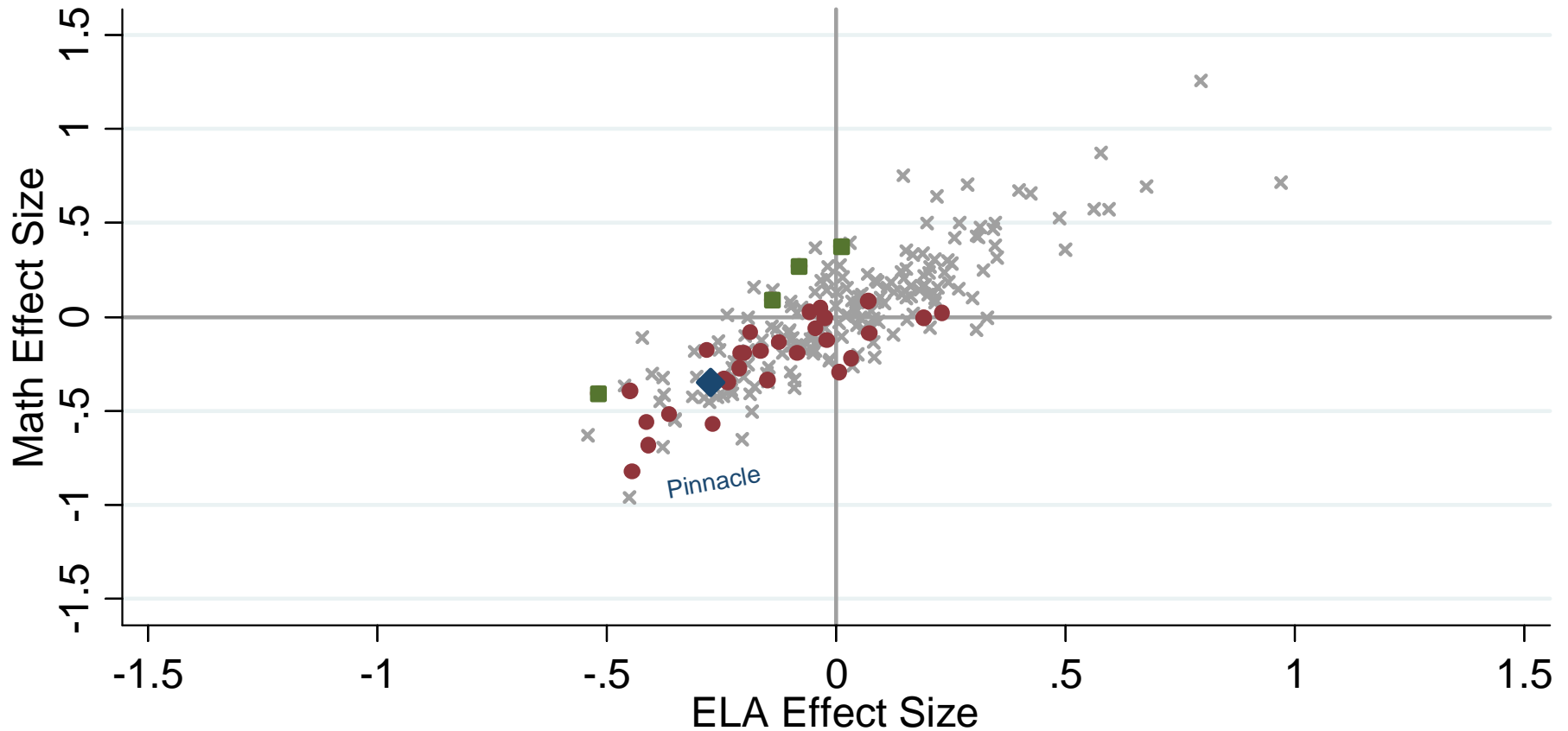


# Controlled: Difference between Actual and Predicted Proficiency Combined Tested Grades 3-8, 2010



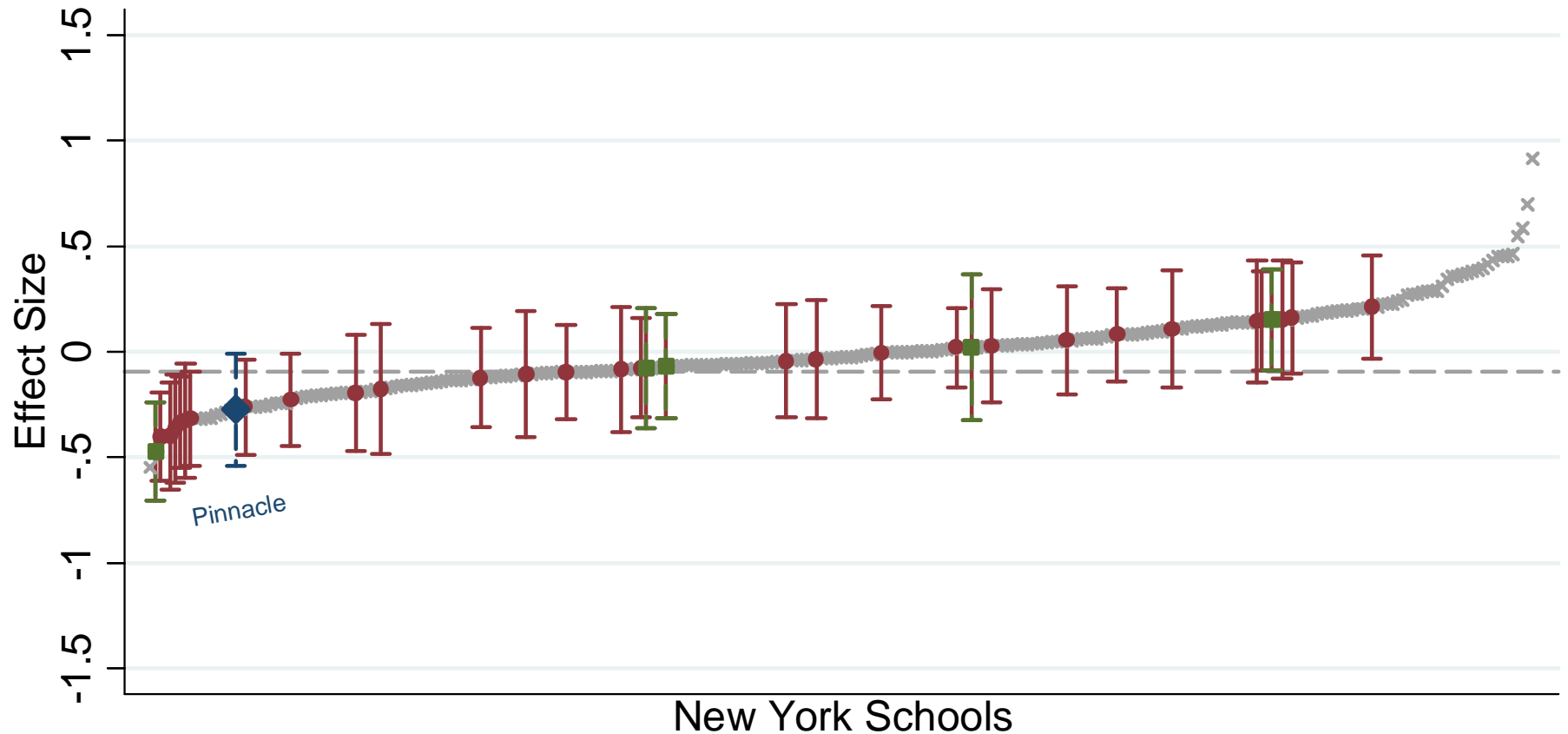
Note: Controlling for student demographic characteristics. Compared to other K-8 schools. Schools with less than 30 students are not displayed on the graph.

# Controlled: Difference between Actual and Predicted Proficiency Combined Tested Grades 3-8, 2011



Note: Controlling for student demographic characteristics. Compared to other K-8 schools. Schools with less than 30 students are not displayed on the graph.

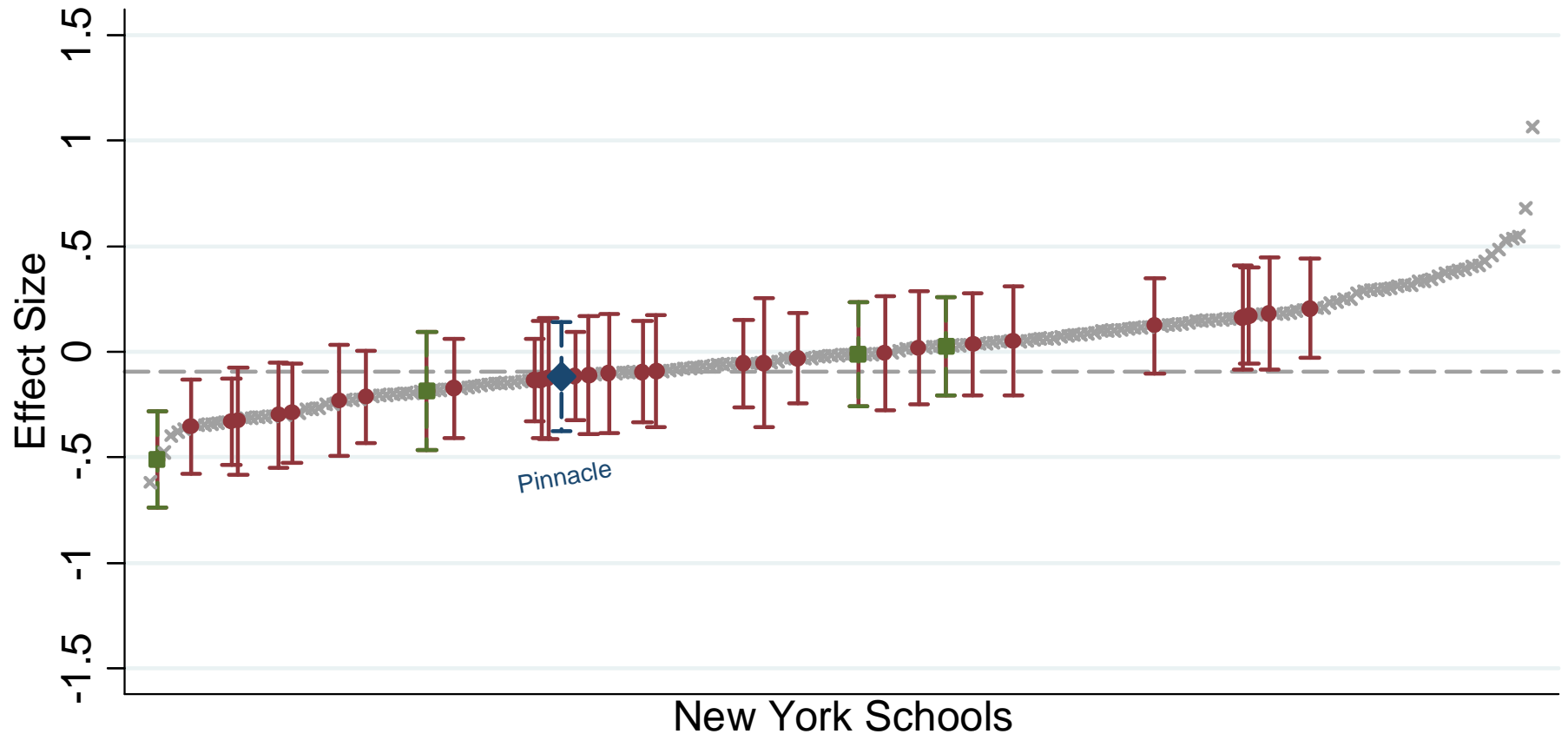
# Controlled: Difference between Actual and Predicted ELA Proficiency Combined Tested Grades 3-8, 2009



- Buffalo CSD Schools
- Charter Schools in Buffalo
- × Other New York Schools
- ◆ Pinnacle

Note: Dashed line represents district average for K-8 Schools.  
Schools with less than 30 students are not displayed on the graph.

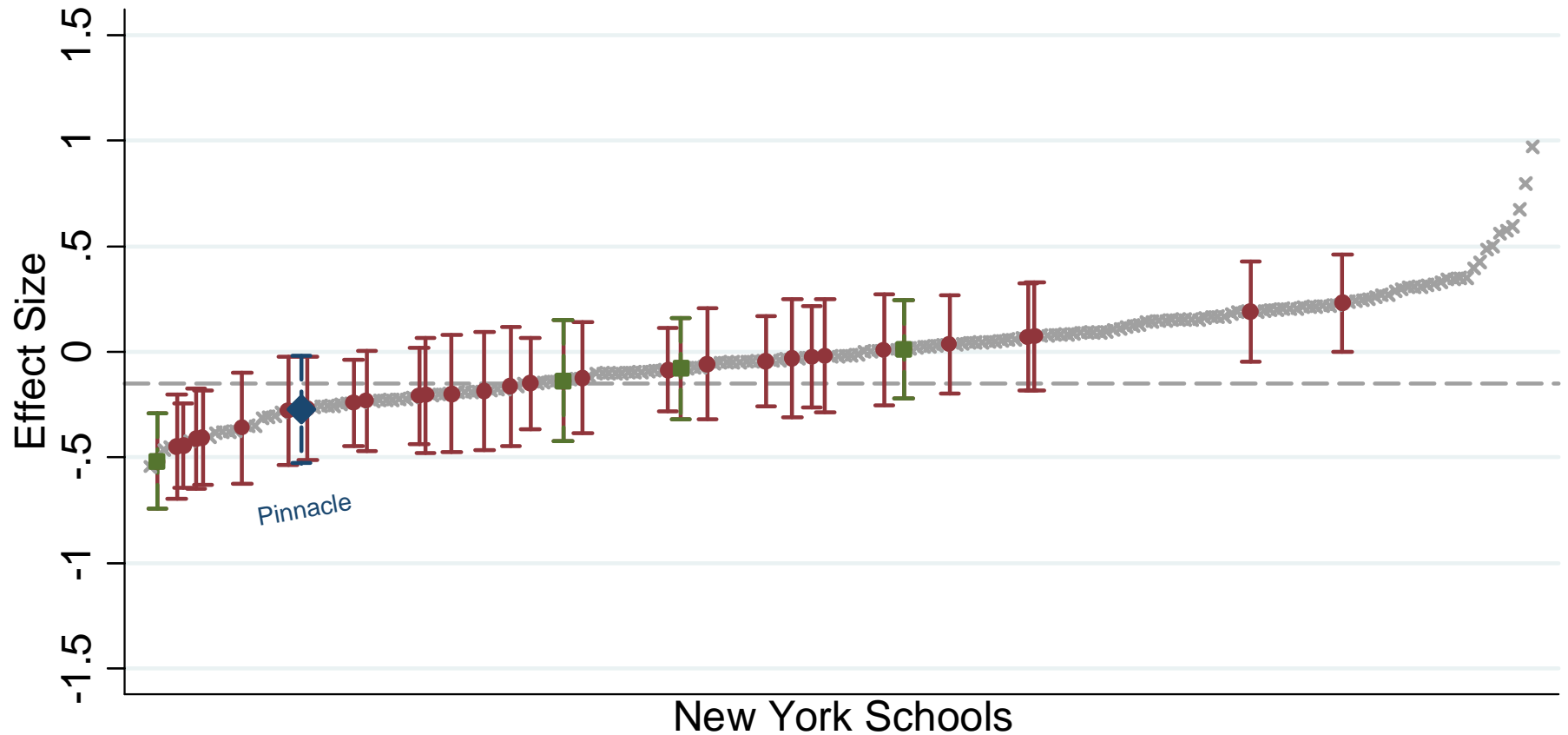
# Controlled: Difference between Actual and Predicted ELA Proficiency Combined Tested Grades 3-8, 2010



- Buffalo CSD Schools
- Charter Schools in Buffalo
- × Other New York Schools
- ◆ Pinnacle

Note: Dashed line represents district average for K-8 Schools.  
Schools with less than 30 students are not displayed on the graph.

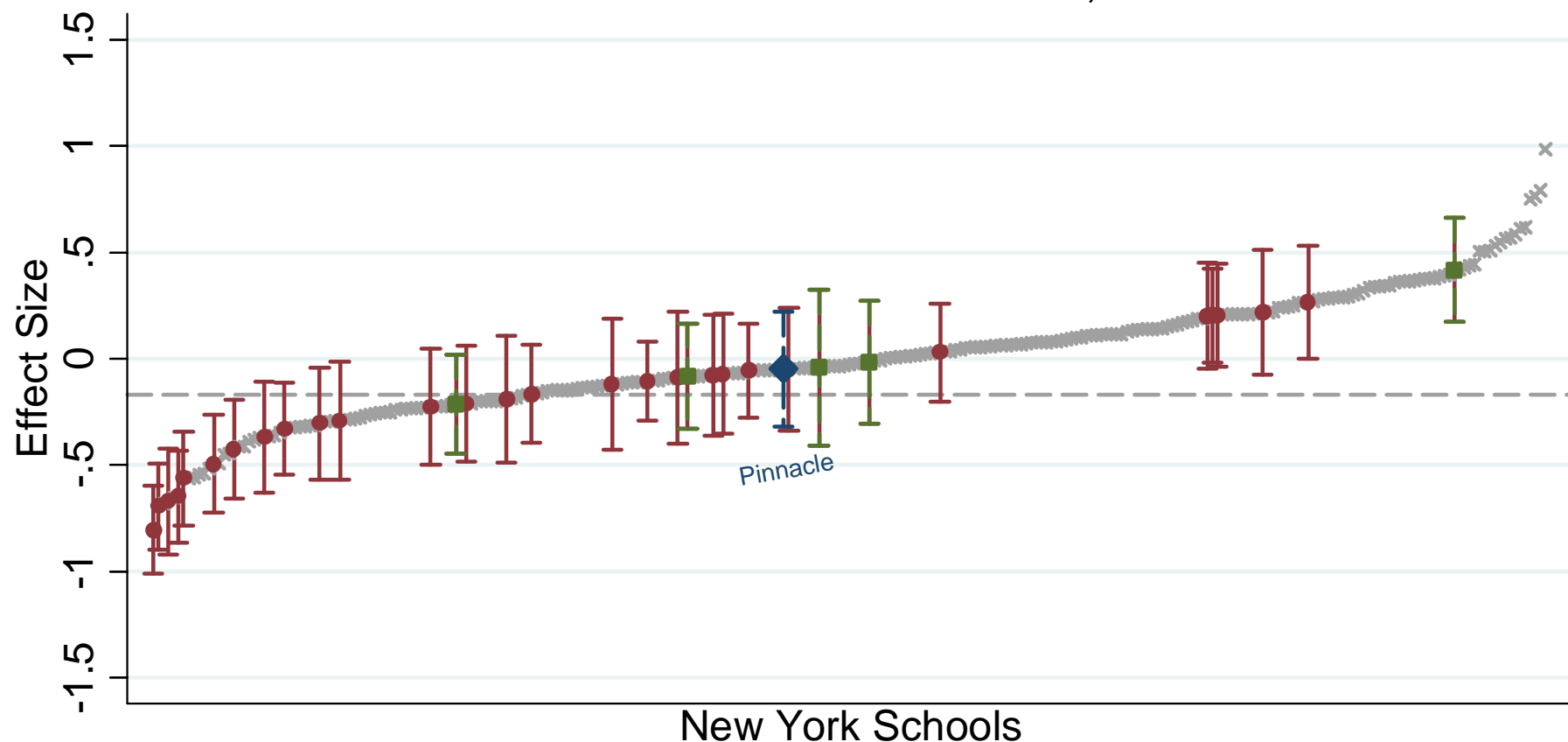
# Controlled: Difference between Actual and Predicted ELA Proficiency Combined Tested Grades 3-8, 2011



- Buffalo CSD Schools
- Charter Schools in Buffalo
- × Other New York Schools
- ◆ Pinnacle

Note: Dashed line represents district average for K-8 Schools.  
Schools with less than 30 students are not displayed on the graph.

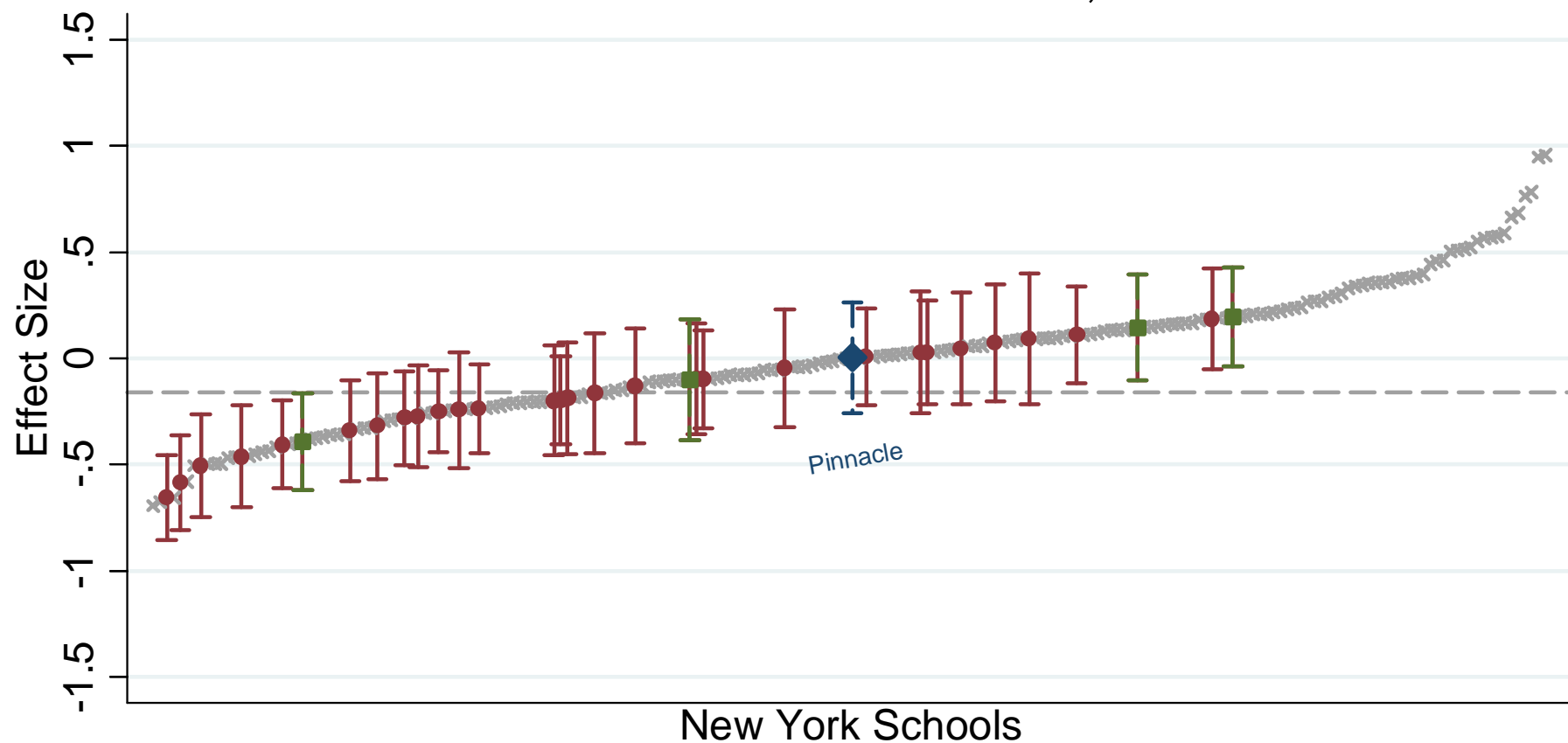
# Controlled: Difference between Actual and Predicted Math Proficiency Combined Tested Grades 3-8, 2009



- |                          |                              |
|--------------------------|------------------------------|
| ● Buffalo CSD Schools    | ■ Charter Schools in Buffalo |
| × Other New York Schools | ◆ Pinnacle                   |

Note: Dashed line represents district average for K-8 Schools.  
Schools with less than 30 students are not displayed on the graph.

# Controlled: Difference between Actual and Predicted Math Proficiency Combined Tested Grades 3-8, 2010



- Buffalo CSD Schools
- Charter Schools in Buffalo
- × Other New York Schools
- ◆ Pinnacle

Note: Dashed line represents district average for K-8 Schools.  
Schools with less than 30 students are not displayed on the graph.







March 8, 2012

Cliff Chuang  
 Director  
 Charter School Office  
 New York State Education Department  
 Albany, New York

Dear Cliff,

Thank you for giving us a courtesy call to inform us of your recommendation not to renew the charter for The Pinnacle Charter School which will be brought before the Board of Regents for a vote at the March 19<sup>th</sup> and 20<sup>th</sup> meeting. I appreciate also the opportunity to include information to accompany your recommendation to the Board of Regents and have attached a report in response to your recommendation.

It is our understanding that the recommendation will acknowledge that the school is organizationally and financially sound and provides a quality facility in a low income neighborhood to about 440 families. Since the school has not brought up 75% of its students to the current SED Level 3 and 4 proficiency levels which was a stated goal in it our charter, we believe has led to a recommendation not to renew based upon application of the 3rd prong of the Charter Renewal Criteria, which is whether the school is an academic success.

Below the tables illustrate our previous average test scores in ELA and Math. The actual scores provide a consistent number to measure growth. The change in cut scores in 2008-2009 for proficiency characterizations does not allow for a consistent base line comparison.

**History of ELA Scores at Pinnacle Charter School Using Old Cut Scores**

		2005-2006	2006-2007	2007-2008	2008-2009	OLD CUT SCORES 2009-2010	OLD CUT SCORES 2010-2011
Average of Grades 3-8	>650	16%	32%	45%	55%	58%	53%

Reach Higher

### History of Math Scores at Pinnacle Charter School Using Old Cut Scores

		2005-2006	2006-2007	2007-2008	2008-2009	OLD CUT SCORES 2009-2010	OLD CUT SCORES 2010-2011
Average of Grades 3-8	>650	31%	44%	60%	78%	79%	73%

The 2010-2011 school year was the first and only year where our steady growth of improvement in performance in student achievement slid backwards. The testing followed the Board of Trustees removal of the School’s principal at the end of March, 2011. At the time of the testing, it was evident that many of the 7th and 8th grade students were distraught with her removal and protested their disappointment by refusing to perform on the test.

During the principal transition, outside consultants (retired principal) were retained to work inside the school and engaged the School Improvement Team to identify short term and long term needs and also assist in recruiting a new school leader. The Board of Trustees communicated with all the stakeholders in order to forge a strong cooperative relationship with the new leadership team. Based upon reports by parents, Board members believe their efforts were successful.

As a result of the combined efforts of the School Improvement Team, The Board of Trustees and the consultants, imminent and long term needs were identified with a fresh look. Simple remedies were the creation of a Dean of Students and The Redirection Room to take over the responsibility for resolving disruptive problems in the building with a dedicated point person and the appropriate resources. There was a renewed focus on providing academic intervention services that identified individual student needs and brought prescriptive resources to individual students. The hiring of additional special education teachers, in addition to a change in the academic calendar year, was undertaken so that more of the curriculum was completed before the state assessments. A more detailed articulation of changes made since the spring of 2011, is also attached to this email

Approximately 91 % of our students qualify for free lunches. We believe that the poverty level may have been misstated to SED as about 66%. The number is critical because of the unfortunate fact that socio-economics is the strongest indicator of academic performance. Providing a quality educational opportunity to underserved families is one of the primary reasons the Board members voluntarily serve. They believe that the adverse recommendation may in part be based upon the public schools unwillingness to provide additional information identifying as much as 30% of our population who automatically qualify for free or reduced lunches, thereby under representing the needs of our students in poverty. Since 2009, we have been

strategizing on how to bring more resources to our families. We brought in a Family Services Coordinator who quickly intervenes in truancy issues to work with the students and families in identifying any problems and connecting the family with the resources to address the issue to get the student back in school. In addition, she has recently implemented a program intended to bring more reading into the homes of Pinnacle families. Rather than accepting the poverty levels as a problem we cannot address, we have been focusing on bringing the families closer to the school and helping them address needs which impact education. We believe our efforts are reflected in an attendance rate of approximately 94 %, which greatly exceeds that of Buffalo Public Schools.

Since September 2011, we have also been closely monitoring student performance by administering past State tests on a quarterly basis. The results of those tests which follow show the promise of dramatic test score improvement for this spring. The practice exams for 7th and 8th grade ELA predict approximately a 29% increase on proficiency levels. The results are also included in the attachment.

We are seeking to protect the 400 + families who rely on our school and do not have a comparable educational resource in their community. Prior to any State focus on the School, the Board identified significant areas that needed to be improved, and took immediate and sustained action. We anticipate the quantifiable results to be apparent on the April State Assessments, and want to preserve the right for the results of the turn-around effort to be considered in determining the fate of the school, and its families.

Once again, I appreciate the opportunity to provide a written response to accompany your recommendation for The Board of Regents as to the reasons you stated during your courtesy phone call as to why The Pinnacle Charter Renewal Application is not being recommended for approval to the Board of Regents.

Sincerely,

Linda A. Marszalek  
Chief Academic Officer  
Pinnacle Charter School

# **Response to the Charter School Office's Recommendation to the Board of Regents for the Non-Renewal for Pinnacle Charter School**

## **Significant Points Covered in this Report that Greatly Impact the Recommendation not to Renew the Charter:**

1. Current Benchmark Assessments
2. Change of Cut Scores
3. Shift in Charter School Office Governance
4. Clear Expectations for Charter Renewal Decisions that are Transparent
5. Free and Reduced Rate Reported inaccurately by not having the same access that Buffalo Public does.
6. Pinnacle Charter School is in Good Standing 7 out of 8 years of Operation

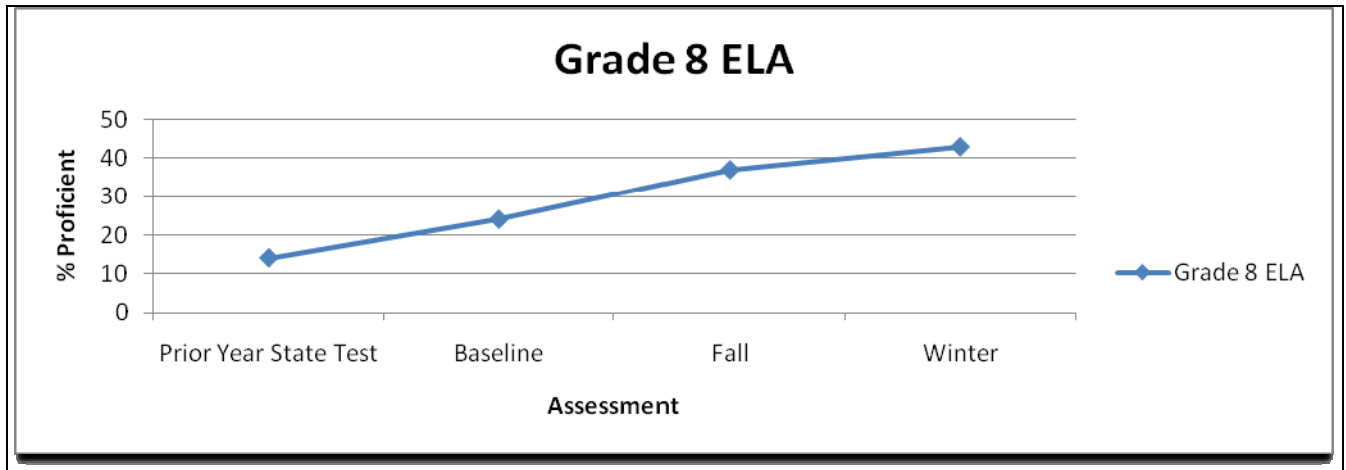
### **1. Current Benchmark Assessments**

Little emphasis was placed on our successful benchmark assessments administered this year, by the Charter School Office indicating that promises of future performance should not be a basis for current decisions. Additionally, since the benchmark assessments are new this year, little predictive validity could be placed on them as quality indicators for performance on state assessments. For the majority of the benchmark assessments, this is the case. However, one major tool in the benchmark assessment portfolio was overlooked, the practice state exams. Previous New York State Exams were administered in ELA with the exact integrity, utilizing the same procedural requirements around administration, modifications, timing, and scoring as the secure exam. These assessments should have more concurrent validity than scores on the exams from the grade level before. Consider which assessment has more predictive value for an 8<sup>th</sup> grade score. For example, administering several old 8<sup>th</sup> grade state assessments in 8<sup>th</sup> grade should have more predictive value on the 8<sup>th</sup> grade exam than the actual score on the 7<sup>th</sup> grade exam taken the year prior. The Benchmark Practice Exams though are given eight, five and three months prior to the real exam providing a more accurate prediction for proficiency.

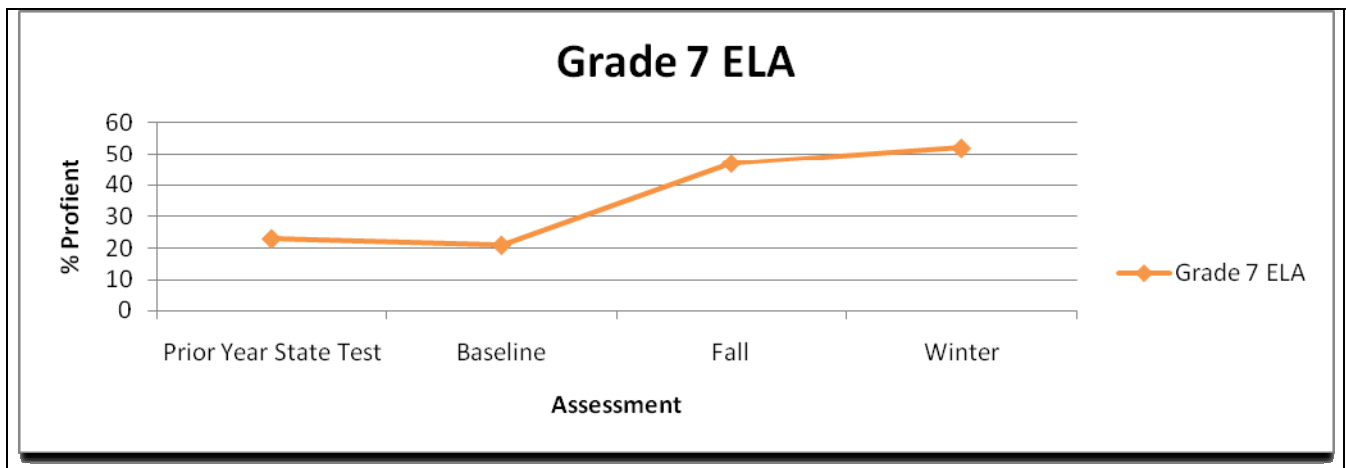
New York State Practice Exams in Math are a little less predictive as the nature of the content requires systematic instruction prior to the administration. These practice exams are manipulated, building concurrent validity with each administration. Teachers have to “construct” the exam to mimic the state math exam in format, but exclude content not explicitly taught up to the point of administration. The closer to the state assessment window, the more predictive the assessment becomes.

The next several pages gives a quick snapshot of the progress each grade level has made throughout this school year in both ELA and Math.

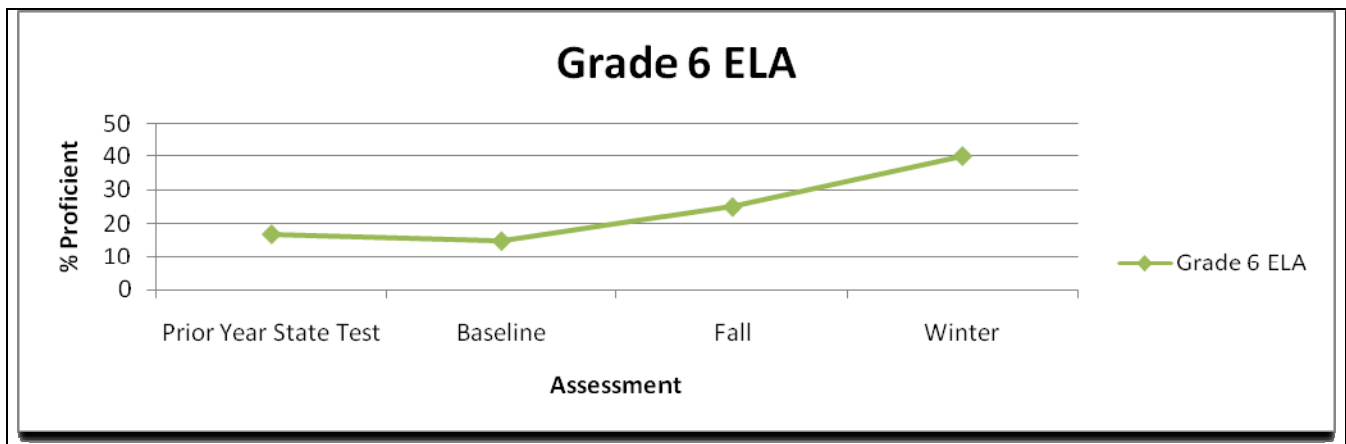
## 2011-2012 ELA State Assessment Practice Exam Data



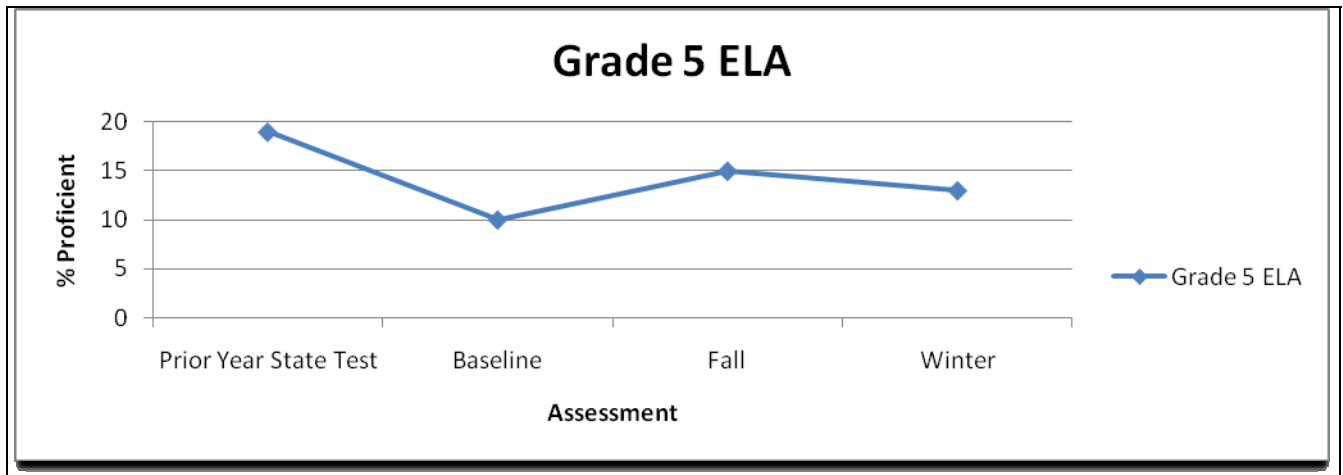
**Current 8<sup>th</sup> Graders:** Up 29% on Practice State Exams from 14% Proficient on 2011- 7<sup>th</sup> Grade ELA to 43% Proficient on Gr.8 in Jan. 2012.



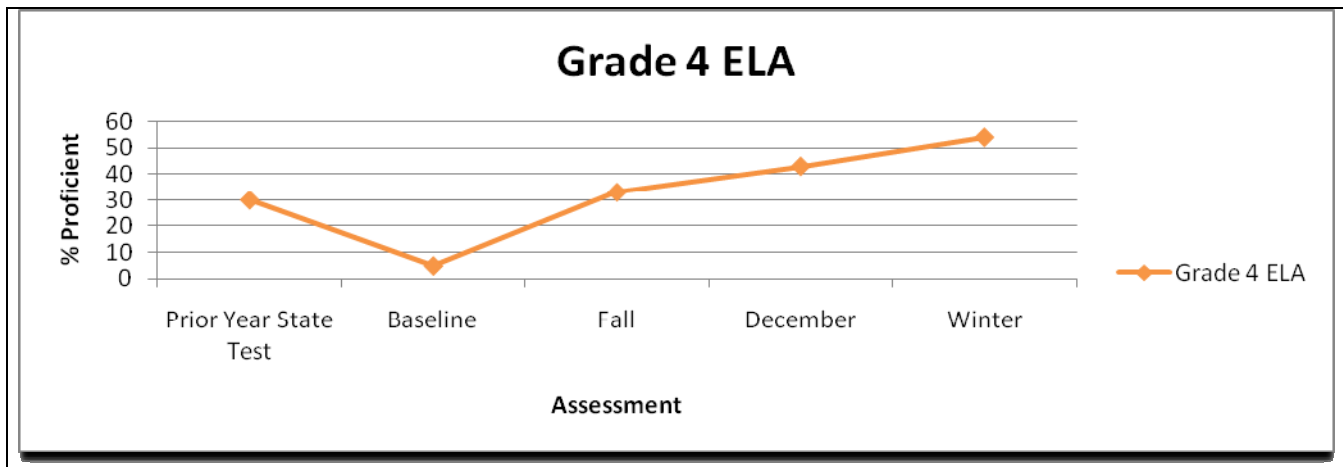
**Current 7<sup>th</sup> Graders:** Up 29% on Practice State Exams from 23% Proficient on 2011- 6<sup>th</sup> Grade ELA to 52% Proficient on Gr. 7 in Jan. 2012



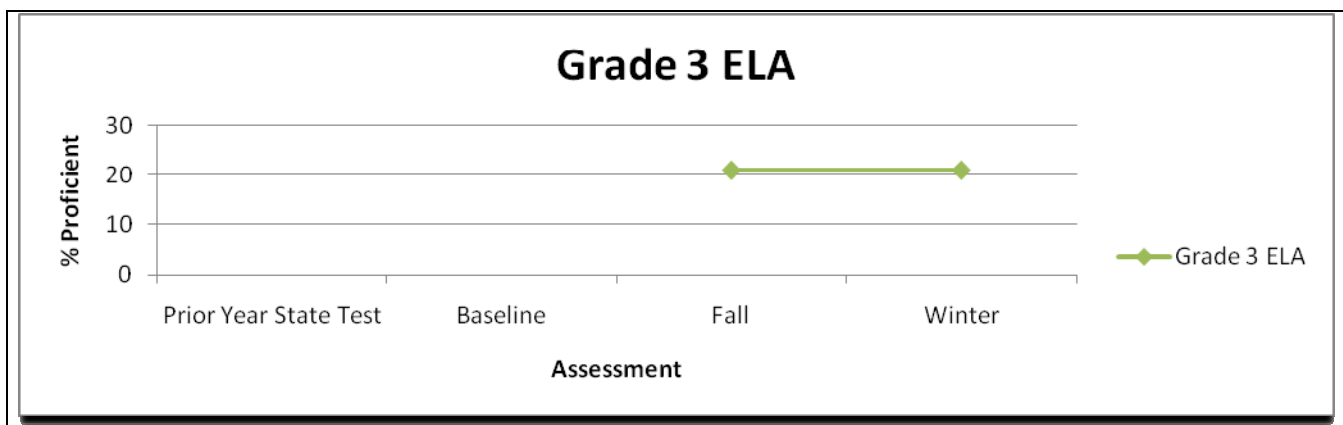
**Current 6<sup>th</sup> Graders:** Up 23% on Practice State Exams from 17% Proficient on 2011- 5<sup>th</sup> Grade ELA to 40% Proficient on Gr. 6 in Jan. 2012



**Current 5<sup>th</sup> Graders:** Have struggled to make progress on Practice State Exams from last year when only 19% of students met proficiency. An additional 28% of the grade is within four questions of proficiency. The number of Levels 1s is down 18% since the start of the school year.

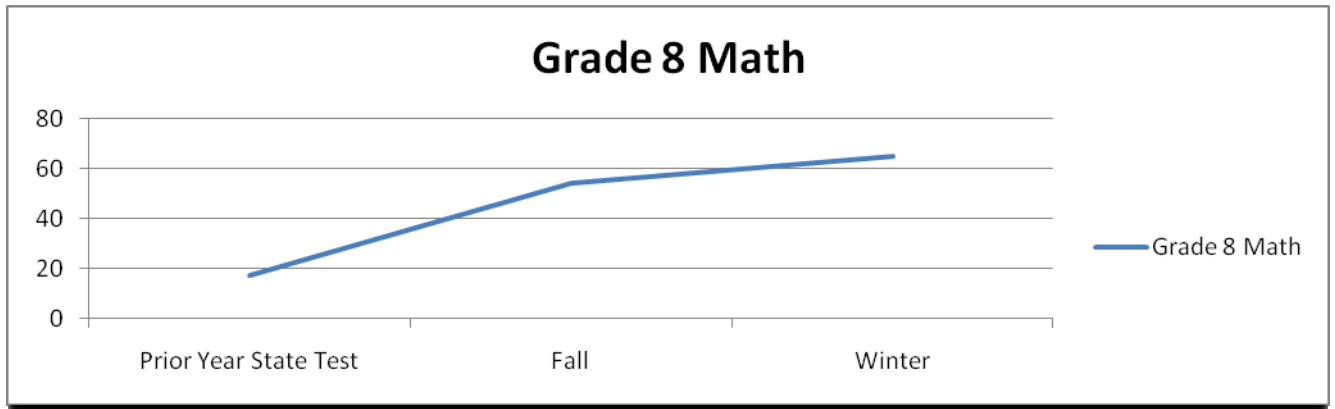


**Current 4<sup>th</sup> Graders:** Up 24% on Practice State Exams from 30% Proficient on 2011- 3<sup>rd</sup> Grade ELA to 54% Proficient on Gr. 4 in Jan. 2012

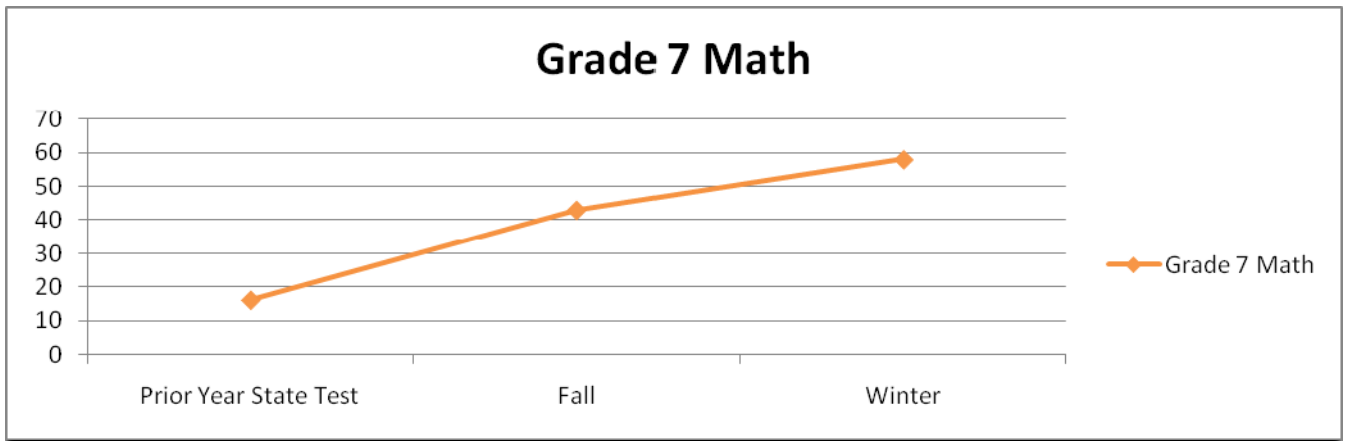


**Current 3<sup>rd</sup> Graders:** have not yet demonstrated progress this year yet with 21% proficiency thus far for on the Practice 3<sup>rd</sup> Grade State Exam. (Developmentally, little proficiency may be expected for these young readers taking the exam three months early.)

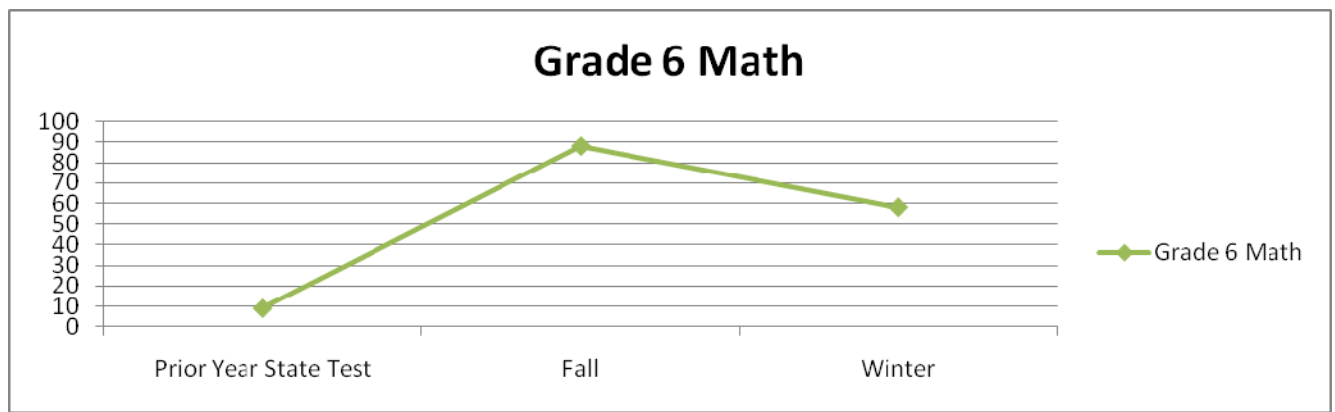
## 2011-2012 Math State Assessment Practice Exam Data



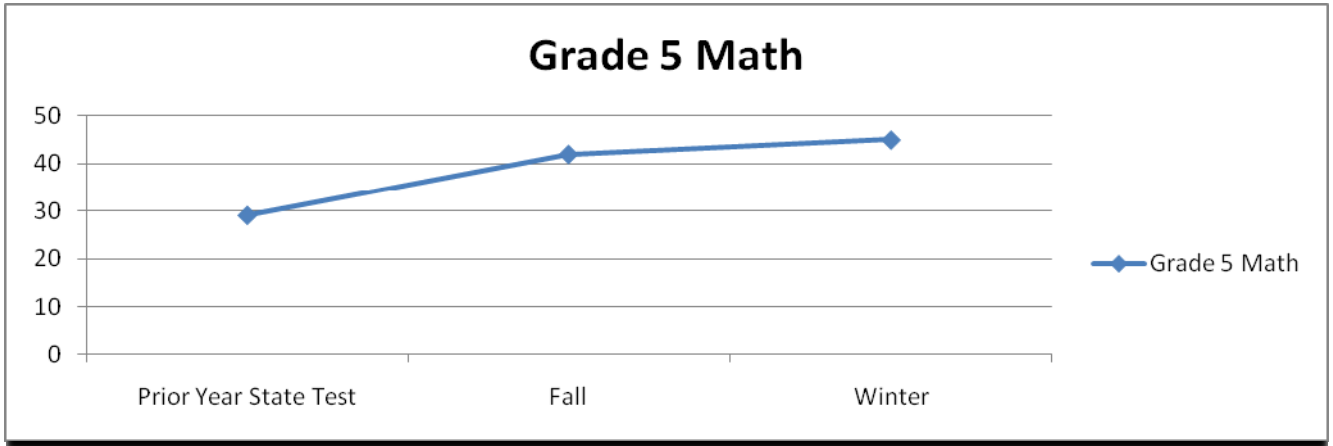
**Current 8<sup>th</sup> Graders:** Up 48% on Practice State Exams from 18% Proficient on 2011- 7<sup>th</sup> grade Math to 65% Proficient on Gr. 8 in Jan. 2012



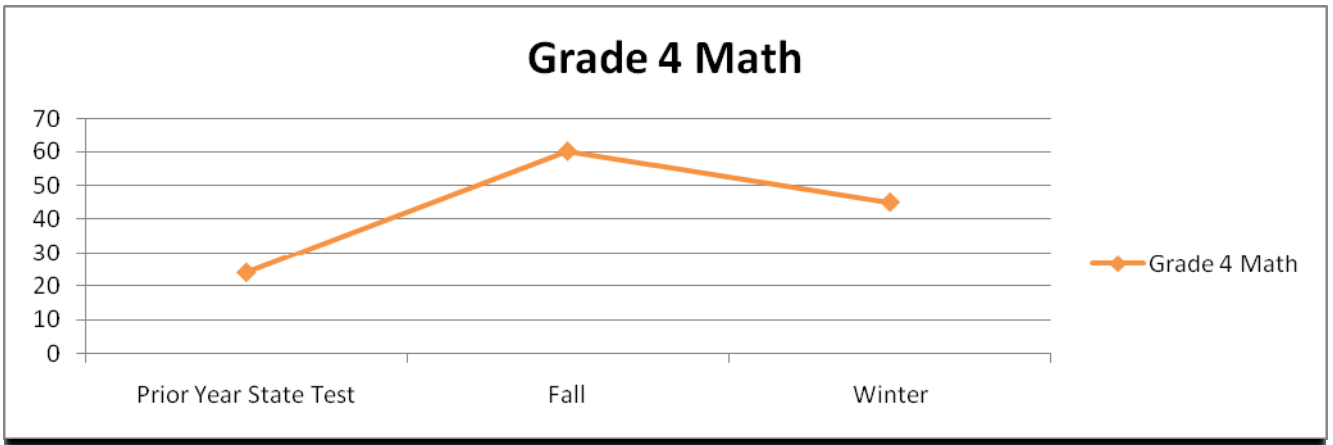
**Current 7<sup>th</sup> Graders:** Up 42% on Practice State Exams from 19% Proficient on 2011- 6<sup>th</sup> grade Math to 58% Proficient on Gr. 7 in Jan. 2012



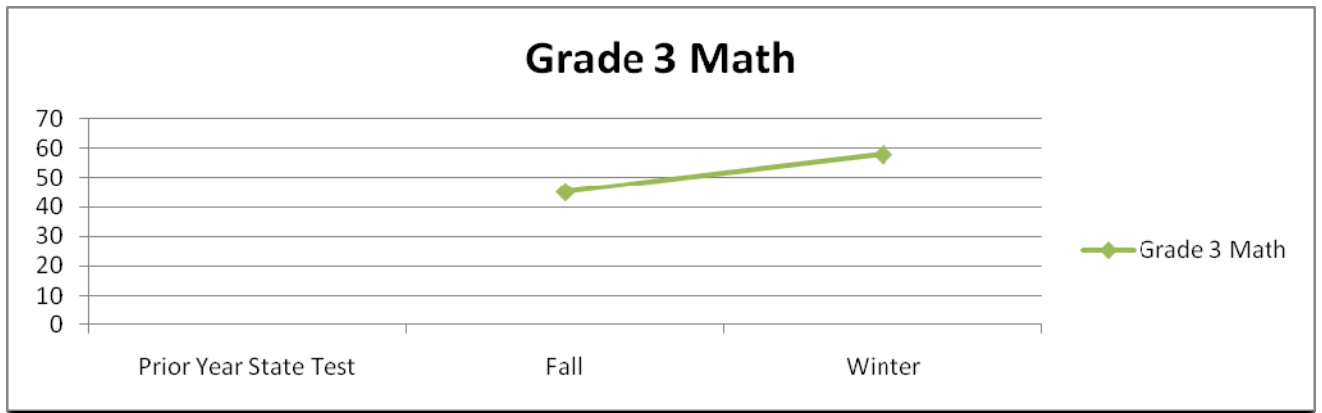
**Current 6<sup>th</sup> Graders:** Up 49% on Practice State Exams from 9% Proficient on 2011- 5<sup>th</sup> grade Math to 58% Proficient on Gr. 6 in Jan. 2012



**Current 5<sup>th</sup> Graders:** Up 16% on Practice State Exams from 35% Proficient on 2011- 4<sup>th</sup> grade Math to 45% Proficient on Gr. 5 in Jan. 2012



**Current 4<sup>th</sup> Graders:** Up 21% on Practice State Exams from 25% Proficient on 2011- 3<sup>rd</sup> grade Math to 45% Proficient on Gr. 4 in Jan. 2012



**Current 3<sup>rd</sup> Graders:** Up 13% on Practice State Exams from 45% Proficient on Fall Benchmark to 58% Proficient on Jan. 2012



**Reasonable Predictive Scores for 2012 Proficiency  
Compared to Actual Scores  
for 2011 for Pinnacle and Buffalo Public Schools in ELA**

	<b>Grade 3</b>	<b>Grade 4</b>	<b>Grade 5</b>	<b>Grade 6</b>	<b>Grade 7</b>	<b>Grade 8</b>
<b>Reasonable Predictive Scores for 2012 for Pinnacle CS</b>	<b>32%</b> Levels 3's and 4's	<b>51%</b> Levels 3's and 4's	<b>40%</b> Levels 3's and 4's	<b>53%</b> Levels 3's and 4's	<b>56%</b> Levels 3's and 4's	<b>50%</b> Levels 3's and 4's
<b>Actual Scores for 2011 for Pinnacle CS</b>	30% Levels 3's and 4's	19% Levels 3's and 4's	17% Levels 3's and 4's	23% Levels 3's and 4's	14% Levels 3's and 4's	12% Levels 3's and 4's
<b>Actual Scores for 2011 for Buffalo Public Schools</b>	26% Levels 3's and 4's	28% Levels 3's and 4's	25% Levels 3's and 4's	35% Levels 3's and 4's	24% Levels 3's and 4's	23% Levels 3's and 4's

**Reasonable Predictive Scores for 2012 Proficiency  
Compared to Actual Scores  
for 2011 for Pinnacle and Buffalo Public Schools in Math**

	<b>Grade 3</b>	<b>Grade 4</b>	<b>Grade 5</b>	<b>Grade 6</b>	<b>Grade 7</b>	<b>Grade 8</b>
<b>Reasonable Predictive Scores for 2012 for Pinnacle CS</b>	<b>45%</b> Levels 3's and 4's	<b>45%</b> Levels 3's and 4's	<b>42%</b> Levels 3's and 4's	<b>58%</b> Levels 3's and 4's	<b>43%</b> Levels 3's and 4's	<b>54%</b> Levels 3's and 4's
<b>Actual Scores for 2011 for Pinnacle CS</b>	25% Levels 3's and 4's	35% Levels 3's and 4's	9% Levels 3's and 4's	19% Levels 3's and 4's	18% Levels 3's and 4's	19% Levels 3's and 4's
<b>Actual Scores for 2011 for Buffalo Public Schools</b>	28% Levels 3's and 4's	35% Levels 3's and 4's	31% Levels 3's and 4's	32% Levels 3's and 4's	32% Levels 3's and 4's	28% Levels 3's and 4's

## 2. Change of Cut Scores

The Charter Renewal Agreement for 2009 between The Pinnacle Charter School and The State Education Department was based on the old cut scores. The New York State Education Department agreed to renew our charter as we progressed toward the goal of getting 75% of our students to proficiency in ELA and Math. In 2009, proficiency was defined by using the 650 Scaled Scores prior to the change in the cut scores. As the chart below indicates, steady gains have been made in ELA and significant gains were realized in Math based on the old cut scores. Appendix A at the end of this report details grade level results based on old cut scores.

### History of ELA Scores at Pinnacle Charter School Using Old Cut Scores

		2005-2006	2006-2007	2007-2008	2008-2009	OLD CUT SCORES 2009-2010	OLD CUT SCORES 2010-2011
<b>Average of Grades 3-8</b>	>650	16%	32%	45%	55%	58%	53%

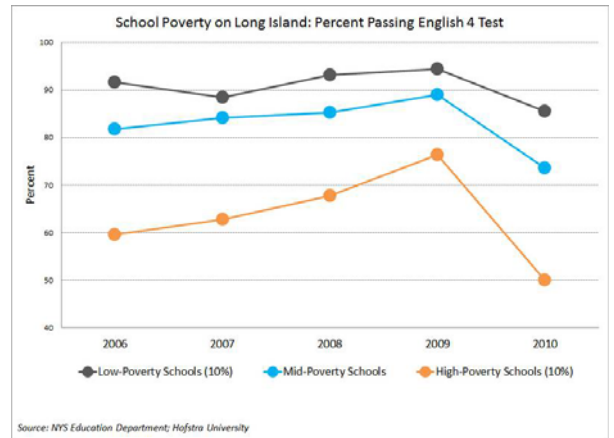
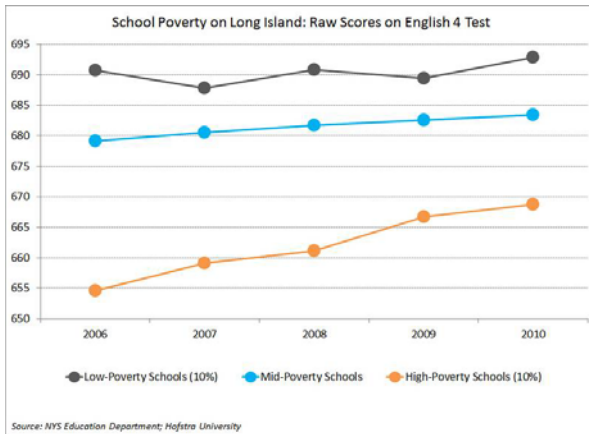
### History of Math Scores at Pinnacle Charter School Using Old Cut Scores

		2005-2006	2006-2007	2007-2008	2008-2009	OLD CUT SCORES 2009-2010	OLD CUT SCORES 2010-2011
<b>Average of Grades 3-8</b>	>650	31%	44%	60%	78%	79%	73%

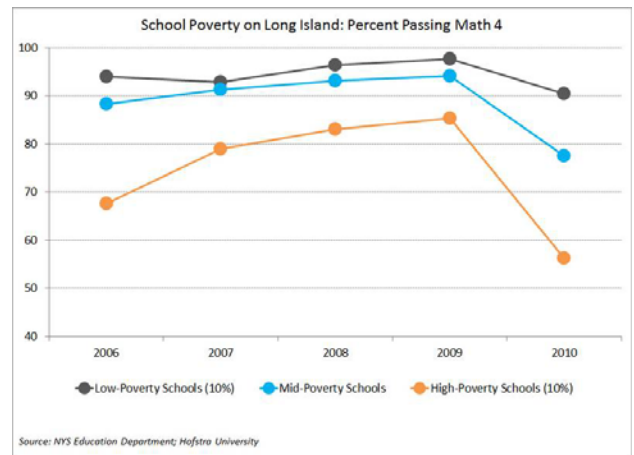
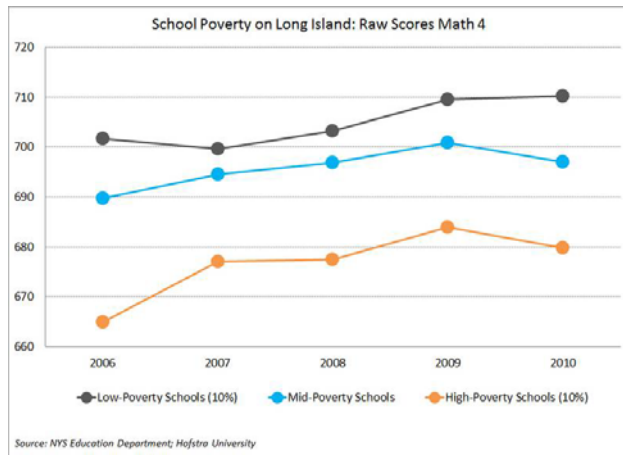
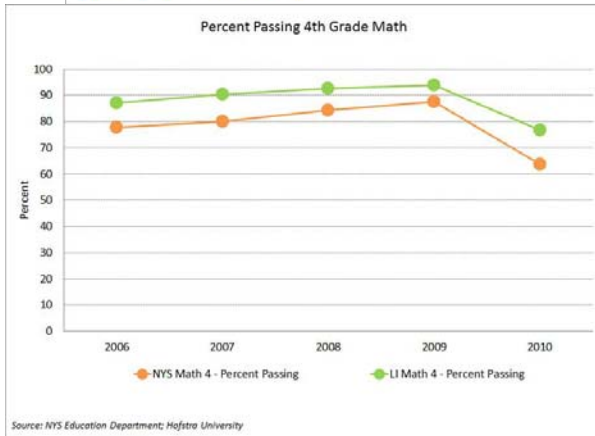
While everyone is in agreement that raising the bar for higher expectations for all students is critical, changing the parameters defining proficiency in the middle of the course of the charter is unfair particularly to those schools with the highest rates of poverty and the greatest amount of needs.

The following study looked at the effects of the change of cut scores in Long Island which adversely effected students from poverty to a much greater degree than kids not in high poverty.

Consider the English 4 results disaggregated by school poverty. The raw scores, in the left panel, show steady improvement for all schools, with the poorest schools showing the greatest rate of improvement, although they still are substantially below their mid poverty and low poverty counterparts in terms of absolute scores. Nonetheless, in terms of raw scores, the gap has narrowed.



Now, look at the percent passing chart, again on the right side. Years 2006 through 2009 mimic the raw scores, with a similar closing of the gap between poor schools and less-poor schools. However, the 2010 change in cut score affects high poverty schools more than it effects others. That is, making the 4th grade English exam harder to pass caused a bigger decline in pass rates in poor schools than it did in other schools. From 2009 to 2010, in high poverty schools, the pass rate on the English 4 exam declined by 26 percentage points (from 76% to 50%), while in low poverty schools the passing rate declined by only 9 points (from 94% to 85%). Thus, despite that high poverty schools have had the greatest rate of improvement in knowledge of 4th grade English, and made substantial headway in closing the performance gap, the simple act of changing the cut score has widened the pass gap so that it is now at its highest point of the five year period. More poor kids fail, despite that they know more than they previously did. While not as pronounced, with careful examination, the same trends are present in the other indicators, Math 4, English 8, and Math 8.



## Fourth Grade Math

The raw scores for 4th grade math saw improvements from 2006 to 2009, with Long Island outperforming the state in all years. From 2009 to 2010, both LI schools and NYS schools saw a decrease in raw scores. The percent passing the math 4 exam mirrors the raw scores, with increasing performance from 2006 to 2009 and a decrease in 2010, still with LI outperforming NYS in all years.

Disaggregating 4th grade math performance shows how the change in cut scores disproportionately effects poor schools. The 2010 raw score gap between high poverty and low poverty schools (30

points) is the second largest of the five year period, being exceeded by only 2006's 37 point raw gap. However, looking at the passing rates in math 4, 2010 has by far the largest pass gap (34 percentage points)--even greater than 2006's 26 percentage point gap. That is, 2010, is not the largest raw score gap, yet it is the largest passing gap. The change in the cut score affected high poverty schools more than it affected low poverty schools.

<http://www.longislandindex.org/Academic-Performance-4th-Grade-2012.957.0.html>

### **3. Authorizers Shift from Previous Administration which focused heavily on Compliance vs. New Leadership which Values Quality, Best Practices and Increased Student Achievement**

Since the commencement of the tenure of the new Commissioner in the State Education Department, stronger leadership has been provided in the Charter School Office, along with a greater value on high performing charter schools. Previously however, a much stronger focus pertained to compliance to the Charter than other indicators. This was evident with Charter Agreements that exceeded 500 pages in length and a required rigorous process of amendments for non-material changes in the Charter Agreement.

This shift has been a welcomed and critical change that the Charter School Office has implemented in the short time that the new director has been in place. However, since such a strong disconnect exists between previous practices and current "best practices" for charter school renewal decisions, assumptions regarding the number of short term renewals for a charter school are misguided. Basing decisions upon the current expectations of the present administration which are completely unaligned to previous requirements does not provide solid evidence for non-renewal.

To further illustrate the point; it has been indicated that Pinnacle Charter School will not receive the recommendation to renew their charter as they have already been given two short term renewals. However, compliance issues were a greater problem during the previous Charter School Administration with less emphasis on high academic success and best practices. Once the area which lacked compliance was identified and addressed, the school was notified that the deficiency was rectified and addressed indicating a positive outcome. Looking at our recommendation for the second renewal presented at the April 2009, Board of Regents meeting, plenty of evidence of educational soundness and attainment of education objectives presented by SED were evident.

#### ***Renewal Application Highlights***

##### **Evidence of Educational Soundness/Attainment of Educational Objectives**

- The School has not yet been able to meet its student achievement goal of having at least 75 percent of all grade 3-8 students (who have attended the School for at least three years) score at or above Level 3 on all State assessments, but it has made substantial progress. Of the six student cohort groups, three (grade 5 2008 three-year cohort, grade 4 2008 three-year cohort, and the grade 3 2008 three-year cohort) did meet this goal in math.
- In comparison with its district of location, the Buffalo City Schools ("the District"), the School had a substantially greater percent of its three-year student cohort score at or above Level 3 on the ELA

assessments in grades 3, 4, 7, and 8. In math, the School had a substantially greater number of students score at or above level 3 in grades 3, 4, 5, 7, and 8.

- Longitudinal data show a substantial increase in the percent of students scoring at or above level 3 on the State English Language Arts (“ELA”) assessment from 2004-05 to 2007-08, from grade 4 to grade 7 (i.e., 19 percent in 2004-05 in grade 4 to 42 percent in 2007-08 for the same group of students in grade 7). Likewise, in 2005-06, five percent of the grade 6 students scored at or above Level 3, while 55 percent of these same students so scored in 2007-08, in grade 8.
- The School outperformed the District in grade 8 ELA, in 2007-08.
- Longitudinal data also show a substantial increase in the percent of students scoring at or above Level 3 of the State mathematics assessment from 2005-06 to 2007-08, from grade 5 to grade 7 (i.e., 20 percent in 2005-06 in grade 5 to 53 percent in 2007-08 for the same group of students in grade 7). Likewise, in 2005-06, 25 percent of the grade 6 students scored at or above Level 3, while 53 percent of these same students so scored in 2006-07 in grade 7, and 47 percent so scored in 2007-08, in grade 8.
- The School outperformed the District in 2006-07 in both grade 6 and grade 7 math, and in 2007-08 in both grade 7 and grade 8 math.
- There also has been a significant decrease in the percent of students scoring at Level 1 on State assessments. In 2007-08, no students scored at Level 1 on the grades 6-8 ELA assessments.
- **Thus, student assessment results are showing a positive trend.**

In the October, 2007 Recommendation for Renewal from *SchoolWorks* final report submitted to NYSED indicated “Follow up Points to Past Reviews” illustrated in the chart on the next page displayed two previous recommendations, the school’s response or rectifying action, and whether the area of concern had been fully addressed or to what degree complete.

<b>Follow-Up Point to Past Reviews</b>	
Compelling Evidence	Areas of concern have been completely addressed.
Some Evidence	Most areas of concern have been addressed.
Little Evidence	Many areas of concern have not been addressed.
No Evidence	None of the areas of concern have been addressed.

<b>Pinnacle Charter School Follow Up Points to Past Reviews</b>		
<b>Recommendation</b>	<b>School’s Response/Rectifying Action</b>	<b>Met/ Addressed?</b>
1. Reading Recovery was not being implemented as stated in the charter.	As of the 2006-2007 school year, Reading Recovery services were offered at PCS. Prior to the start of the school year, the school hired a new reading specialist who is certified in Reading Recovery.	Yes
2. The school has received notification that they are “furthest from state standards.”	In response to notification that the school is furthest from state standards, PCS applied for a Reading First Grant. The school did not receive this grant but have elected to fund the two most effective principles of Reading First. The school purchased and is implementing the Harcourt Series. They have also hired an implementation facilitator in the form of a new reading specialist to oversee and support the implementation of the Harcourt series. It is important to note that the school received notification in May, 2007 that they were “furthest from state standards,” based on NYS Assessment results from the 2005-06 school year. <u>Recent assessment results show that PCS has demonstrated significant growth on the 2006-07 NYS Assessments. School staff continues to work diligently toward maintaining and</u>	Yes

It becomes obvious that there is a strong misalignment on the priorities of the previous administration when compared to the current goals of the Charter School Office. Although a welcomed improvement, comparing previous recommendations that were based on compliance, with expectations for current best practices for student achievement that had not yet been identified in these previous renewals, should not be a basis in determining a school's renewal recommendation. Based on the following statement from the 2007 Renewal Visit, it is not clear that Pinnacle's performance on state assessments did not meet acceptable levels.

Recent assessment results show that PCS has demonstrated significant growth on the 2006-07 NYS Assessments. School staff continues to work diligently toward maintaining and increasing academic progress.

#### **4. Clear Expectations for Renewal Decisions that are Transparent**

During the "courtesy call" informing Pinnacle of the decision by the Charter School Office to not recommend that the Board of Regents renew the charter, it was mentioned that; "following standards for Best Practices for Charter School Authorizers, promises of future performances cannot be the sole reason for renewal." Several times the reasons for the recommendation stated that it was not based upon "Best Practices for Charter School Authorizers". According to the *National Association of Charter School Authorizers; Principals and Standards for Quality Charter School Authorizers, 2010*; several additional "best practices" were not evident in the review of the renewal application. Isolating one "best practice" while negating several others, compromises the overall quality of the process.

We are confident that clearly articulated expectations for renewal are a priority with the Charter School Office as mentioned by the Director at our site visit on December 1<sup>st</sup>, 2011. However, this criterion has yet to be defined to include specific, measurable parameters for charter renewals which were not articulated at the onset of the renewal period. The following listed practices taken from *The National Association of Charter School Authorizers: Principles and Standards for Quality Charter School Authorizers, 2010 Edition* have not been clearly defined and implemented during the renewal process. Therefore, basing the decision for non-renewal on assessments scores alone lacks credibility.

##### *Contract Term, Negotiation, and Execution Rights and Duties*

- Quality Authorizers grant charter contracts for a term of five operating years, or longer only with periodic high-stakes reviews every five years.
- Quality Authorizers executes charter contracts that clearly define performance standards, criteria and conditions for renewal, intervention, revocation, and non-renewal, while establishing the consequences for meeting or not meeting standards or conditions.

##### *Performance, Framework and Standards*

- Quality Authorizers executes charter contracts that clearly: establish the performance framework under which schools will be evaluated, using objective and verifiable measures of student achievement as the primary measure of school quality.
- Quality Authorizers define clear, measurable, and attainable academic, financial, and operational performance standards and targets that the school must meet as a condition of renewal, including, but not limited to, state and federal measures,

- Quality Authorizers define the sources of data that will form the evidence base for ongoing and renewal evaluation, including state-mandated and other standardized assessments, internal assessments, qualitative reviews, and performance comparisons with other public schools in the district and state,

### *Performance Evaluation and Compliance Monitoring*

- Quality Authorizers articulates and enforces stated consequences for failing to meet performance expectations or compliance requirements.

### *Intervention*

- Quality Authorizers establishes and makes known to schools at the outset an intervention policy stating the general that may trigger intervention and the types of actions and consequences that may ensue.
- Quality Authorizers gives schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies.
- Quality Authorizers allows schools reasonable time and opportunity for remediation in non-emergency situations.
- Quality Authorizers where intervention is needed, engages in intervention strategies that clearly preserve school autonomy and responsibility (identifying what the school must remedy without prescribing solutions).

### *Revocation, Renewal, Decisions Based on Merit and Inclusive Evidence Cumulative Report and Renewal Application*

- Quality Authorizers provides to each school, in advance of the renewal decision, a cumulative performance report that:
  - Summarizes the school's performance record over the charter term; and
  - States the authorizer's summative findings concerning the school's performance and its prospects for renewal.
  - Requires any school seeking renewal to apply for it through a renewal application, which provides the school a meaningful opportunity and reasonable time to respond to the cumulative report; correct the record, if needed; and present additional evidence regarding its performance.

## **5. Free and Reduced Numbers not shared with us by Buffalo Public Schools**

2011-2012 – 91% Free and Reduced Rate based on New York State Report Card

2010-2011 – 95% Free and Reduced Rate based on New York State Report Card

2009-2010 – 66% - Free and Reduced Rate based on New York State Report Card\*

2008-2009 – 81% - Free and Reduced Rate based on New York State Report Card\*

2007-2008 – 91% - Free and Reduced Rate based on New York State Report Card

*\* Believed to be significantly understated causing an inaccurate comparison for Similar School Data*

The Charter School Office indicated to us that when incorporating demographics; “Pinnacle actually does worse when you control for demographics, ... your performance is potentially better than it would have been when compared to others ...because your population is not as relatively speaking challenged as other schools who perform at the same level.” Having a 91% - 95% Free and Reduced

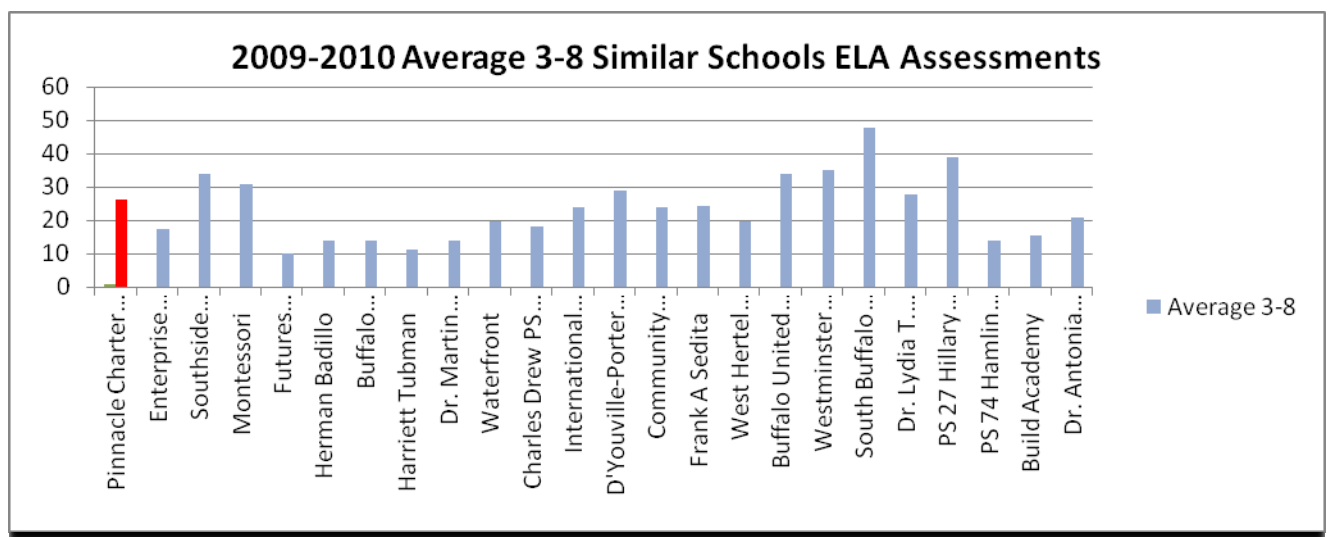


Rate is extremely high and based on the comments from the Charter School Office, it's clear that the needs of our students have been underestimated.

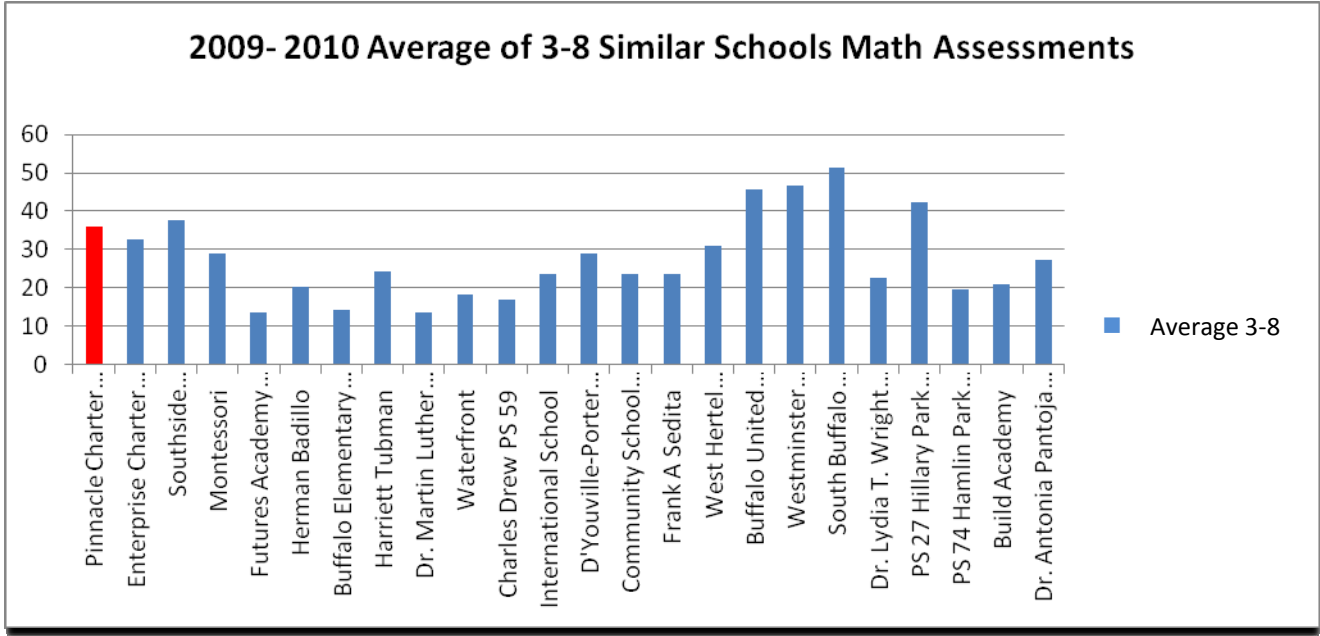
The error in underestimating the percentage of students with free and reduced lunches in school was recognized in the beginning of this school year. Pinnacle, like other schools gave out the Free and Reduced Applications to parents and reported based on the number of applications returned. We came to realize that approximately two out of every three students who qualified, returned the free and reduced lunch application. When Amber Dixon became interim Superintendent of Buffalo Public Schools for the 2011-2012 school year, the district no longer would allow students a cheese sandwich when they did not have the money to pay for their lunches.

Since this would have a huge impact on many of Pinnacle students, it prompted our Social Worker to call The State Education Department on October 19<sup>th</sup>, 2011. On this date, she spoke to Mary Sickler in the Nutrition Office at SED. It was during this call, that we were notified that Buffalo Public Schools had access to a list believed to be from the Welfare Management System which included students who are from families who are receiving Food Stamps and/or TANF (Temporary Assistance to Needy Families) funds both which would automatically qualify students for a free lunch. Buffalo would not readily give us any access to cross reference our students to this list, until we communicated to them that we had been in contact with State Ed. and that we were told that we were entitled to access this information. It was only then did the cross reference occur. Both the food service employee from Buffalo who works in our cafeteria and her supervisor initially denied us any information. This most likely occurred in previous years when our percentage of free and reduced lunches fell below 90%. Since this error was beyond our control, Pinnacle should be compared to other like schools with an accurate free and reduced count which was reported this year between 90 – 91%. Below illustrates a more accurate representation as to how Pinnacle performs with other schools that have a similar demographic, minority status and grade configuration.

**Similar Schools are comprised of schools that are located in the City of Buffalo with similar Free and Reduced Lunch Rates, Affluence & Grade Levels**



For the 2009-2010 School Year, using a more accurate free and reduced rate, when compared to similar schools with like demographics, minority representation and grade levels within a 5 mile radius of our school, **Pinnacle Charter School falls in the 62<sup>nd</sup> Percentile for ELA and the 75<sup>th</sup> Percentile for Math**



**6. Pinnacle Charter School – “On List for Persistently Lowest Charter School in the State.”**

Throughout out the courtesy call with The State Education Department notifying us of the decision not to renew our charter, Pinnacle was referred as to the Persistently Lowest Charter School in the State. This designation came as a shock for several reasons:

1. By definition, found on the state educational department’s website which identifies schools as persistently low under the following conditions, all which do not apply to Pinnacle;

How poorly did a school have to perform to be identified as persistently lowest achieving?

To be identified as persistently lowest-achieving, a school had to:

- ...be a school in the Restructuring phase of New York’s Differentiated Accountability System; and
- ...have for 2008-09 school year results an average Performance Index for the All Students group in English language arts and mathematics of 146.5 or less; and
- ...have failed to make at least a 25 point gain on each ELA and mathematics measure for which the school was accountable between SY 2005-06 and SY 2008-09.

Or

- have a graduation rate below 60 percent for the All Students group on its 2002, 2003, and 2004 graduation rate cohort.

[http://www.oms.nysed.gov/press/attachc\\_jan2010.html](http://www.oms.nysed.gov/press/attachc_jan2010.html)

2. Seven out of Eight Years, Pinnacle Charter School has made AYP and has been in Good Standing. This is the first year that we have been designated as “In Need of Improvement, Year 1.” This same designation is also shared by another charter school who boasts “sharing of best practices on the NYSED Department’s Website” as required under Education Law § 2857.
3. In complete contrast, Pinnacle Charter School was identified by the NYSED as a Rapidly Improving School for two years in a row; 2008-2009 and 2007-2008.

**RAPIDLY IMPROVING SCHOOLS/DISTRICTS FOR 2008-09**

**RAPIDLY IMPROVING SCHOOLS/DISTRICTS FOR 2007-08**