



Charter Schools Institute

The State University of New York

March 24, 2009

Dear Readers:

The SUNY Charter Schools Institute, consistent with the State University Renewal Practices dated June 9, 2008, made a recommendation of nonrenewal for the New Covenant Charter School as detailed in the attached Renewal Report. As stated in the report, the Institute found that the school had not, “met or come close to meeting its academic Accountability Plan goals during the Accountability Period;” and, therefore, that New Covenant had not met the subsequent renewal standard in the Renewal Practices.

However, the school subsequently appealed the decision to the State University Trustees’ Charter Schools Committee, also pursuant to the Renewal Practices. On January 16, 2009, the Committee met and heard a verbal appeal from the school’s principal, a member of the school’s board of trustees, and a representative from the school’s management company (in addition to the school’s written materials that were submitted with the appeal). In response to the appeal, the Committee voted to give the school more time under explicit conditions (Resolution dated January 16, 2009)..

On January 27, 2009, the Board of Trustees decided to table the Committee’s action in order to consider additional information regarding the School’s performance and history. On March 24, 2009, the Charter Schools Committee met, revised its proposed action as set forth in the resolution that follows and recommended that the Board of Trustees approve the action. On the same date, the Board of Trustees voted to allow the Charter Schools Committee’s action to go forward as revised in the Resolution dated March 24, 2009.

The Resolutions of March 24, 2009, January 16, 2009, and the Institute’s Renewal Report follow.

MEMORANDUM

March 24, 2009

TO: Members of the Board of Trustees
FROM: Edward F. Cox, Chair, Charter Schools Committee
SUBJECT: Approval of the Application for Charter Renewal of the New Covenant Charter School

I recommend that the Board of Trustees adopt the following resolution:

Resolved that the charter renewal application of New Covenant Charter School (the "School") located in Albany, be, and hereby is, approved through July 31, 2010 with the following conditions:

- any subsequent renewal outcome shall only be either a five-year renewal or non-renewal;
- instruction shall be in grades Kindergarten through sixth only;
- students entering the fifth and sixth grades must have been previously enrolled in the School's fourth and fifth grades, respectively;
- the projected enrollment of the School shall be 625 students and the school shall not be permitted to enroll less than 80% of the projected enrollment;
- at the time of the next renewal review, the School must meet or come close to meeting both English language arts and mathematics goals, as defined by a set of measures in each subject, currently required of State University-authorized charter schools in the Charter Schools Institute's Guidelines for Creating an Accountability Plan; the criteria for close to meeting the goal are either 1) meeting the required absolute measures of student proficiency on state assessments and coming close to meeting three out of four of the remaining measures, or 2) coming close to meeting each of the five required measures;
- the School must submit its completed annual audit report by November 1, 2009;

- the School must properly and timely provide all other financial reports (annual budget and cash flow statements, unaudited quarterly report of income and expense) within five days of the due dates for each report;
- the School must have in effect at all times the terms of a forbearance agreement with its bondholders that are substantially similar to the current forbearance agreement terms;
- the School must not be in default of its bond covenants or agreements except as otherwise permitted by the forbearance agreement;
- the School must submit an updated budget for the charter period accurately reflecting the School's debt service under the forbearance agreement, and such budget must be acceptable to the Charter Schools Institute;
- the School must increase its dissolution reserve fund to \$125,000, the full amount of which must be placed in either a third-party escrow account or an attorney trust account, and such funds shall not be disbursed except upon approval of the Charter Schools Institute, and shall not be used for payment of existing litigation or settlement thereof;
- the School must establish a litigation reserve fund in the amount of \$145,000, the full amount of which must be placed in a third-party escrow account, an attorney trust account or in a segregated bank account, and such funds shall only be used to satisfy judgments or to settle existing litigation;
- If the School fails to abide by any of the above conditions it would constitute a material and substantial violation of the charter and be grounds to place the school on probation or terminate the charter pursuant to section 2855 of the Education Law;

and be it further;

Resolved that 1) the School as described in the School's renewal application, as limited and restricted, meets the requirements of the Charter Schools Act and applicable laws, rules and regulations, 2) the School has demonstrated the ability to operate in an educationally and fiscally sound manner, and 3) so approving the renewal application and renewing the charter, as limited and restricted, is likely to improve student learning and

achievement and materially further the purposes set out in subdivision 2850(2) of the Education Law; and be it further Resolved that the Board of Trustees shall communicate the conditions set forth in this Resolution to the board of trustees of the School, which shall acknowledge and agree to such conditions; and be it further

Resolved that after the School board has acknowledged and agreed to the conditions in this Resolution, the Charter Schools Institute, acting for the Board of Trustees, be, and hereby is, directed to 1) enter into a proposed renewal charter with the School in accordance with this Resolution, which proposed charter shall include such assurances and terms as the Institute shall deem necessary and appropriate, and 2) thereafter to submit the proposed renewal charter to the Board of Regents for appropriate action.

BACKGROUND

For the charter school listed above, the Charter Schools Institute (the "Institute") properly notified the school district in which the school is located regarding the receipt of an application for charter renewal. The Albany City School District provided comments in response, which were previously distributed to the Board of Trustees (copies on file in the Office of the Officer-in-Charge and Secretary of the University and the Albany office of the Institute) that recommended the New Covenant Charter School (the "School") be closed.

The Board of Trustees is authorized under the Charter Schools Act to renew the charters of schools that it has authorized. Pursuant to *the Practices, Policies and Procedures for the Renewal of Charter Schools Authorized by the State University Board of Trustees* (the "State University Renewal Practices") (last amended on June 9, 2008 and on file in the Albany office of the Institute), each school coming to renewal must file a renewal application. Thereafter, the Institute conducts a renewal site visit, a review of the information in the renewal application as well as other relevant information, such as assessment data, site visit reports, and interviews with school trustees and staff, and produces a renewal report with its findings and recommendations. The renewal report also contains a comparison of a school's performance over the life of its charter to the renewal benchmarks described in the State University Renewal Practices. Schools receive a copy of the renewal report and are given an opportunity to comment on it before it is finalized. When the Institute's preliminary recommendation is non-renewal, the school is provided an opportunity to have Institute staff come to the school

to hear from school leadership, staff, parents and/or the school community at-large regarding why the school's charter should be renewed. Thereafter, if the Institute's recommendation to the Charter Schools Committee remains non-renewal, the school may petition the Committee directly. Copies of renewal reports are available in the Albany office of the Institute and at: www.newyorkcharters.org.

As set forth in the Institute's Renewal Report for the School, which was distributed to the Board of Trustees (copies available in the Office of the Officer-in-Charge and Secretary of the University, and the Albany office of the Institute), the Institute conducted a renewal review of the School pursuant to the State University Renewal Practices. As a result of the review, the Institute recommended that the School's application for charter renewal be denied. The School subsequently petitioned the Charter Schools Committee to review the decision pursuant to the State University Renewal Practices. On January 16, 2009, the Charter Schools Committee met and voted to exercise its discretion to renew the School's charter for a period of approximately one year subject to both fiscal and academic conditions. On January 27, 2009, the Board of Trustees decided to table the Committee's action to receive additional information regarding the School's performance and history. On March 24, 2009, the Charter Schools Committee met, revised its proposed action as set forth in this resolution and recommended that the Board of Trustees approve the action. On the same date the Board of Trustees voted to allow the Charter Schools Committee's action to go forward as revised in this resolution.

The New Covenant Charter School was issued a charter on September 17, 1999. On September 15, 2004, the School was issued a five-year renewal of its charter with conditions, which will expire on September 17, 2009. If this resolution is approved the School's charter would be extended until July 31, 2010.



THE STATE UNIVERSITY *of* NEW YORK

MEMORANDUM

Office of the
Board of Trustees

January 16, 2009

State University Plaza
Albany, New York
12246

518 443 5157
fax - 518 443 5159

www.suny.edu

TO: Members of the Board of Trustees

**FROM: Edward F. Cox, Charter Schools Committee;
Aminy I. Audi, Charter Schools Committee**

**SUBJECT: Approval of Application for Charter Renewal of the New
Covenant Charter School**

We recommend that the Board of Trustees adopt the following resolution:

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- the School must have in effect at all times the terms of a forbearance agreement with its bondholders that are substantially similar to the current forbearance agreement terms;
- the School must not be in default of its bond covenants or agreements except as otherwise permitted by the forbearance agreement;
- the School must submit an updated budget for the charter period accurately reflecting the School's debt service under the forbearance agreement, and such budget must be acceptable to the Charter Schools Institute;
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- the School must establish a litigation reserve fund in the amount of \$145,000, the full amount of which must be placed in a third-party escrow account, an attorney trust account or in a segregated bank account, and such funds shall only be used to satisfy a judgments or to settle existing litigation;
- If the School fails to abide by any of the above conditions it would constitute a material and significant violation of the charter and be grounds to place the school on probation or terminate the charter pursuant to section 2855 of the Education Law;

and be it further;

Resolved that 1) the School as described in the School's renewal application, as limited and restricted, meets the requirements of the Charter Schools Act and applicable laws, rules and regulations, 2) the School has demonstrated the ability to operate in an educationally and fiscally sound manner, and 3) so approving the renewal application and renewing the charter, as limited and restricted, is likely to improve student learning and achievement and materially further the purposes set out in subdivision 2850(2) of the Education Law; and be it further

Resolved that the Charter Schools Institute, acting for the Board of Trustees, be, and hereby is, directed to 1) enter into a proposed renewal charter with the School in accordance with this Resolution, which proposed charter shall include such assurances and terms as the Institute shall deem necessary and appropriate, and 2) thereafter to submit the proposed renewal charter to the Board of Regents.

BACKGROUND

For the charter school listed above, the Charter Schools Institute (the "Institute") properly notified the school district in which the school is located regarding the receipt of an application for charter renewal. The Albany City School District provided comments in response, which were distributed to the Board of Trustees (copies on file in the Office of the Vice Chancellor and Secretary and the Albany office of the Institute) that recommended the New Covenant Charter School (the "School") be closed.

The Board of Trustees is authorized under the Charter Schools Act to renew the charters of schools that it has authorized. Pursuant to *the Practices, Policies and Procedures for the Renewal of Charter Schools Authorized by the State University Board of Trustees* (the "State University Renewal Practices") (last amended on June 9, 2008 and on file in the Albany office of the Institute), each school coming to renewal must file a renewal application. Thereafter, the Institute conducts a renewal site visit, a review of the information in the renewal application as well as other relevant information, such as assessment data, site visit reports, and interviews with school trustees and staff, and produces a renewal report with its findings and recommendations. The renewal report also contains a comparison of a school's performance over the life of its charter to the renewal benchmarks described in the State University Renewal Practices. Schools receive a copy of the renewal report and are given an opportunity to comment on it before it is finalized. When the Institute's preliminary recommendation is non-renewal, the school is provided an opportunity to have Institute staff come to the school

to hear from school leadership, staff, parents and/or the school community at-large regarding why the school's charter should be renewed. Thereafter, if the Institute's recommendation to the Charter Schools Committee remains non-renewal, the school may petition the Committee directly. Copies of renewal reports are available in the Albany office of the Institute and at: www.newyorkcharters.org.

As set forth in the Institute's Renewal Report for the School, which was distributed to the Board of Trustees (copies available in the Office of the Secretary and the Albany office of the Institute), the Institute conducted a renewal review of the School pursuant to the State University Renewal Practices. As a result of the Institute's review, it recommended that the School's application for charter renewal should be denied. The School subsequently appealed the decision to the Committee on Charter Schools pursuant to the Renewal Practices. On January 16, 2009, the Charter Schools Committee met and voted to exercise its discretion to renew the School's charter for a period of approximately one year subject to the above conditions.

The New Covenant Charter School was issued a charter on September 17, 1999. On September 15, 2004, the School was issued a five-year renewal of its charter with conditions, which will expire on September 17, 2009.



Charter Schools Institute
The State University of New York

Subsequent Renewal Report

New Covenant Charter School

January 7, 2009

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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: www.newyorkcharters.org/pubsReportsRenewals.htm.

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 “State University 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 “State University Renewal Practices”).¹

Information about the State University’s 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

Non-Renewal

The Charter Schools Institute recommends that the State University Trustees deny the Application for Renewal of the New Covenant Charter School and not allow the school to provide any instruction beyond the 2008-09 school year.

Background and Required Findings

According to the State University 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.

The New Covenant Charter School (“New Covenant”) has applied for a subsequent, Full-Term Renewal of five years. In its tenth year of operation, and having previously been awarded a renewal with conditions,² the State University Renewal Practices provide only two possible renewal outcomes for New Covenant: Full-Term Renewal or Non-Renewal. In order to earn a Full-Term

¹ The *Practices, Policies and Procedures for the Renewal of Charter Schools Authorized by the State University Board of Trustees* (revised June 9, 2008) are available at: www.newyorkcharters.org.

² In August 2004, the State University Trustees granted New Covenant a Full-Term Renewal of five years with conditions including the elimination of instruction in the seventh and eighth grades and enrollment restrictions in fifth and sixth grades. The school was not renewed under the current initial renewal standard, but according to the less stringent standards of the May 20, 2003 State University Renewal Practices. See the January 2004 Renewal Report at: <http://www.newyorkcharters.org/forms/renewalReports/firstCharterTerm/17newCovenant1604.pdf>.

Renewal, New Covenant must demonstrate that it has met the criteria for such a renewal as described in the State University Renewal Practices. Specifically, the school must demonstrate that it “has met or come close to meeting its academic Accountability Plan goals during the Accountability Period,” or it must face Non-Renewal. Based on the Institute’s review of the evidence that it gathered and that New Covenant has provided including, but not limited to, the school’s Application for Renewal, a renewal inspection visit conducted by the Institute, 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 *not*, “met or come close to meeting its academic Accountability Plan goals during the Accountability Period.”³ The Institute’s finding means that New Covenant has not met the subsequent renewal standard in the State University Renewal Practices.

Therefore, the Institute recommends that the State University Trustees deny the present application for charter renewal submitted by the school, and that the educational program of the school be closed at the end of the current school year (2008-09).

Pursuant to the foregoing recommendation, the school’s board of trustees will have no authority to provide instruction including, but not limited to, summer school, beyond the end of the 2008-09 school year.

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. To date, no comments were received in response.

Summary Discussion

Academic Record

During the charter period, New Covenant Charter School has not met or come close to meeting its key academic Accountability Plan goals—in both English language arts and mathematics—as required by the State University Renewal Practices. Instead, it has compiled a mixed record of educational achievement.

Specifically, in English language arts, New Covenant’s absolute gains in 2007-08—the school’s ninth year of operation—were achieved in the context of an extremely low level of performance in the previous years of the charter period. In the first three years of this second charter period (the fifth through eighth years of its operation) only approximately one-third of the students passed the state’s English language arts test each year. In the most recent year, the fourth year of its charter and the ninth year of operation, nearly half of all students tested passed the exam. As a result, the school met the growth target in its Accountability Plan. However, while this outcome constitutes an improvement, with half the students still failing the test, the school has remained far from achieving the absolute English language arts targets in its Accountability Plan.

In comparative terms, New Covenant’s English language arts results show a similar pattern over time. The school under-performed the Albany school district by a wide margin in the first three years of the current charter. With the gains in the fourth year, it had narrowed the gap but continued

³ State University Renewal Practices, Full-Term Renewal standard (9).

to under-perform the district. New Covenant's Accountability Plan lists a number of district public schools the school self-selected for comparison purposes. The results parallel those of the district at large. While New Covenant outperformed the comparison schools in the first year of the charter period, it did not perform as well as them in the following two years. In the fourth year, it broadly performed about the same as these other self-identified schools. More importantly, the results reflect a generally low level of performance amongst these schools: more than half, and at times significantly more than half, of the students have failed the state's English language arts exam in all the schools.

This low level of performance is manifest in the Institute's comparative analysis of public school performance state-wide, now a measure required of all SUNY-authorized charter schools. The Institute's analysis compares New Covenant's performance to that of all other public schools based on the percent of students receiving free-lunch, the single most critical demographic factor. Since the Institute began conducting this analysis in the seventh year of New Covenant's operation, the school has shown some year-to-year improvement, but continues to perform worse than predicted, based on the performance of other schools state-wide with a comparable percentage of students who qualify for free lunch.⁴ New Covenant has a higher free-lunch percentage than the schools it selected for comparison in its Accountability Plan, but they too performed worse than predicted, based on the performance of schools state-wide with a respectively comparable free-lunch percentage.

Within its Application for Renewal, the school points to the results for Albany public elementary schools in general, arguing that "both charter and traditional [schools] have struggled to meet the same absolute ELA targets over the last four years. In fact, the majority of the Albany public schools have not met them." The referenced target is the State University's absolute target for proficiency, which attests to the performance of Albany schools relative to the University's high standards for charter schools. That the district of location is struggling is all the more reason why the charter school must excel, thus the impetus for State University Trustees' high standards for charter schools.

In addition to reflecting on the general performance of Albany schools, the Application for Renewal also highlights the relative strength of New Covenant's 5th and 6th grade English language arts program, citing in particular the most recent 6th grade results which are about 10 percentage points higher than those of the Albany school district. While these results are commendable, they are still below the State University's standard. Further, these results are based on a much smaller number of students than those in New Covenant's lower grades. Many students leave the school after the fourth grade to attend other charter schools in Albany and the school's previous renewal includes the condition that students may not matriculate into the 5th and 6th grades if they have not previously attended the 4th and 5th grades, respectively. As a result, the 6th grade is one-third the size of each grade from K - 4.

In 2007-08, New Covenant came close to but did not meet its other key goal: mathematics. After demonstrating a uniformly low-level of performance in 2005-06, when the state began administering its 3rd through 8th grade testing program, New Covenant showed gains in performance during each of the subsequent two years with grade level cohorts generally showing sizeable gains. New Covenant has shown steady gains over the Albany school district and its self-selected local comparison schools in mathematics over this period, outscoring both in 2007-08. However, the school continued to perform worse than predicted in comparison to schools with similar free-lunch statistics state-wide.

⁴ The free-lunch statistics are based on October 2006 reports to the State Education Department, the most current official data.

In the case of its other academic goals, New Covenant has generally been close to meeting its science goal and appears, based on limited data, to have recently met its social studies goal. The school is deemed to be in Good Standing under the state's No Child Left Behind (NCLB) accountability system.

Although the State University evaluates the strength and effectiveness of a school's academic program during a subsequent renewal review almost exclusively by the degree to which the school has succeeded in meeting its academic Accountability Plan goals, the Institute also reviews evidence of the school's academic program from previous reports generated during the charter period and examines evidence of the school's academic program based on an onsite renewal visit, which in the case of New Covenant was conducted on October 15, 2008. This is particularly relevant in the case of New Covenant Charter School, a school which has experienced extreme turnover at the school leadership level (five principals in its current charter period) and programmatic revisions as a result of recent change in management companies.

Previous Evaluation Visits

In its second year (of the current charter period) Evaluation Report (2005-06), the Institute concluded that with its tenth principal in seven years New Covenant was adjusting to yet another approach to instructional leadership with an entirely new administrative team hired by the principal and that there was no evidence that the assistant principals or curriculum coordinators synchronized their coaching and guidance. Further, the high rate of teacher turnover continued to hamper implementation of the professional development program.

At the end of that academic year, New Covenant terminated its management agreement with Edison Schools and contracted with Victory Schools, Inc. (the school's third management company). For the 2006-07 school year, in addition to the new management company, the board of trustees installed a new administrative team, including the school's eleventh principal. The 2006-07 English language arts exam was administered in January 2007, a few months after Victory Schools assumed its management role and even less time after the principal and assistant principal were hired (in November 2006). With the short period of time between the organizational changes and the exam, the 2006-07 English language arts results reflected a slight improvement over the previous year within the continued low level of performance.

In spring 2007, after Victory and the school leadership had had time to become established, the annual Institute-sponsored external evaluation of the school was conducted. This third year Evaluation Report (2006-07) concluded that:

the changes brought about during recent developments in the school's history – specifically, the hiring of two exceptional lead administrators and contracting with Victory Schools, Inc. – have gone a long way to begin to address the shortcomings apparent in previous years.

The report indicated that the 'strong and positive' instructional leadership encouraged a climate that was conducive to learning. At the time of the visit:

the school had clearly defined the essential knowledge and skills expected of all students. Teachers were aware of what they were responsible for teaching from day to day. Through its partnership with Victory Schools and its ongoing support of a

Reading First grant, New Covenant began the process of establishing a system to gather assessment and evaluation data, including using Victory's interim assessment system.

Finally, the report indicated that systems and procedures were being introduced that were moving the school into developing a more coherent educational program.

Despite what appeared to be positive trends, the turbulent history of the school continued. Shortly after the annual visit, on May 21, 2007, New Covenant's board of trustees voted to close the school at the conclusion of the 2006-07 school year—two years prior to coming to renewal. It appeared to the Institute that the decision was based on a projected enrollment for the next year that was too low to enable the school to remain fiscally viable—given its operating expenses and relatively high bond payments for its facility, and the recent filing of a lawsuit by Edison Schools, Inc. against the school and the board chair personally.

This decision resulted in public outcry from parents, employees, the local community and even the local school district, which expressed serious concern over the timing of the decision. Victory Schools immediately took aggressive action to convince the school board to reverse its decision arguing that it would reduce its fees and negotiate with the school's bondholders to reduce immediate upcoming payments. In response, on June 2, 2007, the school board voted to reverse its decision, seeking and being approved to reduce its enrollment for the following two years (the final two years of the charter term), and retaining counsel to seek a forbearance agreement with the bondholder to reduce bond payment costs.

The Present Renewal Visit

Based on New Covenant's 2007-08 gains in student achievement, the Application for Renewal claims that the school is on track to reach its goals with more time. While such short-term time extensions are not available to schools beyond initial renewal according to the State University Trustees' policies, even if they were, it is unlikely that New Covenant would come close to meeting its English language arts goal, because many of the resources and structures that were in place in the third year of the charter period (and the eighth year of operation), leading up to the 2007-08 English language arts test, are no longer present.

In November 2007, shortly before the administration of the January 2008 English language arts exam when the school achieved its best English language arts results to date, the school's eleventh principal abruptly stepped down. At the end of the 2007-08 school year, the assistant principal also left the school. While the English language arts results were based on an exam administered after the principal's departure, the exam's administration took place only a few weeks after she left, while the assistant principal was still at the school. Many teachers had identified the assistant principal as their instructional leader, perhaps because, according to the previous Evaluation Report, she had been working directly with the teachers to put a system in place that would ensure teachers' use of data to improve the overall quality of teaching and learning at New Covenant. In addition to the departure of the two instructional leaders, funding for the Reading First Program, which had been instrumental in providing the resources to support the school's use of assessment data, came to an end.

The Institute's eighth-year visit report noted that under Victory's leadership, the school was able to begin the process of establishing a system to gather assessment and evaluation data. The end of the Reading First grant resulted in the loss of a vital link in the school's emerging data system, especially

given the elimination of the program positions dedicated to data collection and analysis at the end of the ninth year of operation. The school indicated that the Reading First resources have been replaced in the tenth year with a new set of staff positions, however the previous in-house assessment team—consisting of the assistant principal and a data assessment coordinator—was not replaced. The effectiveness of the principal’s new leadership team has yet to be established.

It became clear during the current evaluation visit that in addition to changes in the school’s leadership structure, Victory’s support for the school has also changed. In the first year of its management agreement, Victory staff developers worked intensively with the new administrative team to develop a school-wide instructional plan and to provide needed professional development in curriculum and assessment to improve teaching and learning. Victory conducted workshops on strategies for using data to improve student performance and trained the school’s assessment coordinator in the use of Victory’s interim assessment system.

By the beginning of the third year of Victory’s management and the fifth year of the charter at the time of the renewal visit, the support system that Victory had in place during the first two years at the school were not evident. While teachers spoke positively about the professional development support provided by Victory’s English language arts and math coaches who visited the school occasionally last year, they were not scheduled in the current year. According to the current (twelfth) principal, their support proved to be inadequate—an inefficient approach, given the time lag between visits to the school. Instead of scheduling its staff developers at the school, the company planned to provide assistance in hiring and funding an additional literacy position to augment the work of the current literacy specialist who would offer in turn additional professional development.

At the time of the renewal visit, the professional development program relied primarily on the principal and the newly appointed literacy specialist, a former classroom teacher. While teachers reported that they appreciated the literacy specialist’s availability and that they looked to her for support, the effectiveness of this model was not yet evident. According to the principal, the literacy specialist’s “major role is to provide coaching.” However, she had numerous other responsibilities, including coordination of school-wide assessments, the Title I program, and the curriculum for the after-school program as well as the creation of a library with books sorted by reading level.

The current principal reported that Victory is committed to providing teachers with item analyses of its interim assessments and analyzing exam results, including correlating state exams with other assessments. However, at the time of the visit, they had not yet provided this support to the teachers. Notwithstanding Victory’s data reporting system, because the reading specialist’s responsibility for training teachers to use assessment data had not been implemented, the effectiveness of such a revised data assessment system could not be determined.

During the site visit in spring 2008, a veteran teacher who had served under numerous New Covenant principals said, “Every administration has its own agenda, policies, and procedures and they change every year. The school never gets to a place where it allows effective systems to work over the long haul. Teachers are always jumping through hoops with different people.” This issue was not resolved by the time of the renewal visit. One teacher summarized her understanding of the key elements of the school’s English language arts instructional program at the time of the renewal inspection visit by saying “it’s all new to us.”

In sum, at the time of the school's renewal inspection visit, the current instructional program was still emerging. The school staff was just becoming familiar with many of the principal's initiatives and learning how to put them into practice.

Given the introduction of new approaches and systems in assessment and professional development, the school cannot be deemed to have solidified the educational program that was in operation at the time of the January 2008 testing. As such, the *potential* for improvement in student achievement as posited by the school's application for renewal (if State University policy allowed the school more time to demonstrate actual improvement, which it does not) cannot be inferred from structures and resources that are yet again being remade.

Organizational Effectiveness and Viability

In its tenth year of operation, New Covenant has not yet established and sustained an effective, well-functioning organizational structure. The roles and responsibilities of the school's leadership and staff members have not been consistently and clearly defined. The board of trustees has not carried out adequate oversight of the management companies and the school principals. Therefore, the Institute again finds as it did in the previous charter period that "[t]he school has not consistently had effective leadership at the board and administrative level" and the "overall current lack of focus on improving student learning and achievement at the board level limit the likelihood of improvement." (*Charter Renewal Report New Covenant Charter School*, January 2004 at pages 12-13).⁵

By the time of the renewal visit, New Covenant was in contract with its third management company, its 12th principal, and had gone through numerous administrative structures. As may be expected, most of the Institute's annual evaluation reports allude to the school's organizational instability. For example, the second year (of the charter) Evaluation Report states that "due to constant changes in the school's administrative team, New Covenant was, at the time of the visit, adjusting to yet another approach to instructional leadership with an entirely new administrative team hired by the principal."

While the third year (second charter term) report, conducted in the year that Victory began to provide service, concluded that "there is ample evidence that New Covenant is presently guided by strong instructional leadership," by last year's visit the principal, who had demonstrated the strong leadership, had resigned. At the time of the renewal visit at the beginning of the tenth year of operation, yet another structure had been introduced.

Over the course of the five-year charter term, the school's leadership team has been reorganized at least four times. With each new principal, the school's leadership structure has changed. Over the last four years, the leadership structure at the time of the visits has consisted of the following positions:

- Seventh year of operation (2nd year in charter period): principal, achievement director, academy directors, curriculum coordinators.
- Eighth year of operation (3rd year in charter period): principal, assistant principal, Reading First coordinator, data assessment coordinator, reading specialist.

⁵ Available at <http://www.newyorkcharters.org/forms/renewalReports/firstCharterTerm/17newCovenant1604.pdf>.

- Ninth year of operation (4th year in charter period): principal, assistant principal, and data assessment coordinator.
- Tenth year of operation (5th year in charter period): principal, literacy specialist, coordinator of special programs.

At the time of the renewal inspection visit, the principal, who was previously a regional director for Victory and had acted as a superintendent to the school at the beginning of the ninth year, was still assembling his leadership team. The coordinator of special programs had been hired but his instructional duties had been reduced. A mathematics specialist position had been created, but the position had not yet been filled. The literacy specialist, while working diligently, was new to the role with a daunting number of responsibilities in addition to coaching teachers in the school's area of greatest need.

New Covenant's board of trustees has continued to provide weak oversight of the academic program and organization of the school. The board did at times initiate specific enhancements to the educational program by recommending to the principal that an academic session be held during mid-year school breaks or that a week-long orientation program be offered to children before they first enter kindergarten. Nevertheless, the school's trustees have yet to provide regular, ongoing feedback, based on established criteria, to school leaders and Victory Schools, Inc. or to analyze and address deficiencies in the school program. Although the board is comprised of dedicated, compassionate individuals, previous years' Evaluation Reports and evidence collected from a board interview at the time of the recent renewal visit indicate that the board has not adequately carried out its oversight responsibilities.

At the time of the renewal visit, the board did not appear to have a productive working relationship with its management company. This weak relationship has extended through the three companies it has engaged. In particular, the board has failed to provide the necessary oversight of the management companies' support of the academic program. While the board did issue a 'report card' with the advice of their attorney twice in the second year of the charter in order to evaluate the extent to which the management company was providing its contracted services,⁶ the reports were not particularly critical and focused for the most part on school operations, rather than on the academic program. As such the reports' evaluations do not lend much support to the board's decision to terminate its management agreement with Edison Schools.

While the board may be given credit for taking action in terminating the agreement, it did not provide the necessary oversight in engaging a new management company: the board appeared to conduct limited due diligence before identifying Victory Schools; and at the time of an Institute inspection conducted during Victory's first year of managing New Covenant, "none of the three board members interviewed could clearly describe the rationale for choosing Victory Schools, Inc. to manage the

⁶ In the first report card, issued in December 2005, all areas of Edison School's (the previous management company's) design implementation, except technology, received grades of satisfactory (S or S-). An accompanying letter details concerns regarding the audit, school lunch program, an unpaid uniform bill and the ineffective relationship between the Edison manager and the school. However, the letter does not address student performance or the academic program; the only mention of academic performance is the grade of Unsatisfactory for 'state assessment' with the footnote "ELA scores are at 39%." At the end of the school year, 12 of the 15 report card categories earned satisfactory grades, despite the school's low performance. The accompanying letter once again addressed concerns about an assigned manager and the school lunch program as well as other compliance matters. The only mention of the academic program was an expression of "great concern over the scores that were to be released in August" given student performance on the 2005-06 exam.

school.”⁷ At the time of the renewal inspection visit, other than mentioning the back office support they receive, the trustees could not explain how Victory’s academic program would bring cohesion to the school’s curriculum and instruction and significantly raise student achievement. The Institute notes that the bond agreement of the school requires that it be managed by a management company.

Despite Institute requests for examples of board evaluations of its management companies, the board did not provide for the Institute any evaluations of Victory Schools during the first or second year of Victory’s contract with the school. Consistent with the absence of any formal procedure for holding Victory accountable for the academic program during the first two years of their management, an analysis of the board minutes during 2007 and 2008 reveals little evidence of the board monitoring the school’s progress toward meeting its Accountability Plan goals. The focus of discussion at board meetings was a celebration of inputs into the school’s program rather than addressing the effect of the inputs and evaluating the progress of the school in meeting its academic goals.

Approximately one year ago, the bondholders of the school building required that the board of trustees work with a consultant to develop its skills in providing effective oversight of the school. According to the principal, prior to the training, the board had been accustomed to involving themselves in the details of school operation rather than serving as an oversight body. With the guidance of the principal and the help of the consultant, its role reportedly changed. The principal indicated that he worked with the members on developing communication norms: accepting that the principal is the school manager; no longer micro-managing; and letting the principal act as a buffer between the board and the teachers. While presumably first steps, none of these topics address affirmatively assuming oversight responsibilities.

One area in which the board has shored up its skill set is in finance. The board reported that a new board member, who joined the board a year ago, has provided banking expertise to the board. As a result, they claim that they are now carefully scrutinizing Victory’s monthly financial status report.⁸

Two weeks before the renewal visit, the board sent a letter to Victory to communicate its concern regarding the “breakdown in proper communications between Victory and the Board.” Attached was a Victory Schools Report Card in which only the two personnel functions were rated as excellent. Six additional functions were rated as satisfactory, while nine functions were rated as needing improvement (the lowest possible rating) including student achievement (assessment), curriculum assistance and professional development. By expressing dissatisfaction with core functions of the management company in providing support for the academic program, the board was demonstrating some oversight over the management company. While commendable, it appears to have come rather late in their relationship and to have been prompted by the board chair’s frustration with Victory’s communication with the school board.

Currently, the principal prepares an Executive Meeting folder each month for the purpose of board development. He has provided a variety of data to the board, as well as training on data interpretation. His presentations not only include data, but also action plans in response to the data, such that board decisions on the academic program have, for the most part, been whether or not to

⁷ New Covenant Charter School Third-Year (Second Charter Term) Inspection Report at 21 (available at <http://www.newyorkcharters.org/documents/NCCSThirdYr2ndTermEvaluation0707.pdf>).

⁸ Notwithstanding these assertions, the report card dated September 30, 2008 states that the board had not received their monthly report since November 2007.

accept his plans. The chair reports that “he is training us.” As such, there was no evidence that the board provides any independent judgment about how good is good enough in the academic program.

While the school board’s confidence in the principal may be a welcome change in the school’s history of principals, it is not reflected in effective oversight of his job performance. By relying on the principal to train them, the board has created a circular system in which they cannot be expected to objectively evaluate him. Neither the principal nor the board indicated that the board has set goals for him or benchmarked the school’s academic performance toward achieving its Accountability Plan measures. Indeed, the principal stated that “the board’s education committee is still a work in progress.”

The only evidence of the board evaluating school leaders is an evaluation of the principal and assistant principal conducted in December 2006, shortly after they were hired and Victory Schools assumed the school’s management responsibilities. The current principal claimed that the board was “in the process of developing a template for principal evaluation,” but that he had not yet seen it.

While with minor exceptions the school has operated and is operating in general and substantial compliance with the Charter Schools Act and applicable state and federal law, the school did not comply with all of the conditions in its renewal charter. Specifically, as a condition of renewal, the school was to submit its completed annual audit report by December 1 in each year of the charter. It did not do so, and on March 13, 2006 the State University Trustees placed the school on probation for the duration of its charter term. Also, the school violated the fifth and sixth grade student matriculation condition of its renewal charter in September 2004, but subsequently remedied the violation. In addition, not paying the full amounts owed to the Teachers Retirement System is an issue that dates to management by Edison Schools, Inc. and could be viewed as a violation of state labor law. While Victory has effectively remedied the issue, there are still some outstanding issues/payments to be finalized.

The school board has maintained a stable relationship with outside counsel as well as utilizing counsel of Victory Schools, Inc. as appropriate. Outside counsel navigated the school board through negotiations with bondholders’ representatives and counsel that resulted in the forbearance agreement, which allowed the school to continue to operate after May 2007. Outside counsel has also represented the school in a lawsuit filed by Edison Schools, Inc. against the school, which seeks in excess of \$2.9 million in unpaid management fees, an amount that would adversely affect the fiscal soundness of the school if it had to be paid in a lump sum. The Institute’s opinion, based on limited facts, is that the lawsuit could be settled for substantially less, but that doing so would still contribute to further operating deficits.

Fiscal Soundness

Prior to New Covenant’s separation from Edison Schools, Inc., the school took over from Edison the debt on its school facility, which was approximately \$14 million. The school had tax-exempt bonds issued through an industrial development authority (IDA) and must pay debt service each year. The above-referenced forbearance agreement, which expires at the end of the current charter term, has allowed the school to operate without triggering an event of default on the bonds. However, the school still owes the interest on the bonds that is being deferred, and which will ultimately have to be repaid. Even with the forbearance, the school is still running operating deficits, which is an issue that

dates to the first charter term.⁹ As a result, and as a result of lowered enrollment (which has been lowered several times throughout the renewal charter), Victory has had to in effect loan the school \$150,000 in the prior fiscal year and \$350,000 projected for this fiscal year by foregoing part of its management fee; a concession worked out at the time of the forbearance. The enrollment situation has been one that the school board has not been able to overcome, and the school and Victory have now moved toward trying to make the school program work within lowered enrollment projections rather than hoping enrollment will increase. The Institute views the school as currently being in a weak fiscal condition. The overall fiscal situation does not give the Institute confidence that the school board will emerge from any future charter term in robust fiscal condition.

At the time of the renewal visit, the school board or its representatives had participated in few conference calls with the bondholders' representatives regarding the forbearance agreement, and no agreement in principle to extend the forbearance beyond the end of the charter term was in effect or had been seriously discussed. Nonetheless, the budgets prepared by Victory and submitted to the Institute as part of the renewal application did not contain the full amount of the annual bond payment (without the arrears) as an expense. Rather Victory assumed that there would be an increase in bond payments but that another forbearance agreement would be in effect. The school board's lack of attention to a central part of the school's renewal budget prior to the submission of the renewal application reflects a serious fiscal/governance deficiency, regardless of any action(s) taken subsequently.

The five year budget submitted with the renewal application had an estimated deficit for the year ending 2008 of \$1,134,795. The actual operating deficit was \$1,684,969. When the additional \$511,000 in deficit is factored into the six year cash flow budget provided by the school there will be negative cash balance for the first three years instead of the positive cash balance that is presented. This negative cash balance may prevent the school from being able to pay its bills.

The most recent financial statements show a school that is struggling financially. The school has a working capital deficit (current liabilities are greater than current assets) of \$2.979 million and the school's net assets deficit (total liabilities exceed total assets) is \$4.833 million.

⁹ See page 16 of the Institute's January 2004 *Charter Renewal Report of New Covenant Charter School* at: <http://www.newyorkcharters.org/pubsReportsRenewals.htm>

SCHOOL DESCRIPTION

The Board of Trustees of the State University of New York approved the application for the New Covenant Charter School (“New Covenant”) on June 15, 1999, and the charter issued by operation of law on September 17, 1999. The school opened in the fall of 1999 with an enrollment of 395 students in Kindergarten through fifth grade. Due to the short time span between approval of the school’s application and the beginning of the school year, New Covenant was initially housed in temporary modular facilities in the Arbor Hill community of Albany. The school was founded by a group of community leaders, including the then President of the local Urban League, and contracted with Advantage Schools, Inc., a for-profit company, for comprehensive school management services.

After its first year, the school terminated its management agreement with Advantage Schools, Inc. and amended its charter to allow for a new management contract with Edison Schools, Inc., also a for-profit educational service provider. At the same time, New Covenant was placed on probation, and directed to comply with a Remedial Action Plan requiring the school to improve its financial controls and reporting as well as its facility, which was over-crowded and in disrepair. Enrollment was also capped at 400 students until the new, permanent facility was completed. Due to financial mismanagement at the board level, by its chairman in particular, the school also experienced substantial turnover in its board.

The current facility was completed in September, 2001 and the school moved into a new building on North Lark Street in Albany. By complying with this aspect of the Remedial Action Plan, the school was permitted full enrollment under the charter. In April 2002, the State University Trustees found that the school had met the remaining terms of the Remedial Action Plan and removed it from probation. During this time, the school continued to add one grade each year through the term of its initial charter and, during the 2003-04 school year, enrolled 813 students in kindergarten through eighth grades.

In the fall of 2003, New Covenant submitted an Application for Charter Renewal, and on August 2, 2004, the State University Trustees granted the school a full-term, five-year renewal with conditions. The Renewal Charter became effective by operation of law and was issued by the Board of Regents on September 15, 2004. Due to poor academic performance during the school’s initial charter term, as one condition of renewal, the State University Trustees required the school to cease instruction in grades seven and eight, and restricted the school to matriculating students in fifth and sixth grades who had previously attended New Covenant. The school violated the fifth and sixth grade student matriculation condition in September 2004; upon being notified of the violation, the school took appropriate corrective action. A second condition of charter renewal required that the school file a timely audit report by December 1 of each year. In March of 2006, New Covenant was placed on probation for violating the second condition, having filed its audit report some 53 days late. This second probationary period is due to expire on May 24, 2009, which marks the end of the school’s current charter term.

On September 26, 2006, the State University Trustees granted the school’s request to modify its charter by again changing management partners, following the termination of the school’s management agreement with Edison Schools, Inc. The school’s board of trustees currently contracts with Victory Schools, Inc. for management services. In November of 2006, the school requested and was granted a reduction in its 2006-07 enrollment as well as decreases in future enrollment.

The school considered a further decrease in May of 2007 for the upcoming school year, but came to the conclusion that it would not have sufficient enrollment to meet high fixed expenses, including facilities bond repayment. As a result, on or about May 21, 2007, the school board voted not to instruct students during the 2007-08 school year. However, after representatives for the majority bondholders agreed in principle to a restructuring of the debt which would lower payments for two years, the school voted on June 2, 2007 to continue instruction with reduced enrollments of 600 and 625 students for the last two years of its charter, respectively. As a condition of its current charter, which was accordingly revised in October of 2007, the school is required to immediately inform the Institute should student enrollment drop below the approved levels. Another condition was that the school provide to the Institute evidence of projected 2008-09 school year enrollment by no later than April 2, 2008. New Covenant reported enrolling 596 students during the 2007-08 school year and 613 students at the time this report was issued.

As of the date of the school's subsequent renewal inspection visit, the Board of Trustees of New Covenant Charter School was comprised of the following individuals:

- Ms. Alvania Hill, Chair
- Ms. Jacqueline Brace, Vice Chair
- Mr. George L. Frame
- Ms. Meredith L. Henderson
- Rev. Paul J. Parsons
- Mr. Charles A. Rogers
- Ms. Natesha Walker

The mission of New Covenant Charter School as stated in the school's Renewal Charter is as follows:

The overarching mission of the New Covenant Charter School is to create a school that will register continuous academic and social gains and student performance while serving the diverse needs of its student population. Our mission further underscores a commitment to the responsible use of financial resources, high levels of customer satisfaction, and a quality-learning environment for students and teachers as a means of ensuring its academic success. Children are to be held to the highest standards and are expected to be Respectful, Responsible, and a Positive Role Model.

School Year (2007-08)

184 Instructional Days

School Day (2007-08)

7:45 a.m. to 3:30 p.m.

Enrollment

	Original Chartered Enrollment	Revised Chartered Enrollment	Actual Enrollment¹⁰	Original Chartered Grades	Revised Grades Served	Actual Grades Served
1999-00	550	550	395	K-5	K-5	K-5
2000-01	670	424	380	K-6	K-6	K-6
2001-02	790	701	672	K-7	K-7	K-7
2002-03	910	813	777	K-8	K-8	K-8
2003-04	1030	813	813	K-9	K-8	K-8
2004-05	918	918	790	K-6	K-6	K-6
2005-06	927	750	767	K-6	K-6	K-6
2006-07	935	700	701	K-6	K-6	K-6
2007-08	935	600	596	K-6	K-6	K-6
2008-09	935	625	613	K-6	K-6	K-6

Race/Ethnicity	2004-2005		2005-2006		2006-2007	
	% of Enroll. New Covenant	% of Enroll. Albany City District	% of Enroll. New Covenant	% of Enroll. Albany City District	% of Enroll. New Covenant	% of Enroll. Albany City District
American Indian or Alaska Native	0.0 %	0.0 %	0.0 %	0.0 %	0.0%	2.0%
Black or African American	90.0 %	66.0 %	89.0 %	66.0 %	89.0%	63.0%
Hispanic	9.0 %	10.0 %	9.0 %	10.0 %	10.0%	11.0%
Asian, Native Hawaiian, or Pacific Islander	0.0 %	3.0 %	0.0 %	3.0 %	0.0%	3.0%
White	1.0%	21.0 %	0.0%	21.0 %	0.0%	20.0%

Source: 2004-05, 2005-06: School Report Card (New York State Education Department); 2006-07: New York State Education Department Database

¹⁰ Actual enrollment per the Institute's Official Enrollment Table. Note that the NYSED School Report Card and database, upon which the Free and Reduced lunch figures are calculated, may represent slightly different enrollment levels depending on the date this data was collected.

Special Populations	2004-2005		2005-2006		2006-2007	
	% of Enroll. New Covenant	% of Enroll. Albany City District	% of Enroll. New Covenant	% of Enroll. Albany City District	% of Enroll. New Covenant	% of Enroll. Albany City District
Students with Disabilities	NA	NA	NA	NA	3.3 %	16.9 %
Limited English Proficient	1.0 %	3.0 %	2.0 %	3.0 %	2.7 %	4.3 %

Source: Students with Disabilities: New York State Education Department Database, Limited English Proficient: 2004-05, 2005-06; 2006-07: New York State Education Department School Report Card

Free/Reduced Lunch	2004-2005		2005-2006		2006-2007	
	% of Enroll. New Covenant	% of Enroll. Albany City District	% of Enroll. New Covenant	% of Enroll. Albany City District	% of Enroll. New Covenant	% of Enroll. Albany City District
Eligible for Free Lunch	77.0 %	63.0 %	81.0 %	61.0 %	85.7 %	53.0 %
Eligible for Reduced Lunch	7.0 %	11.0 %	8.0 %	11.0 %	6.9 %	10.0 %

Source: 2004-05, 2005-06: New York State Education Department School Report Card; 2006-07: New York State Education Department Database

School Charter History

Charter Year	School Year	Year of Operation	Evaluation Visit	Feedback to School	Other Actions Taken
Original Charter 1st Year	1999-00	1 st	YES	Prior Action Letter; End-of-Year Evaluation Report	School Placed on Probation on August 28, 2000
Original Charter 2 nd Year	2000-01	2 nd	YES	End-of-Year Evaluation Report	None
Original Charter 3 rd Year	2001-02	3 rd	YES	End-of-Year Evaluation Report	None
Original Charter 4 th Year	2002-03	4 th	NO		School Removed from Probation: April 23, 2002
Original Charter 5 th Year	2003-04	5 th	YES	Initial Renewal Report	Granted Full-Term Renewal with Conditions
Renewal Charter 1 st Year	2004-05	6 th	NO		None
Renewal Charter 2 nd Year	2005-06	7 th	YES	End-of-Year Evaluation Report	Placed on Probation: March 13, 2006
Renewal Charter 3 rd year	2006-07	8 th	YES	End-of-Year Evaluation Report	None
Renewal Charter 4 th Year	2007-08	9 th	YES	Evaluation Letter	None
Renewal Charter -5 th Year	2008-09	10 th	YES	Renewal Report	Recommendation of Non-Renewal

ACADEMIC ATTAINMENT AND IMPROVEMENT

Background

At the beginning of the current charter period New Covenant adopted an Accountability Plan that set academic goals in the key subject areas of English language arts and mathematics, as well as science and social studies. For each goal in the Accountability Plan specific outcome measures define the level of performance necessary to meet that goal. These measures are: 1) an absolute measure of student performance on state exams; 2) a measure comparing the school to the local school district and nearby schools; and 3) a measure of growth in student learning according to year-to-year comparisons of grade-level cohorts. Subsequent to the incorporation of New Covenant's Accountability Plan into its charter, the Institute required that schools include five specific measures in their Accountability Plans. While New Covenant is still held to the three measures stated in its plan, the additional measures provide additional context for the readers in understanding New Covenant's performance.

The criterion for subsequent renewal is academic success, as demonstrated by a school's meeting or coming close to meeting the academic goals in its Accountability Plan. The Institute determines the outcome of a goal by evaluating the multiple measures associated with that goal.

The following presentation indicates the outcome of each of the school's goals, as well as an analysis of the respective measures for each goal during the charter period. Italicized text indicates goals or measures as written in the school's Accountability Plan; bold numbers appearing in the tables are the critical values for determining if a measure was achieved in a given year. After presenting the results of the measures in New Covenant's Accountability Plan, the analysis provides additional evidence, including results of the measures that are now required in all school Accountability Plans.

English Language Arts

Accountability Plan Goal: *New Covenant Charter School students will become proficient readers and writers of the English language.*

Outcome: The school did not come close to meeting its English language arts goal.

Analysis of Accountability Plan Measures

Absolute Measure: *For the 2004–2005 school year, sixty-five percent of fourth graders who have been continuously enrolled at New Covenant Charter School for two or more years will score proficient (level three or above) on the New York State English Language Arts Assessment. For the 2005–2006 through 2008–2009 school years, sixty percent of third graders, sixty-five percent of fourth graders, seventy percent of fifth graders, and seventy-five percent of sixth graders continuously enrolled at New Covenant Charter School will score proficient on the New York State English Language Arts Assessment.*

Grade	Results (in percents)			
	School Year			
	2004-05 Tested: 58	2005-06 ¹¹ Tested: 247	2006-07 Tested: 219	2007-08 Tested: 225
3	-	25.6	32.9	36.8
4	37.9	29.4	21.6	50.0
5	-	28.3	46.3	60.0
6	-	41.8	46.4	55.9
7	-	-	-	-
8	-	-	-	-
All	37.9	30.8	33.3	48.4

¹¹ In 2005-06 New York State implemented English language arts and mathematics exams in grades 3-8. Prior to that, the exams in these subjects were administered only in grades 4 and 8.

On the state English language arts exam, none of the grade levels have come close to achieving their proficiency targets in any of the last four years. In 2004-05, when only 4th grade students in the school were administered a state exam, 38 percent scored at the proficient level, which is well below the 65 percent target in the school's Accountability Plan. In 2005-06, when students in the 3rd through 6th grades began taking state exams, overall 31 percent were proficient, and the following year 33 percent were proficient. In 2007-08, while the overall proficiency rate rose to 48 percent, none of the grade levels came closer than ten percentage points to their respective target. In the 6th grade, the school's highest grade, 56 percent scored at the proficient level, well below that grade's 75 percent target. While the school demonstrated improved performance in the last year of its charter period, less than half of the students passed the exam.

Comparative Measure: *Each year, the percent of all New Covenant Charter School students scoring proficient on the New York State English Language Arts exam will exceed the percent of proficient students in the four selected comparison schools as well as the Albany City School District.*¹²

Results (in percents)				
District Comparison	School Year			
	2004-05 Grade 4	2005-06 Grades 3-6	2006-07 Grades 3-6	2007-08 Grades 3-6
New Covenant	37.9	27.1	34.8	47.4
District	53.0	46.8	48.8	55.0

Results (in percents)				
K-6 Comparisons	School Year			
	2004-05 Grade 4	2005-06 Grades 3-6	2006-07 Grades 3-6	2007-08 Grades 3-6
New Covenant	37.9	27.1	34.8	47.4
Giffen	33	49.0	43.9	45.8

K-5 Comparisons	School Year			
	2004-05 Grade 4	2005-06 Grades 3-5	2006-07 Grades 3-5	2007-08 Grades 3-5
New Covenant	37.9	24.0	33.4	46.3
Delaware	17	45.8	36.9	43.8
Schuyler	22	35.4	48.3	51.2

New Covenant has consistently underperformed the local school district. In each of the first three years of the charter period the overall percent of proficient students in the school was approximately 15 percentage points below that of the Albany School District. The gap decreased to 10 percentage points last year when 47 percent of New Covenant students were proficient compared to 55 percent of district students in the same tested grades. The school has also had limited success in outperforming the self-selected comparison schools identified in its Accountability Plan. In 2004-05 New Covenant outperformed all three schools for which data are available on the state's 4th grade exam. In 2005-06 and 2006-07 when the state began administering exams to the 3rd through 6th grade, New Covenant underperformed all three of the self-identified comparison schools for which results are available. Last year the school underperformed one comparison school and slightly exceeded the performance of the two other schools, each by about two percentage points.

¹² One of the comparison schools in the Accountability Plan is no longer in operation.

Growth Measure: For the 2004-2005 and 2005-2006 school years, cohorts of New Covenant Charter School students (first through sixth grade) will reduce by one-half the gap between their baseline performance and an NCE score of fifty for reading on the TerraNova Basic Battery Assessment. If a cohort's baseline exceeds an NCE score of fifty, it will be expected to show an increase in its NCE score.				
Results (in percents)				
Mean NCE	School Year			
	2004-05	2005-06	2006-07	2007-08
	Grades 1-6 N=387	Grades 1-6 N=NA		
Baseline	33.3	NA	-	-
Target	41.8	NA	-	-
Actual	38.2	NA	-	-
Grade Cohorts Making Target	1 of 6	1 of 6	-	-

In terms of year-to-year growth, in both 2004-05 and 2005-06 one grade level cohort out of six achieved its target on the nationally norm-referenced Terra Nova exam.

Growth Measure: For the 2006-2007 school year and beyond, New Covenant Charter School will use New York State ELA examinations in grades three through six as its value-added measure. Cohorts of students will reduce by one-half the gap between their baseline performance and scoring at the proficient performance level on the state's sixth grade ELA exam. The fourth grade cohort will reduce by one-half the gap between its average scaled score on the third grade exam and the scaled score equivalent of scoring at the proficient performance level on the sixth grade ELA exam. The fifth grade will reduce by one-half the gap between its average scaled score on the fourth grade exam and the scaled score equivalent of scoring at the proficient performance level on the sixth grade ELA exam. The sixth grade will reduce by one-half the gap between its average scaled score on the fifth grade exam and the scaled score equivalent of scoring at the proficient performance level on its sixth grade ELA exam. If a cohort's baseline scaled score exceeds the equivalent of scoring at the proficient performance level on the sixth grade ELA exam, it will be expected to show an increase of ten scaled score points.				
Results (in percents)				
Average Scale Score	School Year¹³			
	2004-05	2005-06	2006-07	2007-08
			Grades 4-6 N=146	Grades 4-6 N=155
Baseline	-	-	633	636
Target	-	-	642	643
Actual	-	-	638	650
Grade Cohorts Making Target	-	-	2 of 3	3 of 3

Examining growth on the state exam, two out of three cohorts achieved their average scaled score targets in 2006-07; however, the overall average scaled score of 638 was below the target of 642. In 2007-08, all three cohorts achieved their average scale score target. The overall average scaled score of 650 was above the target of 643.

SUNY charter schools are now required to have a growth measure in their Accountability Plans based on the ultimate target of 75 percent student proficiency, rather than an ultimate target of

¹³ New York State began administering English language arts and mathematics exams in grades 3-8 in 2005-06, thus year-to-year growth on state tests could not be evaluated until 2006-07 when two years' of results became available.

essentially 50 percent proficiency such as New Covenant's.¹⁴ As such, the Institute currently evaluates growth based on a much higher threshold than the scaled score measure. Using this percent proficient growth analysis, none of the school's three cohorts achieved their target in 2006-07 and overall performance did not increase. In 2007-08, one of three cohorts achieved its target. The overall performance improved and the school came close to meeting its overall target.

The following table presents the percent proficient measure and the analysis for New Covenant.

Growth Measure: Each year, all grade-level cohorts of students will reduce by one-half the gap between the percent at or above Level 3 on the previous year's State English language arts exam and 75 percent at or above Level 3 on the current year's State English language arts exam. If a grade-level cohort exceeds 75 percent at or above Level 3 in the previous year, the cohort is expected to show a positive gain in the current year.				
Results (in percents)				
	School Year¹⁵			
Percent Level 3 & 4	2004-05	2005-06	2006-07 Grades 4-6 N=147	2007-08 Grades 4-6 N=155
Baseline	-	-	32.7	33.5
Target	-	-	53.9	54.2
Actual	-	-	32.7	52.9
Grade Cohorts Making Target	-	-	0 of 3	1 of 3

Analysis of Additional Measures

The following measures are now required of all charter schools.

Absolute Measure: Each year, the school's aggregate Performance Index (PI) on the State English language arts exam will meet that year's Annual Measurable Objective (AMO) set forth in the state's NCLB accountability system.				
Results (in percents)				
	School Year			
Index	2004-05 Tested: 105	2005-06¹⁶ Tested: 313	2006-07 Tested: 282	2007-08 Tested: 291
PI	127	96	118	142
AMO	131	122	122	133

¹⁴ New Covenant's growth measure was established before the new state testing program was put in place during the 2005-06 school year. Its scaled score metric was based on the assumption that the state would use one scale across all grades to track students' skill and knowledge. Under this approach, each grade's growth target would be the scale score for proficiency in the sixth grade, representing a desired level of attainment when graduating from New Covenant. The state testing program in fact has adopted a different scale for each grade with a scale score of 650 in each grade indicating proficiency. Using this less ambitious definition, the growth target is attained if the average student is proficient for that grade level. With the expectation that about 50 percent of the students should be proficient, the growth target represents a much lower standard than the 75 percent proficiency that is now required of all SUNY charter schools.

¹⁵ New York State began administering English language arts and mathematics exams in grades 3-8 in 2005-06, thus year-to-year growth on state tests could not be evaluated until 2006-07 when two years' of results became available.

¹⁶ In 2005-06 English language arts and mathematics testing began in grades 3-8, and the Performance Index was henceforth calculated based on the aggregate of all tested students.

Each year the state sets an Annual Measurable Objective (AMO) for English language arts and mathematics as part of its NCLB accountability system. New Covenant did not achieve the English language arts AMO in the first three years of its charter period, but did achieve it in 2007-08.

Comparative Measure: Each year, the school will exceed its predicted level of performance on the State English language arts exam by at least a small Effect Size (performing higher than expected to a small degree) according to a regression analysis controlling for students eligible for free lunch among all public schools in New York State.				
Results (in percents)				
Performance	School Year			
	2004-05 Grade 4 Tested: 105	2005-06 Grades 3-6 Tested: 313	2006-07 Grades 3-6 Tested: 282	2007-08 Grades 3-6 Tested: 291
Predicted	67.8	45.9	46.1	57.9
Actual	39.0	27.2	34.8	47.4
Effect Size	-2.14	-1.11	-0.77	-0.77

In comparison to demographically similar schools state-wide, identified by the percent of students qualifying for free lunch,¹⁷ New Covenant has performed worse than predicted in each of the last four years. Though the magnitude of its underperformance has decreased in the last two years, the school is still performing worse than predicted among comparable schools state-wide.

Mathematics

Accountability Plan Goal: *New Covenant Charter School students will demonstrate proficiency in mathematics.*

Outcome: New Covenant came close to meeting its mathematics goal.

Analysis of Accountability Plan Measures

Absolute Measure: <i>For the 2004-2005 school years, sixty-five percent of fourth grade students who have been continuously enrolled at New Covenant Charter School for two or more years will score proficient (level three or above) on the New York State Grade Four Mathematics Exam. For the 2005-2006 through 2008-2009 school years, sixty percent of third graders, sixty-five percent of fourth graders, seventy percent of fifth graders, and seventy-five percent of sixth graders continuously enrolled at New Covenant Charter School will score proficient on the New York State Mathematics Exam.</i>				
Results (in percents)				
Grade	School Year			
	2004-05 Tested: 56	2005-06 ¹⁸ Tested: 241	2006-07 Tested: 210	2007-08 Tested: 218
3	-	40.8	62.0	68.1
4	75.0	39.7	42.3	77.9
5	-	35.7	65.9	75.0
6	-	27.3	66.7	67.6
7	-	-	-	-
8	-	-	-	-
All	75.0	36.5	56.7	72.5

¹⁷ The free-lunch statistics are based on October 2007 reports to the State Education Department, the most current official data.

¹⁸ In 2005-06 New York State implemented English language arts and mathematics exams in grades 3-8. Prior to that, the exams in these subjects were administered only in grades 4 and 8.

In the last three years, New Covenant has demonstrated improved performance in mathematics. In 2004-05, when the state administered the mathematics exam to 4th grade students only, 75 percent were proficient and met the 75 percent target. In 2005-06 the state began administering mathematics exams to students in 3rd through 6th grades; none of the grades achieved their individual targets that year, and overall 37 percent of students were proficient. The following year only the 3rd grade achieved its target, and overall 57 percent were proficient. In 2007-08 all but the 6th grade achieved their targets, and overall performance increased to 73 percent proficient.

Comparative Measure: <i>Each year, the percent of all New Covenant Charter School students scoring proficient on the New York State Mathematics exam will exceed the percent of proficient students in the four selected comparison schools as well as the Albany City School District.</i>				
Results (in percents)				
District Comparison	School Year			
	2004-05 Grade 4	2005-06 Grades 3-6	2006-07 Grades 3-6	2007-08 Grades 3-6
New Covenant District	75.0 72.5	36.5 50.7	56.7 59.5	72.5 64.5
Results (in percents)				
K-6 Comparisons	School Year			
	2004-05 Grade 4	2005-06 Grades 3-6	2006-07 Grades 3-6	2007-08 Grades 3-6
New Covenant Giffen	75.0 39	36.5 56.6	56.7 49.0	72.5 56.7
K-5 Comparisons	School Year			
	2004-05 Grade 4	2005-06 Grades 3-5	2006-07 Grades 3-5	2007-08 Grades 3-5
New Covenant Delaware Schuyler	75.0 28 31	39.2 50.5 35.9	53.3 44.6 62.8	71.4 55.9 51.7

New Covenant's performance in comparison to the Albany School District has vacillated during the charter period. The school underperformed the district in 2005-06 and 2006-07. In 2004-05 the school performed slightly better than the district, and last year the school outperformed the district by eight percentage points. Performance as gauged against comparison schools has been uneven as well. New Covenant outperformed its comparison schools in 2004-05, but underperformed two of them in 2005-06 and one of them in 2006-07. Last year it outperformed all three comparison schools.

Growth Measure: <i>For the 2004-2005 and 2005-2006 school years, cohorts of New Covenant Charter School students (first through sixth grade) will reduce by one-half the gap between their baseline performance and an NCE of fifty for mathematics on the TerraNova Basic Battery Assessment. If a cohort's baseline exceeds an NCE score of fifty, it will be expected to show an increase in its NCE score.</i>				
Results (in percents)				
Mean NCE	School Year			
	2004-05 Grades 1-6 N=382	2005-06 Grades 1-6 N=NA	2006-07	2007-08
Baseline	35.5	NA	-	-
Target	42.7	NA	-	-
Actual	37.9	NA	-	-
Grade Cohorts Making Target	1 of 6	0 of 6	-	-

In terms of year-to-year growth on the Terra Nova exam, one out of six grade level cohorts achieved its target in the first year 2004-05 and none of the cohorts achieved their targets in 2005-06.

Growth Measure: For the 2006-2007 school year and beyond, New Covenant Charter School will use New York State math examinations in grades three through six as its value-added measure. Cohorts of students will reduce by one-half the gap between their baseline performance and scoring at the proficient performance level on the state's sixth grade math examination. The fourth grade cohort will reduce by one-half the gap between its average scaled score on the third grade exam and the scaled score equivalent of scoring at the proficient performance level on the sixth grade math exam. The fifth grade will reduce by one-half the gap between its average scaled score on the fourth grade exam and the scaled score equivalent of scoring at the proficient performance level on the sixth math exam. The sixth grade will reduce by one-half the gap between its average scaled score on the fifth grade exam and the scaled score equivalent of scoring at the proficient performance level on its sixth grade New York State Mathematics Exam. If a cohort's baseline scaled score exceeds the equivalent of scoring at the proficient performance level on the sixth grade mathematics exam, it will be expected to show an increase of 10 scaled score points.

Results (in percents)				
Average Scale Score	School Year ¹⁹			
	2004-05	2005-06	2006-07 Grades 4-6 N=147	2007-08 Grades 4-6 N=155
Baseline	-	-	644	655
Target	-	-	647	665
Actual	-	-	651	669
Grade Cohorts Making Target	-	-	2 of 3	1 of 3

Examining growth on the state exam, two out of three cohorts achieved their scaled score targets in 2006-07. The overall average scaled score of 651 was above the target 647. In 2007-08 one of three cohorts achieved its target, and overall the average scaled score of 669 surpassed the target of 665.

Again, SUNY charter schools are now required to have a growth measure in their Accountability Plans based on the ultimate target of 75 percent student proficiency.²⁰ Using this percent proficient growth analysis, two out of three cohorts achieved their target in 2006-07 and overall performance increased slightly. In 2007-08 all three cohorts achieved their targets, and overall performance improved considerably.

The following table presents the percent proficient measure and the analysis for New Covenant.

¹⁹ New York State began administering English language arts and mathematics exams in grades 3-8 in 2005-06, thus year-to-year growth on state tests could not be evaluated until 2006-07 when two years' of results became available.

²⁰ New Covenant's growth measure was established before the new state testing program was put in place during the 2005-06 school year. Its scaled score metric was based on the assumption that the state would use one scale across all grades to track students' skill and knowledge. Under this approach, each grade's growth target would be the scale score for proficiency in the sixth grade, representing a desired level of attainment when graduating from New Covenant. The state testing program in fact has adopted a different scale for each grade with a scale score of 650 in each grade indicating proficiency. Using this less ambitious definition, the growth target is attained if the average student is proficient for that grade level. With the expectation that about 50 percent of the students should be proficient, the growth target represents a much lower standard than the 75 percent proficiency that is now required of all SUNY charter schools

Growth Measure: Each year, all grade-level cohorts of students will reduce by one-half the gap between the percent at or above Level 3 on the previous year's State mathematics exam and 75 percent at or above Level 3 on the current year's State mathematics exam. If a grade-level cohort exceeds 75 percent at or above Level 3 in the previous year, the cohort is expected to show a positive gain in the current year.				
Results (in percents)				
Percent Level 3 & 4	School Year²¹			
	2004-05	2005-06	2006-07 Grades 4-6 N=144	2007-08 Grades 4-6 N=155
Baseline	-	-	47.2	58.7
Target	-	-	61.1	66.8
Actual	-	-	52.1	74.8
Grade Cohorts Making Target	-	-	2 of 3	3 of 3

Analysis of Additional Measures

Absolute Measure: Each year, the school's aggregate Performance Index (PI) on the State mathematics exam will meet that year's Annual Measurable Objective (AMO) set forth in the state's NCLB accountability system.				
Results (in percents)				
Index	School Year			
	2004-05 Tested: 97	2005-06²² Tested: 305	2006-07 Tested: 275	2007-08 Tested:
PI	170	107	140	167
AMO	142	86	86	102

In each year of the charter period New Covenant has met or exceeded the Annual Measurable Objective set by the state's NCLB accountability system.

Comparative Measure: Each year, the school will exceed its predicted level of performance on the State mathematics exam by at least a small Effect Size (performing higher than expected to a small degree) according to a regression analysis controlling for students eligible for free lunch among all public schools in New York State.				
Results (in percents)				
Performance	School Year			
	2004-05 Grade 4 Tested: 97	2005-06 Grades 3-6 Tested: 305	2006-07 Grades 3-6 Tested: 275	2007-08 Grades 3-6 Tested: 282
Predicted	84.3	56.3	66.5	77.5
Actual	74.2	37.0	54.5	70.9
Effect Size	-0.97	-1.06	-0.76	-0.57

In comparison to demographically similar schools state-wide as determined by percentage of students eligible for free lunch,²³ New Covenant has consistently performed worse than predicted. Though the magnitude of the underperformance has declined over the charter period, in 2007-08 the school still performed below expectations.

²¹ New York State began administering English language arts and mathematics exams in grades 3-8 in 2005-06, thus year-to-year growth on state tests could not be evaluated until 2006-07 when two years' of results became available.

²² In 2005-06 English language arts and mathematics testing began in grades 3-8, and the Performance Index was henceforth calculated based on the aggregate of all tested students.

²³ The free-lunch statistics are based on October 2006 reports to the State Education Department, the most current official data.

Science

Accountability Plan Goal: *New Covenant Charter School students will have a solid background in science concepts and experimentation.*

Outcome: New Covenant came close to meeting its science goal.

Analysis of Accountability Plan Measures

Absolute Measure: *For the 2004-2005 school year and beyond, seventy-five percent of fourth grade students who have been continuously enrolled at New Covenant Charter School for two or more years will score proficient on the New York State Grade Four Elementary-Level Science Test.*

Grade	Results (in percents)			
	School Year			
	2004-05 Tested: 96	2005-06 Tested: 68	2006-07 Tested: 64	2007-08 ²⁴ Tested: 91
4	70	65	69	91
8	-	-	-	-

In absolute terms, 70 percent of New Covenant students performed at the proficient level on the state 4th grade exam in 2004-05, which was close to the 75 percent target. In the subsequent two years, the proficiency rate was 65 percent and 69 percent respectively. In 2007-08 performance improved to 91 percent proficient.

Comparative Measure: Each year, the percent of all New Covenant Charter School students scoring proficient on the New York State Grade Four Science Exam will exceed the percent of proficient students at School 18, School 26, Philip Schuyler Elementary, Giffen Memorial, and within the Albany School District.

Comparison	Results (in percents)			
	School Year			
	2004-05 Grade 4	2005-06 Grade 4	2006-07 Grade 4	2007-08 Grade 4
New Covenant	70	65	69	91
District	76	81	83	NA

Other Schools:				
Delaware	43	75	82	NA
Giffen	81	84	85	NA
Schuyler	72	79	89	NA

New Covenant underperformed the local school district in each of the first three years of the charter period. In 2004-05, the school outperformed one of three comparison schools, while in 2005-06 and 2006-07, it did not outperform any of them. Comparison data are not available for the 2007-08 school year.

Social Studies

Accountability Plan Goal: *New Covenant Charter School students will demonstrate their understanding of Social Studies.*

²⁴ New Covenant did not report data for students enrolled in at least their second year; thus 2007-08 data obtained from nySTART represent results for all tested 4th grade students.

Outcome: Based on limited data, New Covenant met its social studies goal.

Analysis of Accountability Plan Measures

Absolute Measure: For the 2004-2005 school year and beyond, seventy-five percent of fifth grade students who have been continuously enrolled at New Covenant Charter School for two or more years will score proficient on the New York State Grade Five Elementary-Level Social Studies Test.				
Results (in percents)				
Grade	School Year			
	2004-05	2005-06	2006-07	2007-08
	Tested:	Tested:	Tested: 41	Tested: 44
5	NA	NA	85	86
8	-	-	-	-

State assessment results were unavailable for the first two years of the charter period. The school reported that on the state’s 5th grade exam 85 percent of students scored at the proficient level in 2006-07 and that the proficiency rate was 86 percent the following year.

Comparative Measure: Each year, the percent of all New Covenant Charter School students scoring proficient on the New York State Grade Five Elementary-Level Social Studies Test will exceed the percent of proficient students at School 18, School 26, Philip Schuyler Elementary, Giffen Memorial, and within the Albany School District.				
Results (in percents)				
Comparison	School Year			
	2004-05	2005-06	2006-07	2007-08
	Grade 5	Grade 5	Grade 5	Grade 5
School	NA	NA	85	86
District	NA	NA	NA	NA
Other Schools:				
Delaware	NA	NA	NA	NA
Giffen	NA	NA	NA	NA
Schuyler	NA	NA	NA	NA

Comparison data for social studies are unavailable.

NCLB

In addition to meeting its specific subject area goals, the school is expected under No Child Left Behind to make adequate yearly progress towards enabling all students to score at the proficient level on the state English language arts and mathematics exams. In holding charter schools to the same standards as other public schools, the state issues an annual school accountability report that indicates the school’s status each year.

Outcome: New Covenant was deemed to be in good standing in each of the last four years of the charter period.

Absolute Measure: Under the state’s NCLB accountability system, the school’s Accountability Status will be “Good Standing” each year.				
Results				
Status	School Year			
	2004-05	2005-06	2006-07	2007-08
Good Standing	Yes	Yes	Yes	Yes