



Charter Schools Institute  
*The State University of New York*

# **Renewal Report:**

## **Harlem Village Academy Charter School**

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## EXECUTIVE SUMMARY

The Harlem Village Academy Charter School (Harlem Village) was originally approved by the Board of Trustees of the State University of New York as the East Harlem Village Academy Charter School<sup>1</sup> on June 25, 2002, and a charter was issued by the Board of Regents, in September of 2002. The school took one planning year (2002-03), and opened in the Fall of 2003. The school's charter will expire on September 13, 2007 unless it is extended by the Board of Trustees. Harlem Village has applied for a one year short-term planning year renewal pursuant to the *State University Renewal Practices*,<sup>2</sup> which, if approved without any conditions, would result in the renewal of the school's charter through and including July 31, 2008. The one year renewal would allow the school to operate pursuant to the terms of its original charter as amended with the following exception: the school would add a ninth grade as contemplated by its initial charter application. (In February 2003, the Board of Trustees approved a revision to the school's charter changing the grades served from sixth through ninth to fifth through eighth.)

The Charter Schools Institute reviewed the short-term planning year renewal application for Harlem Village and found that the school, as described in the renewal application, will meet all the requirements of the New York Charter Schools Act of 1998 as amended,<sup>3</sup> and other applicable laws, will operate in an educationally and fiscally sound manner, and that granting the renewal application is likely to improve student learning and achievement and materially further the purposes of the Charter Schools Act as set forth in subdivision 2850(2) of the New York Education Law. As a result, the Institute recommends that the Board of Trustees grant a short-term planning year renewal for the Harlem Village through and including July 31, 2008, with instruction in grades five through nine and an enrollment of 240 students.

## INTRODUCTION

The Charter Schools Act authorizes the Board of Trustees to grant charters to applicants for the purpose of organizing and operating independent and autonomous public charter schools. The purpose of the Charter Schools Act is to authorize a system of charter schools in order to provide opportunities for teachers, parents, and community members to establish and maintain schools that operate independently of existing schools and school districts in order to accomplish the following objectives:

- Improve student learning and achievement;
- Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are at-risk of academic failure;
- Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system;
- Create new professional opportunities for teachers, school administrators and other school personnel;

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<sup>1</sup> East Harlem Village Academy Charter School was granted a name change in July of 2005 to its present name.

<sup>2</sup> The latest version of the *Practices, Policies and Procedures for the Renewal of Charter Schools Authorized by the State University Board of Trustees (State University Renewal Practices)* was revised on December 13, 2005 and is available at <http://www.newyorkcharters.org/forms/schools/renewPoliciesProcedures.doc>.

<sup>3</sup> Education Law § 2850 *et seq.*

- Encourage the use of different and innovative teaching methods; and
- Provide schools with a method to change from rule-based to performance based accountability systems by holding the schools accountable for meeting measurable student achievement results.<sup>4</sup>

When initially granted, a charter is valid for up to five years. For a school chartered under the Charter Schools Act to operate beyond the initial charter term, the school must seek and obtain renewal of its charter.<sup>5</sup>

In order to assist the Board of Trustees in carrying out its responsibilities under the Charter Schools Act, the Board of Trustees authorized the establishment of the Charter Schools Institute of the State University of New York (the “Institute”). Among its duties, the Institute is charged with evaluating applications for renewal, including applications for short-term planning year renewal, and providing its findings and recommendations to the Board of Trustees.

This report is the primary vehicle by which the Institute transmits to the Board of Trustees its findings and recommendation regarding an application for renewal. The report’s purpose is to assist the Board of Trustees in evaluating the merits of a school’s renewal application and more broadly the merits of a school’s case for renewal. The report has been created and is issued pursuant to the *State University Renewal Practices*, and the guidance provided in the *Application for Short-Term Planning Year Renewal* (available at: <http://www.newyorkcharters.org/schoolsRenewApp.htm> or from the offices of the Institute) promulgated pursuant to the *State University Renewal Practices* in June 2006.

### Statutory and Regulatory Considerations

The Charter Schools Act requires that a school’s application for a charter renewal of up to five years include:

- A report of the progress of the charter school in achieving the educational objectives set forth in its charter;
- A detailed financial statement that discloses the cost of administration, instruction and other spending categories for the charter school that will allow a comparison of such costs to other schools, both public and private;
- Copies of each of the annual reports of the charter school including the charter school report cards and certified financial statements; and
- Indications of parent and student satisfaction.<sup>6</sup>

The Institute’s processes and procedures for short-term planning year renewal mirror these requirements and meet the objectives of the Charter Schools Act.

As a charter authorizing entity, the Board of Trustees can renew a charter so long as the Trustees can make each of the following findings:

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<sup>4</sup> See Education Law § 2850(2).

<sup>5</sup> See Education Law § 2851(4).

<sup>6</sup> Education Law § 2851(4).

- The charter school described in the application meets the requirements of the Charter Schools Act and all other applicable laws, rules and regulations;
- The applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner; and
- Granting the application is likely to improve student learning and achievement and materially further the purposes of the Charter Schools Act.<sup>7</sup>

When the Board of Trustees approves an application for renewal, they are required under the Charter Schools Act to submit the application and a proposed charter to the Board of Regents for its review.<sup>8</sup> The Board of Regents may approve or comment on and return the proposed charter, ultimately leading to final approval of the renewal charter either by vote of the Regents or by operation of law.<sup>9</sup>

### Short-Term Planning Year Renewal Process

This report contains the findings and recommendations of the Institute regarding a school's application for charter renewal, specifically, a short-term planning year renewal.

Because the charter period begins upon final approval of the proposed charter (as opposed to upon the commencement of the school's operation), charter schools that have taken one or more planning years come to renewal with, at most, three years of data regarding school and student performance. The limited time of operation (and the concomitant reduced amount of student assessment outcomes) makes it extremely difficult for the Institute to determine any trends in student performance as well as make a well-reasoned determination as to whether the school should be renewed for a full-term of five years. To address this issue, the Board of Trustees approved the use of the "short-term planning year" renewal option. This option is available to schools that have taken one or more planning years. These schools are able, with limited though legally and programmatically sufficient review, to obtain renewal for a period equal to the number of planning years taken. In turn, therefore, a school will not be required to seek renewal for a full-term of five years until it has been in operation for at least four full years.

The Institute's protocol for short-term planning year renewal is based on the same fundamental questions all schools must address in applying for renewal of their charters:

- Is the school an academic success?
- Is the school a viable and effective organization?
- Is the school fiscally sound?
- What are the school's plans for the next charter period and are they reasonable, feasible and achievable?<sup>10</sup>

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<sup>7</sup> See Education Law § 2852(2).

<sup>8</sup> See Education Law § 2852(5).

<sup>9</sup> See Education Law §§ 2852(5-a) and (5-b).

<sup>10</sup> Application for Short-Term Planning Year Renewal (For Schools Currently in Operation) at 9.

The Institute also makes the same legal findings as it does for any renewal application submitted to it. However, in the case of a short-term planning year renewal, where the renewal period is for a limited period, the Institute employs a somewhat abbreviated process to determine its recommendation and make the necessary findings. Moreover, because schools should not be penalized for taking a planning year (or two if necessary), the Institute encourages schools to apply for short-term planning year renewal in the first year of the school's operation.

In addition to the application itself, the Institute reviews the following sources of evidence in making a determination on an application for short-term planning year renewal.

1. **Academic Success:** the Institute will review the school's most recent Accountability Plan Progress Report (due each year that the school has been in operation on August 1<sup>st</sup>), and, as needed and available, any prior Accountability Plan Progress Reports that the school has filed. Where schools file for short-term planning year renewal early in the initial renewal period, the information that is available is likely to be limited.
2. **Effective, Viable Organization:** the Institute will conduct a desk audit of the school's visit and inspection reports, if any have been promulgated. This will include visits conducted by the Institute or other entities, such as the State Education Department (SED) or other external reviewers. In addition, the Institute will review records regarding the school's compliance with existing laws, regulations and policies to determine whether the school has been in substantial compliance. The Institute will review other information as it deems necessary, including copies of board minutes.
3. **Fiscal Soundness:** the Institute will refer to the most current desk audit of the school by the Institute's Vice President for School Fiscal Accountability. The Institute will review other related materials and documents as it deems necessary.
4. **Future Plans:** the Institute will look primarily at the school's plans as set forth in the renewal application. The Institute will take cognizance of other data in its possession to determine the proposed plans' reasonableness, especially where the school proposes a new program, a different management structure, additional grades or other significant changes.

Finally, the Institute reserves the right to make an on-site renewal visit where necessary, although doing so would be the exception and not the rule with regard to short-term planning year renewal applications.

The Institute then prepares a draft report, which is reviewed by key staff members. The report is then finalized, and copies are provided to the members of the Committee on Charter Schools, and the other members of the Board of Trustees. This report is the product of that process and meets the requirements of the pertinent provisions of the Charter Schools Act in all respects.

## **SCHOOL DESCRIPTION**

The Harlem Village Academy Charter School opened in the Fall of 2003 serving 76 students in the fifth grade. As of the current school year, the school enrolls 201 students in fifth through eighth grades. Harlem Village provides a core curriculum which focuses its instruction in the areas of English language arts (ELA), mathematics, science and Spanish using curriculum developed by the Village Academies Network, of which the school is a member.

The school's mission, according to its initial charter application "is to prepare our students to graduate from college and to contribute meaningfully to their families, communities, and nation."

Harlem Village Academy Charter School is located in a New York City Department of Education (NYCDOE) space at 244 West 144<sup>th</sup> Street in Harlem. The school's facility is adequate to house Harlem Village's academic program through the short-term planning year renewal charter.

## **SUMMARY DISCUSSION**

### **Academic Success**

2005-06 was the first year state testing data were available for Harlem Village. The school came close to meeting its ELA goal and far exceeded its mathematics goal. During the 2005-06 school year, the school did not have students enrolled in grades to which the state science assessment is administered, and therefore students did not take the state science assessment. The same was true in the area of social studies for the 2005-06 school year. The school was deemed in good standing under the No Child Left Behind Act (NCLB) accountability system.

#### *English Language Arts*

The school met or came close to meeting all of the measures in its ELA goal. In grades six and seven, 60 % of students enrolled for two or more years were proficient. The school outperformed its local community school district and met the aggregate criterion for performance under the state's NCLB accountability system. The school came close to meeting its measure comparing it to similar public schools statewide. The school met its value-added measure with both grade level cohorts achieving their targets, and overall average performance was above grade level on the Stanford Achievement Test. Moreover, two and three year cohorts have demonstrated substantial gains.

#### *Mathematics*

In mathematics, the school met four of five measures by large margins. In grades six and seven 94% of students enrolled for two or more years were proficient. The school outperformed the local community school district by a wide margin, and achieved more than double the aggregate target under the state's NCLB accountability system. The school also outperformed, by a large margin, similar public schools statewide. Although neither of its grade level cohorts achieved their targets on the Stanford Achievement Test, they remained far above grade level. Two and three year cohorts achieved dramatic gains.

As part of its analysis, the Institute reviewed the conclusions drawn by the external school evaluation team engaged by the Institute to conduct the school's third end-of-year school inspection visit. This visit was conducted as part of the Institute's regular and ongoing school oversight and evaluation protocol. Within the *Third-Year Inspection Report for the Harlem Village Academy Charter School*,

dated July 12, 2006, the school inspection team noted that: Harlem Village's core curriculum is aligned with state standards and that teachers are diligent about using it to guide their instructional planning; the written curriculum and delivery of instruction reflect high academic expectations for all students; teachers address the needs of diverse learners; and that data is consistently used to monitor and improve the school's academic program. Overall, the inspectors indicated that Harlem Village has implemented a range of effective practices, and reported no material deficiencies in the school's academic program or organizational structure.

### **Organizational Effectiveness and Viability**

Harlem Village has been effectively governed since its inception, and has demonstrated through its structure and actions the seriousness with which it accepts the responsibilities inherent in governing a school. According to its application for short-term planning year renewal, all seven of the school's trustees have served the school since the first year of its current charter, and Harlem Village has maintained the same school leader since the school's first year of operation.

Harlem Village submitted survey data collected from families at the conclusion of the 2005-06 academic year. Of the 85 % of the school's families that responded, the majority strongly agreed or agreed with positive statements about the quality of the school's academic program and the school community. 22 % of respondents said that they would give the school a grade of "A+," and 45 % of respondents gave the school an "A or A-;" 19 % rated the school a "B or B-," and 8 % of respondents rated the school as a "C,D, [or] F." 6 % of the families did not respond to this question.

The school also cites retention rates of 90 %, 93 %, and 77 % for the 2003-04, 2004-05 and 2005-06 school years, respectively, as an indicator of organizational effectiveness and viability. According to the school's application for short-term planning year renewal, the drop in student retention between the 2004-05 and 2005-06 school years is attributable to the school's move from the East side of Harlem to the West side.

### **Compliance with Applicable Law**

Based on a limited compliance review consisting of a review of the Institute's files, including State Education Department (SED) correspondence regarding the Harlem Village, the school appeared to be in general and substantial compliance with applicable laws, rules and regulations at the time of renewal and during the term of its charter with the exceptions noted below.

In the Fall of 2006, SED found the school was not in full compliance with the teacher certification requirements of the Charter Schools Act or the federal NCLB's highly qualified teacher requirements. Similar issues had surfaced in the Spring of 2005, and SED began to take steps to place the school on probation. However, in each case the school was able to either demonstrate fuller compliance or create remedial plans to prevent probation. In January 2005, SED noted that the school had not submitted its Safe Schools Against Violence in Education (SAVE) school safety plan to SED in a timely manner, but no further action was taken by the SED. In late 2004, SED informed the school that it had to hire a certified special education teacher, properly implement Individualized Education Programs (IEPs) and provide a plan for properly referring IEPs for updates, as well as address other issues, including minor fingerprinting problems and teacher certification issues, or SED would place the school on probation. The school's first response was found to be inadequate. The Institute then worked with the school to make a proper submission. The school hired a certified special education teacher in May 2005 and submitted other information to SED. In June of 2005,

SED informed the school that its special education and most other issues were resolved but that a teacher certification issue persisted and that the school would be given until September 2005 to comply. In November 2005, SED confirmed the school was in compliance.

Harlem Village generated a few complaints that did not result in any official action by the Institute. However, one complaint regarding a child with disciplinary problems who had been suspended on multiple occasions is still pending. As part of its investigation, the Institute determined the school was not properly offering alternative instruction to suspended students, which has now been written into its policies.

### **Fiscal Soundness**

The school board has provided basic oversight, and the school, as it pertains to renewal, is fiscally sound. A financial report is prepared and presented at each school board meeting and the report provides meaningful information and analysis of the status of the school's financial condition. School board members have not received specific training related to fiscal issues, but collectively possess a sufficient level of financial acumen, with the treasurer being highly qualified in this regard. The school has established appropriate accounting policies and procedures. Procedures require monitoring and updating as necessary. Audit recommendations have been implemented in a timely manner.

Since its inception, the school has operated pursuant to its long range fiscal plan included in its application. Modifications were made to reflect facility constraints and resulting reduced enrollment that was not initially anticipated. The school completed its third operating year in a stable financial position. At the start of this school year, net assets totaled \$547,487. Beginning in the 2006-2007 school year, the school has been provided essentially space at no cost by the NYCDOE. While this has allowed the school to strengthen its financial condition, the school's fiscal soundness would be challenged without this arrangement. This school did operate in a fiscally sound manner in private space during its first two years of operation.

Although Harlem Village filed some of its quarterly reports late, the School has otherwise met its financial reporting requirements with no material exceptions.

### **Facility Plans**

Harlem Village is located on the 4<sup>th</sup> floor of a space owned by the NYCDOE, which it shares with two other NYCDOE schools. According to the school's Application for Short-Term Planning Year Renewal, the school's current facility is sufficient for the requested term of the short-term planning year renewal, and the school anticipates the fifth through ninth grades remaining permanently within that space.

### **Future Plans**

Should the school be awarded a short-term planning year renewal, it seeks to expand instruction through the ninth grade. This request is consistent with the school's original charter application and charter, as it was originally granted authority to provide instruction in grades six through nine. As a result of the school's decision to take a planning year, its original charter was amended in March of 2003, adding a fifth grade and limiting the school's expansion to the eighth grade.



If a short-term planning year renewal is granted to the school, Harlem Village intends to focus efforts and resources on enhancing its systems and academic program through continual improvements. These include: identifying and hiring additional key employees, including a high school principal when the school expands to the ninth grade; further refinement and development of its curriculum and assessment system; improving the school's human resources systems and policies; improving fiscal and operational policies and procedures; and developing a long-term solution to manage the school's data.

The school would implement the ninth grade curriculum submitted as part of its original charter application, and approved by the Board of Trustees in 2002. Additional curriculum refinements and development will be completed and submitted at the time of the school's application for full-term renewal in 2008. Similarly, the school will administer state assessments as prescribed by the Board of Regents, (including the new Regents mathematics examination sequence developed since the submission of the school's original charter application), as well as other assessments described in its original charter application.

According to the school's application for a short-term planning year renewal, Harlem Village would enroll a new fifth grade class of 60 students for each year of the renewal charter term, allowing its current eighth grade students to be promoted to the ninth grade, and consistent with the term of its renewal charter. The total projected enrollment would be a total of 240 students in the fifth through ninth grades for the 2007-08 school year.

The school would remain a member of the Village Academies Network, from which it has received services and some funding. The school does not propose any modifications to the length of its school day. However, the school has eliminated the four week intersession between Trimesters 2 and 3, as described in its original charter application, having found the deviance from the New York City School District calendar disruptive for families with students in other public schools.

The school has not significantly amended its management structure or staffing plan, with the exception of the addition of a principal and instructional staff consistent with the school's proposed expansion through ninth grade. This also includes an increase in the number of arts and special education teachers, as well as teachers in the core academic subjects.

Harlem Village has proposed slight modifications to its Student Discipline Policy and Procedures, as well as to its Policy for Complaints. With regard to the Student Discipline Policy and Procedures, the school has made some minor changes to the categories of behavioral infractions, has expanded and formalized the external suspension procedures, and has made the demerit system applicable to all students.

The school's Accountability Plan would be amended under the guidance of Institute staff, primarily to reflect updates required by the Institute.

## **FINDINGS AND RECOMMENDATION**

As described above, and based on the limited evidence before it, the Charter Schools Institute finds that Harlem Village Academy Charter School has submitted an application for a short-term planning year renewal that meets the requirements of Education Law subdivision 2851(4). The Institute further finds that as described in the renewal application Harlem Village meets the requirements of

the Charter Schools Act and all applicable laws, rules and regulations, and would be operated in an educationally and fiscally sound manner during the renewal period. The Institute further finds that granting a one year charter renewal for instruction in grades five through nine with a projected enrollment of 240 students would likely improve student learning and achievement and materially further the purposes of the Act as set forth at subdivision 2850(2) of the Education Law. In addition, granting a one year renewal will assist in building sufficient data to be analyzed as part of the Institute's full renewal review. Based on these findings, the original charter as modified by the information in the renewal application to be included in the proposed renewal charter, and the evidence before it, the Institute recommends that the Board of Trustees renew the charter through and including July 31, 2008 pursuant to the short-term planning year renewal structure contained in the State University Renewal Practices.