



February 23, 2023

New York State Education Department
89 Washington Avenue
Board of Regents, Room 110 EB
Albany, New York 12234

*RE: Urban Choice Charter School
Rebuttal to Renewal Site Visit Report and Potential Closure Recommendation*

Dear Members of the Board of Regents:

Urban Choice Charter School (UCCS) submits this letter in response to the Renewal Site Visit Report. We understand the Charter School Office (CSO) intends to recommend a non-renewal, and UCCS respectfully requests the Regents consider the following information and reject CSO's recommendation.

1. CSO's requirement that UCCS work with a CMO significantly impeded and delayed UCCS's ability to make improvements this charter term.

In March 2020, UCCS was required to enter into an agreement with a charter management services provider (CMSP or CMO) as a condition of its renewal, despite CSO's awareness that no high-performing CMOs were willing to work in Rochester. Nonetheless, [REDACTED] "strongly encouraged" UCCS to work with the Center for Educational Innovation (CEI), an unknown entity with no proven successful charter school improvement experience.

Pursuant to the CSMP agreement, CEI was contractually required to develop and implement an instructional program, lead board development, support teacher recruitment, and provide full-time, on-site instructional coaches, among other things. CEI, however, did none of these things. Unfortunately, UCCS was forced to continue to work with CEI because (1) CSO had strongly encouraged the partnership *specifically* with CEI; and (2) there were no other entities to provide CMSP services.

UCCS renegotiated the contract with CEI at the beginning of the current charter term (July 2021) and built more accountability into the agreement, but CEI continued to fail to meet its obligations under the contract. Throughout the first half of the 2021-22 school year, UCCS continually searched for a new CMO, to no avail. By February 2022, when it was clear CEI was unable to provide meaningful school improvement services, UCCS's Board terminated the agreement.

Throughout the 2022-2023 school year, UCCS had requested CSO to allow it to work with individual subject matter experts.¹ Importantly, [REDACTED] rejected this request without any justification until February 2022, when he finally recognized CEI had failed to assist the school in any meaningful way.

Notably, UCCS has filed a breach of contract claim against CEI, and intends to arbitrate that claim pursuant to the terms of the agreement. Significant time – almost half of the charter term – was lost because of CEI's failure to support UCCS.

¹ CSO defines a CMSP as an entity that provides services in three or more areas (e.g., instruction; HR; finance) and meets one of three other requirements (5% or more of school's revenue goes to CMSP; manages two or more schools or includes school management in its articles of incorporation).



2. Since terminating its contract with the CMO, UCCS has made significant progress towards improving student outcomes.

UCCS readily acknowledges its April/May 2022 student assessments scores were unacceptably low. These scores are the direct result of the lack of services provided by CEI during the two years leading up to them. However, once the CEI agreement was terminated and UCCS began hiring individual consultants with specific subject matter expertise (like it had requested it be able to do all along), its instructional programs began showing improvement.

CSO conducted a mid-term site visit in May 2022, and a renewal site visit in November 2022. *CSO's reports from the two visits confirm that, since separating from CEI, UCCS has made progress in many areas, most importantly in Teaching and Learning.*

A review of the Teaching and Learning Benchmark sections of the two reports indicates CSO found UCCS made improvements in the following:

- All four *Curriculum* indicators:
 - UCCS has a documented, NYS standards-aligned curriculum
 - Curriculum is horizontally and vertically aligned
 - Curriculum is differentiated
 - Curriculum is reviewed by the principal
- At least two of the four *Instruction* indicators:
 - Instruction is differentiated
 - Professional development promotes student success
- At least two of the four *Assessment and Program Evaluation* indicators:
 - UCCS uses data to inform instruction
 - UCCS uses multiple measures to assess student progress
- At least two of the three *Supports for Diverse Learners* indicators:
 - SWDs and ELLs are identified in compliance with NYSED requirements
 - UCCS has systems to monitor student progress

Given this progress, UCCS respectfully requests the Regents allow it to continue to operate, especially given that it takes more than one year to demonstrate academic growth.

3. CSO intentionally created a false narrative following a recent surprise, high-stakes site visit for purposes of supporting its recommendation.

On January 27, 2023, [REDACTED], [REDACTED], and [REDACTED], made an unannounced visit to UCCS for the purpose of collecting evidence in support of their non-renewal recommendation. Following the visit, CSO wrote a letter that grossly conflates what occurred during that visit. It is undisputed that [REDACTED], [REDACTED], and [REDACTED] used no protocols and had no idea what they were observing prior to entering classrooms, but drew uninformed and misleading conclusions, nonetheless. A written exchange between UCCS and CSO following their visit is attached for your review, but in sum, their findings are directly contradicted by their colleagues' Site Visit Renewal Report. (See Attachment 1)



4. CSO's finding with respect to the Board Oversight and Governance Performance Benchmark is inconsistent with the evidence presented by the site visit team, upon which that finding is based.

The Site Visit Team's Benchmark finding of "falls far below" for Board Oversight and Governance is directly contradicted by the evidence the site visit team itself cites for that finding. Had the finding aligned with the evidence the site visit team collected, the team would have found UCCS was "approaching" meeting this goal.

The Renewal Report contains evidence the UCCS Board is meeting or partially meeting all of the Indicators for Board Governance:

- The board now utilizes annual performance-based evaluations for itself, its leaders, and its providers.
- Since the time of the site visit, the Board has secured four new members with significant subject matter expertise.
- The Board has clearly demonstrated active oversight of its CMSP. It also completes written evaluations of its CEO, whose goals are the same as the academic goals set by the Board.
- The Board engaged in strategic planning in August 2022 and prioritized three of the ten Benchmarks as areas of focus for the 2022-23 school year.
- The Board regularly updates its policies.
- The Board has engaged in monthly professional development.
- The Board is demonstrating full awareness of its governance and legal obligations.
- The Board understands the Performance Framework, though it is "unclear" if it understands the indicators under each one.

Had the accurate finding been assigned to this goal, UCCS would be approaching or meeting all of the Benchmarks except Student Performance (which is discussed above).

5. We have acknowledged and know; the NYS ELA and math proficiency rates are not acceptable, but you should understand that our proficiency rates show students one or two points below proficiency making a difference of 11% in ELA (from 12%-23%) and 5% in math (from 6% - 11%). (See table 1)

Finally, UCCS is providing a safe, nurturing environment for our students during a time when they and their families continue to struggle daily with the effects of poverty, poor health outcomes, and uncontrolled violence in our community. UCCS is truly a community-based charter school, and our community does not want UCCS closed. It provides critical services and a sense of security/safety that its students and families will not receive if its students are forced to return to the Rochester City School District. Please see attached timely article regarding safety at Rochester City School District. (See Attachment 2)

For these reasons, UCCS respectfully requests that the Board of Regents reject CSO's closure recommendation and allow UCCS to continue to make the progress that was recognized and acknowledged by CSO's renewal site visit team.

Thank you for your consideration,

Lynn McCarthy, CEO

Attachment 1



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

CHARTER SCHOOL OFFICE
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Tel. 518/474-1762; Fax 518/473-4502; charterschools@nysed.gov

February 2, 2023

SENT VIA EMAIL AND US MAIL

Lynn McCarthy, Chief Executive Officer
Urban Choice Charter School
1020 Maple St
Rochester, NY 14611

Dear Ms. McCarthy:

Thank you for welcoming [REDACTED] and me into Urban Choice Charter School ("Urban Choice") on Friday, January 27, 2023. We appreciate the time you and your leadership team took to accompany us to the 11 classrooms and the "Pup Den" student support space. We also appreciate you, Amy Rawleigh-Schiavi, and Carl Parris spending time with us at the conclusion of our visit to debrief and discuss what we saw with Ms. Rawleigh-Schiavi as we went from class to class. As mentioned onsite, we took this opportunity to conduct an unannounced visit pursuant to [the NYSED Charter School Monitoring Plan](#) in order to observe teaching and learning at Urban Choice as part of the school's renewal process.

After orienting you and your team to the purpose and scope of our visit, Ms. Rawleigh-Schiavi accompanied us in classrooms at the elementary and middle school level. In conversations with Ms. Rawleigh-Schiavi, Mr. Parris, and Michael Samuel, it was conveyed to us that two of the school's priorities were to develop a stronger culture and climate at Urban Choice and find teachers to fill vacancies. In walking the halls and observing classrooms, it did appear that Urban Choice students were aware of school behavioral and classroom management expectations. Students appear ready to learn and responsive to teacher requests. However, we consistently saw teaching that did not conform to the processes and procedures set forth in the school's charter or expectations voiced by school leadership. For example, we observed:

- A lack of a sense of urgency in many of the classes we observed. For example, at the beginning of the school day we observed a yoga lesson taking over 15-20 minutes when the posted class schedule showed students in a math block or a teacher allowing students to pick teams for close to 10 minutes also during a math block.
- Adults in classrooms without any clear role or purpose. Teaching assistants consistently appeared to not support instruction or classroom management and their purpose was not well understood. In multiple classrooms, when the lead teacher needed to step out of the room, instruction stopped, and the teaching assistant stood silently until the teacher returned.

- A teacher using YouTube to teach numerical division concepts and then needing to use a calculator to check student work, demonstrating that the concept was not understood by the teacher.
- In numerous instances, teachers asking students to display their work on the chalkboard at the front of the room. In all observed cases, the student, not the teacher, explained their work and in some instances, when multiple students were asked to display their work at the chalkboard, once one student completed the problem, the teacher stopped the other student from working and had them sit down without demonstrating understanding of the concept or lack thereof.
- Many lessons that appeared to be far below grade level. For example, in 5th grade classes, students were engaged in basic multiplication exercises (i.e., flash cards with 4×11 , 6×3 , or 2×12). Based on New York State Standards, these concepts are taught in the 3rd grade. When asked, students told us that these concepts were also covered in the 4th grade.
- Notebooks in student cubbies that universally contained no writing or showed any use at all.
- Students who were often seen to be engaged in work without supports or scaffolds. For example, we observed a student who was asked to engage in long division exercises when the student stated they did not understand basic math (i.e., the 4th grade student was unable to subtract 12 from 13) while the adult in the room was socializing with another student who the adult stated did not belong in that space. In another instance, 6th grade students were engaged in writing activities on a worksheet where basic spelling and grammar rules were not evident. This is not to place any blame on the student, but rather to demonstrate that at no time in either of these observations were adults or systems in place to help support student growth and learning.

Although school leadership stated that coaching occurs, the quality and unevenness of teaching observed provided no evidence to show that such coaching was efficacious or effective. A theme of teacher turnover and shortages was repeatedly mentioned, but we observed many adults in the building and in classrooms with no apparent purpose or function. As mentioned above, it was difficult to discern the role of teaching assistants. Although every class observed had a teaching assistant, the instruction provided in the school did not appear to be designed to properly utilize the availability of these potential teaching and learning resources. We did not observe any small group instruction, breakout groups, teaching assistants conferencing with students, or other strategies to utilize these adults in any productive way that would benefit students, many of whom appeared to be struggling with the concepts being discussed in the classroom. Although, as mentioned above, in many instances those concepts were far below the students' grade level.

In summary, in the great majority of classrooms observed over the three hours we spent in the school, in multiple cases, we saw little evidence of academic rigor or supports in place to scaffold teaching to conform to effective practices. Although school leadership stated that the school was "five months into a three-year turnaround plan," despite the school being in its 18th year of operation, little evidence of academic impact could be observed. Although, as stated above, the school did appear to be safe and orderly. Tellingly, a clear vision of exemplary teaching was not shared or observed.

We left Urban Choice with a clear vision of the promise and possibility inherent in your students, but we were left with serious concerns that the school has the capacity, will, or skill to best serve its students and meet the standards for renewal set forth in the Education Law and Charter School Performance Framework for Board of Regents-authorized charter schools. We will continue to have conversation with you, the school's leadership team, and board of trustees. We will be in touch regarding next steps and welcome you reaching out with any comments or questions.

Sincerely,



Lisa Long, Ed.D.
Executive Director

cc: Angelique Johnson-Dingle

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Amy Rawleigh-Schiavi
Carl Parris
Mubarak Bashir



SENT VIA EMAIL AND US MAIL

██████████ Ed.D.
Executive Director
The New York State Education Department
Charter School Office
Room 5N EB Mezzanine
89 Washington Avenue
Albany, NY 12234

Dear ██████████:

I am writing in response to your February 3, 2023, letter to express grave concern for the misinformation contained therein and to question the purpose of such tactic immediately prior to a renewal recommendation. One can only deduce that the purpose of your visit and letter is to discredit your colleagues' teaching and learning findings from their November renewal site visit¹ and pave the way for a non-renewal recommendation to the Board of Regents.

On January 27, 2023, you and ██████████ made an unannounced visit to Urban Choice. You signed in at 9:30 and signed out at 12:30. You observed ten classrooms and a de-escalation room, each for ten minutes or less. While NYSED is of course welcome at a charter school at any time, a high-stakes, two-hour surprise visit is not contemplated by your Monitoring Plan. Rather, it is the renewal site visit that is to "supplement and validate...information collected over the charter term by the CSO. *This information* is used to inform the action taken by the Board of Regents to approve, modify or disapprove the charter school's request for renewal."²

You were escorted on those visits by Principal Amy Schiavi, who has more than 25 years of experience as teacher, instructional leader, principal, and principal supervisor in urban education. Ms. Schiavi spends the vast majority of her time in classrooms providing coaching and feedback related to best instructional practices. Ms. Schiavi is widely respected in Western New York as an instructional expert. Your recitation of what was occurring in classrooms is almost entirely contradicted by Ms. Schiavi's contemporaneous notes as follows:

- At no time during any of the classroom visits did you ask to see lesson plans, ask what you should expect to see during the visit/lesson, ask follow-up questions, or have any discussion following a visit about anything related to what was occurring in the classroom with Ms. Schiavi. Had you made any one of these inquiries, you could have had at least some basis upon which to draw your conclusions.
- The 15-minute yoga lesson you criticize was actually a planned part of a 90-minute math block, held for the purpose of helping students re-focus. Had you inquired, you would have understood that these 15-minute lessons are strategically allocated throughout the week based on SWIS data which identifies the times and classes where students are struggling with behavioral regulation.

¹ Relevant portions of the draft renewal site visit report are attached. (Note: factual corrections to the report have not yet been made.)

² See p.1 2022-23 Monitoring Plan



- The ten-minute math team selection exercise, which you suggest was problematic, was intentionally built into the lesson (also during a 90-minute math block) which included a learning objective related to collaborative decision-making and team building. Had you inquired, you would have learned there was a debrief with the students about what they had learned about team building as a result of that exercise.
- With respect to the role of the teaching assistants, your letter states they did not have a clear role or purpose and that their purpose was not well understood. While you may not have understood their purpose based on a ten-minute observation with no context, a review of the observations indicates that, in five of ten classes, the teaching assistants were in fact being utilized appropriately while you were in the classroom.
- Your statement, “In multiple classrooms, when the lead teacher needed to step out of the room, instruction stopped, and the teaching assistant stood silently until the teacher returned” is entirely inaccurate. There was *only one* instance where a teacher stepped out of a room: it was for 20 seconds to redirect a student without embarrassing him in front of the class, and it was during a transition moment for the students in the classroom, so there was nothing for the teaching assistant to be doing in that moment.
- No teacher used YouTube to teach a lesson; a YouTube video was used to reinforce a previously taught concept. This in no way “demonstrates that the concept was not understood by the teacher” – had you inquired about what was happening in the classroom, this information would have been provided to you.
- I am at a loss to understand why students displaying and explaining their work is problematic for you.
- You express concern that another student was stopped by the teacher while doing math at the board. The student was stopped because (1) it was an intentional part of the lesson plan; and (2) after you exited the room, the student completed the problem and the teacher subsequently checked for understanding. Again, neither you nor [REDACTED] made any inquiry about what you were observing.
- You state lessons “appeared far below grade level” but you never reviewed any lesson plan. Your example (5th grade students reviewing multiplication facts) occurred during a transition period in the midst of a 90-minute math block. You additionally criticize the school based on a student’s report that math facts were also reviewed in 4th grade. *Reviewing math facts is best practice*. You failed to inquire as to whether UCCS 3rd graders are learning math facts (which they are) and a review of this 5th grade lesson plan would have shown you that the review was in preparation for a standing Friday math competition where the students do double-digit math problems, something they look forward to every week.
- Your criticism, “Notebooks in cubbies that universally contained no writing or showed any use at all” is baffling. You asked a student what the notebooks were used for, and the student replied, “we aren’t using them right now.” *The cubbies are where the students keep notebooks purchased in the beginning of the year that are not yet being used*. If you wanted to see data folios, they were located by the window and teacher’s desk in that classroom. Couching the location of

unused notebooks as an example of a lack of instruction is irresponsible.

- You state you and [REDACTED] “observed a student who was asked to engage in long division exercises when the student stated they did not understand basic math...” You fail to mention that the student was not in a classroom; the student had just entered the de-escalation room because he needed an emotional/behavioral break and, without letting him take that break, you approached him and asked him to do his math work. Of course, his response was that he didn’t understand: No student who is in the midst of struggling with emotional regulation is going to be open to learning math in that moment.
- Further, the “adult in the room socializing with another student” was the SEL coach; and the student who “did not belong in that space” sometimes comes to that room to get special jobs to do as a reward. Again, your observation is baseless, and you and [REDACTED] made no inquiry as to what was in fact happening.
- The sixth graders engaged in writing on a “worksheet where basic spelling and grammar rules were not evident” were completing a graphic organizer as a pre-writing activity as part of the writing process. It is best practice *not* to apply grammar and spelling rules at that point in the writing process.
- You state there is “a lack of sense of urgency in many of the classes” you observed. This statement is both subjective and inflammatory. The statement is designed to evoke a sense of lack of caring, or a lack of understanding that students need to learn. If your intent was to comment on pacing, you would have needed information about what was happening in the classrooms in order to make that judgment.
- You conclude that the quality of the coaching is not producing results, yet you have no baseline data upon which to draw any comparisons whatsoever.
- You erroneously state you saw no scaffolded instruction, and no “small group instruction, breakout groups, teaching assistants conferencing with students, or other strategies to utilize these adults...” yet all of these things were happening when you observed a 1st grade classroom.

While you provided no feedback during your time at UCCS, [REDACTED] made the following comments:

- “I want to remind you that we are not here to be social work agencies. We are driven on results and that’s what matters.”
- “I saw some really good teaching and some really bad teaching.”³
- “It’s obvious the students are happy here and feel safe.”
- “The middle school was very orderly, not what I remember of middle school.”

³ Respectfully, it is my understanding that [REDACTED] has virtually no teaching experience, is not a certificated teacher, and has not been formally trained as an instructional expert.



**URBAN CHOICE
CHARTER SCHOOL**

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- "It took a lot for the board to let CEI go."
- "I don't want to get into a statistical analysis right now, but I'll leave this data for you." (This was not done.)
- "I want to keep this positive. I'll take it back to [REDACTED] Expect your report at the beginning of next week."
- "You know what you can do for me? Show me results. I need results."

I hope this information helps clarify for you the misrepresentations made in your letter. I respectfully request you correct the errors contained in your letter so that the Board of Regents has an accurate and objective assessment upon which to base its renewal determination. Given the dire consequences of a nonrenewal decision on UCCS's students and families, NYSED's care and concern for students and attention to detail is of utmost importance.

Regards,

Lynn M. McCarthy

Lynn McCarthy, CEO

Cc: Wade Norwood
Angelique Johnson-Dingle
[REDACTED]
[REDACTED]
[REDACTED]
Amy Rawleigh-Schiavi
Carl Parris
Mubarak Bashir
Kirsten Barclay

Benchmark 2: Teaching and Learning

School leaders have systems in place designed to cultivate shared accountability and high expectations and that lead to students' well-being, improved academic outcomes, and educational success. The school implements research-based practices and has rigorous and coherent curriculum and assessments that are aligned to the New York State Learning Standards (NYSLS) for all students. Teachers engage in strategic practices and decision-making in order to address the gap between what students know and need to learn so that all students experience consistent high levels of engagement, thinking and achievement.

Finding: Approaches

Findings	Indicators
1. Curriculum	<ul style="list-style-type: none"> a. The school has a documented curriculum that is aligned to current New York State learning standards. b. The curriculum is aligned horizontally across classrooms at the same grade level and vertically between grades. c. The curriculum and corresponding materials are differentiated to provide opportunities for all students to master grade-level skills and concepts, including students with disabilities, English language learners/multi-lingual learners, economically disadvantaged students, and other subgroups. d. The curriculum is systematically reviewed and revised.
2. Instructional Practices	<ul style="list-style-type: none"> a. The school staff has a shared understanding of high-quality instruction that supports all learners and observed instructional practices align to this understanding. b. Instructional delivery fosters engagement with all students. c. The school differentiates instruction to ensure equity and access for all students. d. The school provides staff with professional development opportunities that promote best practices and improves all students' success, including sub-groups.
3. Evaluation of and Program Evaluation	<ul style="list-style-type: none"> a. The school uses a system of formative, diagnostic, and summative assessments. b. The school uses qualitative and quantitative data to inform instruction and improve student outcomes. c. The school uses qualitative and quantitative data to evaluate the quality and effectiveness of the academic program and modifies the program accordingly for both individual students as well as subgroups. d. The school uses multiple measures to assess student progress toward State learning standards.
4. Supports for Progress Monitoring	<ul style="list-style-type: none"> a. The school follows the NYSED approved identification process for students with disabilities and English language learners/multi-lingual learners. b. The school provides supports to meet the academic needs for all students including, but not limited to: students with disabilities; English language

learners/multi-lingual learners; and economically disadvantaged students.
c. The school has systems to monitor the progress of individual students and to facilitate communication between interventionists and classroom teachers regarding the needs of individual students.

Academic Program for Elementary School/Middle School:

- ES:
 - K-Grade 5 ELA = *Wit and Wisdom*
 - K-Grade 5 Math = *Eureka Math*
 - K-Grade 5 Social Studies = teacher developed curriculum integrated with ELA
 - K-Grade 4 Science = BOCES 4 Science instructional kits
 - K-Grade 5 = *Magnetic Reading*
- MS:
 - Grades 6-8 ELA = *Wit and Wisdom*
 - Grades 6-8 Math = *Eureka Math*
 - Grades 6-8 Social Studies = teacher developed curriculum integrated with ELA
 - Grades 5-8 Science = Amplify science and ELS and ILS investigations

Academic Program for Students with Disabilities (SWDs) and English language learners (ELLs):

- SWD:
 - Curriculum: For ELA, *Wit and Wisdom* (K-Grade 8); for math, *Eureka* (K- Grade 8)
 - Instruction: UCCS assigns six special education teachers to a grade level as integrated co-teachers (ICOT) who plan lessons for the grade level and provide in-class support to students in compliance with their Individualized Education Program (IEP). One special educator is assigned as a consultant teacher for Grades seven and eight.
- ELLs:
 - Curriculum: Same as general education students *Wit and Wisdom* for ELA, *Eureka Math* for mathematics, with modifications provided by the ICOT
 - Instruction: Each of the two English as a New Language (ENL) teachers works in classrooms and also provides instruction in small group pull-out sessions. ENL teachers use the program, *Team Toolkits: Teaching Els for Academic Mastery* with their students in the pull-out lessons.

Summative Evidence for Benchmark 2:

Over this charter term, the trajectory for this benchmark has remained as Approaches due to a lack of significant improvement in instructional practices.

1. Element: *Curriculum*:

- **Indicator a:** In the renewal application, UCCS reports that the documented curricula in ELA and mathematics are products produced by Great Minds and aligned with the Next Generation New York State Learning Standards (NYSLs). *Wit and Wisdom* is the ELA curriculum in K- Grade 8 and

Eureka Math is used as the K-Grade 8 mathematics curriculum. In focus group interviews, school leaders reported that *Magnetic Reading* from iReady was added to the ELA curriculum this year for Grades 3-5 after being piloted in the 2021-2022 school year by the K - Grade 2 teachers. *Magnetic Reading* focuses on phonics and phonemic skills. The renewal application states that the school uses teacher-developed social studies curriculum integrated with the ELA curriculum. For science, UCCS uses the BOCES 4 Science Instructional kits for K- Grade 4 and *Amplify Science* for grades 5-8. Additional science content is taught through the ELA curriculum, similar to the integration of social studies concepts and skills.

- **Indicator b:** According to the renewal application and meeting calendars provided by the school, regularly scheduled weekly grade level team meeting time enables classroom teachers and their co-teachers and teaching assistants to collaborate on lesson planning and implementation to ensure horizontal alignment. Teachers use a common lesson plan format and preserve and share their plans using the *Chalk* tool as a curriculum repository. School leaders provided a calendar of weekly meetings including the instructional leadership team and the student success team. In focus group interviews, members of the diverse learners' team reported they also meet monthly to discuss student progress and develop intervention strategies. Teachers in the focus groups noted that they meet with special educators (SPED) and English as a New Language (ENL) staff as needed before or after school and during the weekly grade level team meetings.
- **Indicator c:** In the renewal application and interviews with the instructional leaders and members of the diverse learners' team, UCCS described a change in service model for SWD from a consultant teacher model to ICOT in K-Grade 6 to enable SPED teachers to work in classrooms to differentiate instruction within daily classroom activities. In the focus group interview, instructional leaders explained that the core curricula, *Wit and Wisdom* and *Eureka Math*, include suggested modifications to support struggling or excelling students, which teachers can incorporate into their lessons. The UCCS lesson plan template provided to the site visit team includes prompts for teachers to enter specific adjustments to the learning activities for SWD and ELL. Guided by suggestions for differentiation and modification provided in the curriculum materials, teachers are expected to plan and execute lessons suited to each student's needs. In the focus group interview, instructional leaders reported that they monitor differentiation as part of their classroom observation process. They noted that teachers' groupings and lesson designs are informed by regular review of data from the iReady tool as well as exit tickets and observations during lessons.
- **Indicator d:** In the focus group interview, instructional leaders reported that, while they have not conducted an extensive curriculum audit as was completed at the start of the charter term, the principal gathers evidence of curriculum implementation and effectiveness during classroom walkthroughs. The principal described her intention to use those observations to evaluate the effectiveness of the curricula and revise it as indicated. School leaders mentioned that the school is in its third year of implementation of *Wit and Wisdom* and *Eureka Math*. Leaders expressed their expectation that full and consistent implementation will lead to improved outcomes. School leaders cited internal data from iReady showing improving rates of growth as evidence of the quality of the curricula.

2. Element: *Instruction*:

- **Indicator a:** Descriptions of high-quality instructional practices varied across focus group and renewal documents. In the renewal application, UCCS defined three common instructional practices: co-teaching, collaborative groups, and cooperative learning. In the focus group during the site visit, the instructional leadership team mentioned standards-aligned learning objectives and student engagement as their expected instructional practices. On the 2022 CSO Teacher

Survey (20 of 36 expected responses for a 56 percent response rate), 13 of the 20 teachers responding agreed that school staff have a shared understanding of high-quality instruction that supports all learners. However, between the prior survey conducted in 2021 and the 2022 school year, it is uncertain whether the current staff have the same understanding of high-quality instructional practices as the percent agreeing dropped from 64% to 56%. The five teachers in the focus group explained that they are expected to follow the instructional guidelines in the core curriculum. Across the 10 classes observed by the site visit team, each class had a standards-aligned learning target phrased as an “I can. . .” statement, although not all the learning activities observed matched the standards listed in the lesson plans.

- **Indicator b:** Across the ten classes observed by the site visit team, instructional delivery varied in its ability to foster engagement with all students. In the focus group, school leaders reported that teachers are expected to develop strong relationships with their students and to work with them to set personal learning targets and goals. Student engagement varied across the lessons, with students in some classes eagerly engaged in lesson activities while in others, students were obedient but passive as the teacher conducted the whole-class activity, waiting for help from the teacher or other adults in the class. In the focus group, school leaders reported that the core curricula expose students to grade level material; however, iReady data provided by the school shows 72 percent of UCCS students performing below grade level in ELA and 78 percent below grade level in math.
- **Indicator c:** UCCS uses the iReady diagnostic tool to create a personal learning pathway for each student as one element of its approach to differentiating instruction and ensure equity and access for all students. In the renewal application, the school states that teachers use checks for understanding within the lesson and exit tickets at the conclusion of the class to assess students’ attainment of the lesson objective. Those observations, in addition to data meetings examining the results of the iReady diagnostic assessment, are to be used to provide modification to lessons detailed in the core curricula. In the focus group, instructional leaders explained that teachers follow the core curricula for grade level content and skills and use time allocated in the WIN (“what I need”) class period later in the day to provide remediation or enrichment using the online iReady math and reading curricula. In the teacher focus group, teachers gave examples of their strategy for using the exit tickets to adjust their lesson plans to support student success. Special education services are provided through the ICOT model as described above for K-Grade 5 and one consultant teacher serves SWD in Grades 7 and 8. The two ENL teachers work both within classes and in small group pull out sessions with the 15 ELL students at the school. Each K-Grade 6 class is also assigned a teaching assistant who assists with curriculum delivery.
- **Indicator d:** UCCS provides staff with professional development opportunities during the summer pre-opening institute as well as during the school year. The school submitted a calendar of professional development activities for the summer and the coming year that includes sessions focused on core content in ELA and math as well as on school culture practices such as restorative justice. The school employs two content area coaches, one for ELA and one for mathematics, who work with teachers daily to provide training in the implementation of the core curricula. In the focus group, the coaches reported that their support and modeling is particularly helpful to the many new teachers in the building.

3. Element: *Assessment and Program Evaluation*:

- **Indicator a:** UCCS submitted an annual assessment calendar listing summative and formative assessments to be administered throughout the year. The school lists the iReady diagnostic as a ‘summative’ assessment, although iReady is not recognized as a measure of and is not predictive of mastery of the NYSLs. The calendar lists the standards-aligned curriculum module assessments

in both ELA and math as 'formative' along with exit tickets and running records. Also on the calendar are teacher developed project-based assessments scheduled for the end of the school year, but in focus group interviews and renewal documents the school acknowledges that training in project-based learning is postponed until implementation of the core curriculum is well established.

- **Indicator b:** UCCS teachers use iReady results and curriculum-based tests and quizzes as the quantitative data to inform instruction supplemented with qualitative measures such as student engagement, persistence and attendance according to the renewal application. In focus group interviews, teachers and instructional leaders described structured data conversations around iReady results during weekly grade level team meetings. Sample agendas and minutes from grade level meetings confirm that diagnostic data from iReady is the focus of discussion rather than the standards-aligned measures from the NYS tests and curriculum-based assessments. In the focus group, the instructional leaders explained that, while the core curriculum addresses grade level standards, the iReady results inform remediation needs. The baseline iReady data provided to the site visit team for 2021-2022 shows 42 percent of students three or more grade levels below in ELA and 43 percent three or more grade levels below in math. The school did not report whether data conversations were conducted through the first year of the charter term (2021-2022) or whether data conversations focused on NYS tests or standards-aligned curriculum-based assessments are planned.
- **Indicator c:** In the renewal application, the school reports that it will use protocols described in the Data Wise Improvement Process from Harvard University to guide discussions about the effectiveness of instruction at the classroom and grade level as well as school level. However, other documents provided to the site visit team mention the use of Atlas data protocols and it is unclear from the sample minutes provided which method is guiding the team's conversations. In the focus group, the instructional leadership team reported they collect both quantitative data from assessments and classroom walkthroughs, along with qualitative data on attendance to monitor not only the implementation of the core curriculum but also its effectiveness. In response to feedback from staff and observations by school leaders, the school added *Magnetic Reading* as an additional resource in phonics and phonemic awareness for K - Grade 5.
- **Indicator d:** According to the assessment calendar submitted with the renewal documents and reports from the leadership focus groups, UCCS relies on iReady to assess student progress toward the NYSLS. On the assessment calendar provided, iReady is labeled "predictive" despite limited evidence that UCCS students' iReady results are correlated with their NYS test results. The assessment calendar also lists the standards-aligned assessments from the core curricula as tools for determining whether students have met grade level learning standards but at the time of the site visit, teachers were just starting to prepare for the first end-of-module curriculum assessments.

4. Element: ***Supports for Diverse Learners:***

- **Indicator a:** In the renewal application and the diverse learners team focus group, UCCS reports that the coordinator of student support services follows approved procedures and coordinates with the Rochester City School District (RCSD) Committee on Special Education (CSE) to collect data and monitor the process to identify students in need of special education services. The school reports that it administers the home language survey and identifies those needing English language learning support. At the time of the visit the school was serving 15 ELLs and 24 SWDs according to the October dashboard presented to the board of trustees.
- **Indicator b:** According to the renewal application, UCCS transitioned to the ICOT model in the current school year (2022-2023) from the consultant teacher model to serve SWDs in the

classroom. In the ICOT model, as described above, one special educator is assigned to one of each pair of classrooms in K- Grade 6 and plans lessons along with the general education teacher. Members of the diverse learners focus group explained that the ICOT provides modifications and additions to the lesson plan to serve the specific needs of the students not only in the classroom where s/he is assigned, but for both classes in the grade. In grades seven and eight, one special educator provides services in a consulting teacher role for special education students in those two grades. In the focus group interviews with school leaders and the diverse learners' team, UCCS reported that they have added a second English as a New Language (ENL) teacher to support students, reducing the caseload for each teacher to seven to one. In addition to the special education teachers and ENL teachers, the school employs 14 teaching assistants and assigns one to each K-Grade 5 classroom, one in Grade 6 and one in Grade 8. The school's website lists an opening for a second teaching assistant in Grade six. Teaching assistants support small group instruction, as well as provide individual student support within the classroom. According to interviews with teachers and school leaders, the teaching assistants participate in planning and professional development to better enable them to support the academic program.

- **Indicator c:** Focus group interviews and documents submitted for the renewal cite a regular schedule of weekly meetings among grade level teachers including the ICOT and teaching assistants to communicate and coordinate lesson planning and student support. ENL teachers reported they push-in to classes to work with their students and provide feedback and suggestions on classroom lessons through the *Chalk* online lesson repository. Student progress is tracked by the iReady tool when students work on remediation lessons during the WIN class period. According to teachers and instructional leaders in focus group interviews, teachers, teaching assistants, special educators and ENL teachers supplement the regularly scheduled grade level team meetings with ad hoc conversations before and after school.

Lynn McCarthy

From: [REDACTED] <[REDACTED]>
Sent: Monday, February 13, 2023 8:48 AM
To: Lynn McCarthy
Cc: [REDACTED]; Carl Parris; mubarak.b81@gmail.com; Amy Rawleigh-Schiavi; [REDACTED]
[REDACTED]; Barclay, Kirsten; Mubarak Bashir;
wade.norwood@commongroundhealth.org; [REDACTED]
Subject: RE: Response

Dear Ms. McCarthy:

Thank you for your letter and comments. The visit by [REDACTED] and me to Urban Choice on January 27th was in the context of the renewal recommendation that the New York State Education Department must make to the Board of Regents later this school year. Department staff sought more context regarding the school's teaching and learning given the school's long-term academic performance and other NYSED Charter School Performance Framework benchmark area trends that do not meet the required standards.

Pursuant to state law, student performance is one of the metrics used to evaluate charter schools. Regarding this metric, Urban Choice Charter School is one of 10 charter schools located within the Rochester CSD with results from the administration of the New York State Grades 3-8 Assessments. In ELA proficiency, eight (8) charter schools outperform Urban Choice and in math proficiency, Urban Choice is the poorest performing charter school in Rochester. Of the 282 charter schools in the state with results from the 2022 administration of the New York State Grades 3-8 Assessments, in ELA proficiency, 278 schools outperformed Urban Choice and in math proficiency, 276 schools outperformed Urban Choice. Unfortunately, these academic trends long predate the pandemic.

We appreciate you sharing your perceptions of what was occurring in the classrooms visited. However, the three hours we spent at Urban Choice on this visit, the conversations we had with students, and our site visit observations complement and confirm what was found on the longer renewal site visit and other visits conducted during or before the pandemic. Observations from these visits coupled with the many other data points collected as part of the New York State Education Department's monitoring and oversight of Urban Choice Charter School across all ten performance framework benchmarks cumulatively did not provide evidence that the school's consistent and long standing poor academic performance was the result of extraordinary or extenuating circumstances. Our observations shared in my February 2, 2023, letter are consistent with the school's persistently low academic outcomes, which are below the district of location despite the school serving fewer students with disabilities and English language learners than the district. Nonetheless, we appreciate your welcoming us to the school and sharing your thoughts with us.

Sincerely,

[REDACTED]

[REDACTED] Executive Director
New York State Education Department
Charter School Office
55 Hanson Place, Room 484A
Brooklyn, NY 11217

From: Lynn McCarthy <lmccarthy@urbanchoicecharter.org>
Sent: Thursday, February 9, 2023 9:15 AM
To: [REDACTED]
Cc: [REDACTED]; Carl Parris <cparris@urbanchoicecharter.org>; mubarak.b81@gmail.com;
Amy Rawleigh-Schiavi <ARawleighSchiavi@urbanchoicecharter.org>; [REDACTED]; [REDACTED]; [REDACTED];

Table 1

NYSED Math and ELA data for the 2021-2022 School Year

ELA

Grade Level	Number of students tested	Number of students proficient	Percentage of proficiency	Number of students within 5 points of being proficient	Percentage of students proficient and within 5 points of proficiency
3 rd grade	42	6	14%	4	24%
4 th grade	43	7	16%	1	19%
5 th grade	40	2	1%	4	15%
6 th grade	38	7	18%	2	24%
7 th grade	38	2	1%	8	26%
8 th grade	29	4	14%	5	31%

***Total proficiency percentage for 2021-2022 in ELA grades 3 – 8 was 12%

***Total proficiency percentage and students within 5 points of proficiency for 2021-2022 in ELA grades 3 – 8 was 23%

Math

Grade Level	Number of students tested	Number of students proficient	Percentage of proficiency	Number of students within 5 points of being proficient	Percentage of students proficient and within 5 points of proficiency
3 rd grade	41	4	10%	4	20%
4 th grade	45	8	18%	2	22%
5 th grade	42	0	0%	0	0%
6 th grade	42	0	0%	0	0%
7 th grade	41	1	Less than 1%	1	Less than 1%
8 th grade	30	0	0%	1	Less than 1%

***Total proficiency percentage for 2021-2022 in math grades 3 – 8 was 6%

***Total proficiency percentage and students within 5 points of proficiency for 2021-2022 in math grades 3 – 8 was 11%

Attachment 2

'Out of control': Head of Rochester teachers union wants security guards at every school parking lot

Colleen Farrell News10NBC

Updated: February 17, 2023 - 7:44 PM

Published: February 17, 2023 - 7:38 PM



ROCHESTER, N.Y. – The principal of a Rochester elementary school is warning staff after two concerning incidents this week.

It comes amid a push by the head of the Rochester Teachers Association to beef up security across the district.

News10NBC obtained a letter from the principal of School No. 52 to staff Friday.

It says a custodian was on the roof of the school off Merchants Road Wednesday and saw an SUV with five to seven people pull into the parking lot with masks and guns then leave.

Just before 11:30 a.m. Friday, the same custodian saw a blue vehicle with four masked people quickly pull into the school parking lot – then take off.



The principal says the gates to the school parking lot have been locked.

Rochester Police confirm they received at least one 911 call reporting people in masks hanging out of a vehicle with guns on Wednesday. Officers spotted the car, there was a brief chase, but RPD called it off due to high speeds and reckless driving near schools.

"This is getting out of control and if the district and the City together don't secure the school district's schools and school parking lots and grounds, I wouldn't blame families if they decided not to send their kids to the schools," Adam Urbanski, president of the Rochester Teachers Association, said.

Urbanski says teachers are scared and the union is preparing a resolution demanding security guards at every school parking lot.

"If the teachers aren't safe, then neither are the students," he said.

The RTA is surveying faculty representatives at every city school to "verify reported and unreported incidents of car thefts, [carjackings], vandalism, and assaults [that] occurred this school year," he says.

RCSD tells News10NBC it has added an additional hour to the shifts of its school safety officers in order for them to escort staff to their cars as requested.

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