



Public Hearing Summary

Charter School:	Success Academy Charter School - Bronx 3
Hearing Date:	April 16, 2015
Hearing Location:	Building X145, 100 Teller Avenue, Bronx, NY 10456 (CSD 9)
Start Time:	6:10 p.m.
End Time:	10:15 p.m.

Background:

The New York City Department of Education (“NYCDOE”) proposed to temporarily co-locate the 3rd - 5th grade of the SUNY authorized Success Academy Charter School – Bronx 3 (“SA – Bronx 3”) with district schools, J.H.S. 145 Arturo Toscanini (“J.H.S. 145”), Urban Science Academy and New Millennium Business Academy Middle School (“New Millennium”), in building X145 (“X145”), located in Community School District (“CSD”) 9, for three years beginning in the 2015-2016 school year. J.H.S. 145, New Millennium, and Urban Science Academy are each existing district middle schools that serve grades 6 through 8. X145 also houses an Alternate Learning Center (“ALC”), which provides an educational setting for 6th through 8th grade students who are on a superintendent’s suspension for up to 90 days. SA – Bronx 3 is an existing public charter elementary school operated by the Success Academy Charter Schools – NYC education corporation, which partners with the Success Academy Charter Schools, Inc. not-for-profit charter management organization. SA – Bronx 3 currently serves students in Kindergarten through 2nd grade in building X146 (“X146”) at 968 Cauldwell Avenue, Bronx, NY 10456, in CSD 8.

SA – Bronx 3 is currently co-located with P.S. 146 Edward Collins in X146 where there is insufficient space for the siting of SA – Bronx 3’s 3rd through 5th grades. Pursuant to recent amendments to the New York Education Law, which provide certain new and expanding charter schools access to facilities, SA – Bronx 3 requested co-located space for its 3rd through 8th grades within a NYCDOE facility. The NYCDOE is proposing to site grades 3 through 5 in X145, which has sufficient space for these grades and is located just 0.6 miles from X146. If this proposal is approved, SA – Bronx 3 would offer Kindergarten through 2nd grade in X146 and 3rd through 5th grade in X145. The NYCDOE supports the placement of SA – Bronx 3 in X145 so that current SA – Bronx 3 students can continue their education through 5th grade in a building near their current site.

The NYCDOE states that X145 has the capacity to serve 1,737 students. Currently, the building houses approximately 920 students, yielding a utilization rate of 53%. If this proposal is approved, SA – Bronx 3 will be temporarily co-located with J.H.S. 145, Urban Science Academy, New Millennium and ALC in X145 beginning in the 2015-16 school year. SA – Bronx 3 will add one grade per year until it reaches its full complement of grades in X145, serving 3rd through 5th grades in 2017-18. When SA – Bronx 3 is at full scale in X145, approximately 1,070 – 1,280 students will be served in X145 by J.H.S. 145, Urban Science Academy, New Millennium, ALC and SA – Bronx 3, yielding a projected utilization rate of 62%-74%, which demonstrates that there should be sufficient space for the co-location. If approved, before the end of the temporary three-year co-location, the NYCDOE will re-evaluate this proposal to determine long-term siting location for SA – Bronx 3. This includes the possibility of SA – Bronx 3 students remaining at X145 for grades 3 through 5 or all or part of these grades moving to a new site. Any resulting significant changes to school utilization will be subject to separate approval by the Panel for Educational Policy in accordance with the Education Law.

J.H.S. 145, Urban Science Academy, and New Millennium are part of the NYCDOE's School Renewal Program, which will result in the schools becoming Community Schools. According to the NYCDOE, this proposal will not impact the schools' participation in the School Renewal Program.

On April 29, 2015, the New York City Panel for Educational Policy ("PEP") approved the co-location.

Hearing Notes:

Approximately 650 people attended the hearing and 85 people spoke.

Present at the hearing were: New York City Council member Vanessa Gibson; Michael Giardina, representative for New York State Assembly Member Latoya Joyner (District 77); Leticia Rodriguez-Rosario, CSD 9 Community Superintendent; Josephine Ofili, member of Community Education Council ("CEC") 9; Lauren Wilkins, principal of J.H.S. 145; J.H.S. 145 School Leadership Team ("SLT") members Muriel Simon, Beatrice Richardson, and Vita Haskins; Patrick Kelly, principal of Urban Science Academy; Urban Science Academy SLT members Walquiris Garo-Martinez and Teodulo Lopez; Dorald Bastian, principal of New Millennium; New Millennium SLT members Laura Weiss, Michael Aufiero, Shanieka Muniz and Desi Washington; SUNY Representative Mahati Tonk; Colleen Stewart, SA – Bronx 3 principal; and Stefanie Coyle, Success Academy Charter Schools, Inc. representative. PEP Members Robert Powell and Lori Podvesker were present at the hearing as well. Ashley Davies, Bridget Mercier, Jyoti Folch, John Zaccaro and Ron Caccioppoli from the NYCDOE were also present.

Josephine Ofili, CEC 9 member, expressed opposition to the proposal:

- Ms. Ofili said there is a misconception that all public schools are failing and all charter schools are good when in reality the quality of charter schools varies.
- Ms. Ofili said charter schools and public schools are not on a level playing field and that charter schools have an unfair advantage, asserting that charters do not serve as many English Language Learners ("ELLs") or students with disabilities as do district schools.

Principal Wilkins of J.H.S. 145 welcomed the community and charter school parents and students, and she shared her concerns about the proposal:

- She said she has experience working in elementary schools, and believes elementary school children are very different from junior high school children.
- She also said the district school wants to bring social-emotional, mental health and dental clinics to the school and needed space will be taken away if the proposal is approved.
- She expressed safety concerns related to the men’s shelter and other shelters that are in close proximity to the school.
- She expressed transportation concerns, citing multiple intersections nearby. She said this is a concern for middle school students and would be even more of a concern for younger students.
- She concluded by stating the schools will work together if the proposal is approved, but that she prefers the building to serve community junior high schools only.

Principal Kelly of Urban Science Academy echoed the welcoming tone and said everyone present at the hearing wants the same thing, which is for the hopes and dreams of children to come true. Principal Kelly said in order to achieve this goal, resources must be allocated to the schools.

Principal Bastian of New Millennium said the community has endured both challenges and successes, and he expressed concerns about the proposal:

- He said the school had to pull back on some of the services provided when ALC moved in to X145, and this proposal will impact space again.
- He said parents and students need to stand firm and say community schools deserve respect and service, and individuals should stop calling schools failures.
- He said the school serves a diverse body of students, some of whom are ELLs, students with individualized education programs (“IEPs”), and students who live in public housing, and that the school is proud of what it is.

J.H.S. 145 SLT member Muriel Simon said she is not against charter schools, but she has concerns about the charter school coming in and pushing out the children who attend school at X145.

J.H.S. 145 SLT member Beatrice Richardson said she is not against charter schools, but the schools are being “disserved” by this co-location. Ms. Richardson said they were promised more programs and services as part of the School Renewal Program and that the children in X145 need space to learn and grow.

J.H.S. 145 SLT member Vita Haskin said she does not have anything against charter schools, but she does not believe Success Academy should locate its students in the X145 building as they are elementary school students and the schools in X145 serve middle school students. Ms. Haskins also expressed safety concerns about locating elementary school students in X145 due to violence in the area surrounding the school.

Urban Science Academy SLT member Walquiris Garo-Marté said this proposal involves economic segregation and racism because the individuals making the decision about the proposal are not the same race as the people who are impacted by the proposal.

Urban Science Academy SLT member Teodulo Lopez said the worst thing that could happen to the schools is to lose classroom space. Mr. Lopez said they need space to provide better interventions, which will subsequently produce better humans for the community and for the country.

New Millennium SLT member Laura Weiss said there is more that unites the two communities than divides them, but she shared concerns about the proposal. Ms. Weiss said this proposal is an injustice, and she does not want to see students have more taken from them.

New Millennium SLT member Michael Aufiero commented that when he was first at the campus there were more students enrolled than there are today, and when more rooms became available the schools were able to bring in community services. Mr. Aufiero said he had high hopes for more services when the schools became community schools, and that the schools should be given space and resources.

New Millennium SLT member Shanieka Muniz expressed concerns about the proposal stating they want X145 children and Success children to learn, but the loss of space to SA – Bronx 3 impacts the ability of X145 students to learn.

New Millennium Academy SLT member Desi Washington stated his opposition to the proposal and his feeling that it is an injustice. Mr. Washington shared concerns about co-locating elementary school students in the X145 building given its proximity to a men's shelter.

New York City Council Member Vanessa Gibson made a statement in opposition to the proposal. She acknowledged the recent amendments to the Education Law that provide charter schools with access to public facilities but said the conversation about co-location needs to be about equity. Council Member Gibson said this is not a charter issue and that she would feel the same way with any other school. Council Member Gibson asserted that this proposal does not benefit CSD 9 as students will be coming from CSD 8 to attend school in building X145.

SA – Bronx 3 principal Colleen Stewart made a statement in support of the proposal, stating that SA – Bronx 3 needs space to grow so it can continue educating its second grade students. She said co-locations are not easy, but SA – Bronx 3 has a good relationship with P.S. 146 at its current location in X146 and they intend to have a good relationship with the schools in X145 as well.

Success Academy Charter Schools, Inc. representative Stefanie Coyle shared her support for the proposal and said last year Success schools ranked in the top 1% and top 3% in the state for English and mathematics test scores. Ms. Coyle said if the proposal is not approved, SA – Bronx 3's 2nd grade students will be educationally homeless. Ms. Coyle also said SA – Bronx 3 families have found a school that works for them and that more families in the Bronx need great options. Ms. Coyle concluded by stating they are looking forward to building strong relationships with the co-located schools in X145.

Several teachers currently teaching in building X145 expressed disapproval of the co-location.

- A teacher at New Millennium for seven years stated every child is entitled to a great education and discussed how her students lost space years ago with the addition of ALC to the building. She believes it is an injustice for her students to lose more space.

- A mathematics teacher for New Millennium said she does not want Success Academy children to learn “on the backs of our students”. She emphasized that X145 is a community school for children of CSD 9. She also warned SA – Bronx 3 parents about a men’s shelter across the street.
- One teacher stated while she respects the co-location proposal, she believes that taking away space from existing students is unfair as they need the space to learn and grow.
- Another teacher and union representative stated she grew up in the neighborhood and she and her students face economic segregation and racism. She asked SA – Bronx 3 supporters in attendance if they were truly part of her community.
- The librarian at X145 commented that she was hoping to expand the book collection and expand the library as part of the School Renewal Program, and the co-location proposal has dashed her hopes to expand.

Several parents of students currently attending school in X145 spoke against the co-location.

- One parent asked if SA – Bronx 3 would accept her kids. She also warned that SA – Bronx 3 parents would not want their children attending X145 as there are frequently nearby shootings and the older children could be a bad influence on elementary school students.
- Many parents expressed concern about co-locating elementary school students with middle schools students.
- Many parents stated concerns related to the fact that all three schools in X145 are part of the School Renewal Program.
- Many parents said Success should find another location for the siting of grades 3 through 5.
- Many parents said this proposal will not benefit the community since SA – Bronx 3 is located in CSD 8 for grades Kindergarten through 2 and students will be coming from CSD 8 for grades 3 through 5.
- Multiple parents expressed concerns about overcrowding.

Several parents of SA – Bronx 3 students spoke in favor of the co-location.

- Multiple parents said their children could not get the education they needed at their district school, but do get the extra help they need at their charter school.
- One parent said all parents are in attendance because they care about their children and that when one child fails, the entire community fails. She said that there is nowhere for her child to go for 3rd grade and that he is in 2nd grade and reading at 5th grade level.
- A few parents said space is available in X145, and SA – Bronx 3 just wants to share the space.
- Multiple parents said they are not concerned about the proximity of X145 to a men’s shelter because they have systems in place to ensure safety.
- Multiple parents said Success Academy serves special needs students.
- Multiple parents stated they are not concerned with having elementary school students with middle school students.
- Multiple parents said they love the teachers and staff at SA – Bronx 3.

Several students attending school in X145 spoke against the co-location.

- A student said Success Academy only accepts students who speak English and that SA – Bronx 3 only benefits CSD 8 and not her community.

- A student praised her amazing teachers and read a poem she wrote entitled “145.”
- An 8th grader spoke against the co-location and asked why Success Academy students need to be bribed to do well in school.
- A student said that Success Academy is trying to break his community and take away their only privilege, which is space.
- A student said the schools will lose gym time and asserted that the obesity rate will increase if gym time is cut.
- A few students discussed a recent Washington Post article and said the article said 2,500 seats in grades 3 through 8 are left open by charter schools and asked why the NYCDOE is proposing this co-location if there are that many open seats.

Several SA – Bronx 3 students spoke in favor of the co-location.

- A SA – Bronx 3 2nd grader spoke about how much his school means to him and said that he wants to go to 3rd grade so he can go to college. He asked that his school be saved.
- A SA – Bronx 3 2nd grader said she loves her school and wants it to grow. She also said she loves to read.
- A SA – Bronx 3 student said that she loves Success Academy and wants to be able to continue her education there. She thanked those representing X145 for allowing Success Academy to attend the hearing and asked why everyone can’t just get along.

Multiple commenters spoke in Spanish, (which was translated to English at the hearing).

Preliminary Determination:

The SUNY Charter Schools Institute (the “Institute”) reviewed the Educational Impact Statement (“EIS”) and the Building Usage Plan (“BUP”) prepared by the NYCDOE for the facility at issue. The Institute also inspected the space at the time of the hearing and found it to be a typical NYCDOE building that appeared to be in compliance with applicable law. Based on the documentation prepared by the NYCDOE and the information in the charter school’s renewal application, the Institute also finds that the proposed use of the space by the charter school would not violate applicable law.

Based on the site review, the physical space proposed to be allotted to the charter school was safe and adequate. In addition, there appears to be sufficient common spaces and resource spaces to be shared by the charter school, the district schools in the building. Finally, the Institute notes that the BUP, at the time of the co-location hearing, was in draft form. Pursuant to New York Education Law, SLT members from the co-located schools are required to agree on a plan to utilize common spaces in the building. As such, the BUP will not be finalized until the co-location is finalized.

With respect to public comments, the Institute thanks the members of the community and elected representatives for their candor. The Institute notes that SUNY has no authority over NYCDOE decisions regarding the physical locations of NYCDOE schools, grants or programs. SUNY also has no positive authority to place schools into NYCDOE space.

As the charter school proposes to locate its additional site in the NYC borough set forth in its charter, the Institute only needs to determine whether the space, and the charter school's use of the space, would be in compliance with the school's charter and applicable law. In such cases, SUNY does not separately approve the school's location. Therefore, as the Institute has held the hearing on behalf of the SUNY Trustees required by the New York Charter Schools Act of 1998 (as amended), it proposes to approve the facility for use by the charter school subject to compliance with the terms of its charter agreement regarding facilities.