Public Hearing Summary

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<th>Charter School</th>
<th>East Harlem Scholars Academy Charter School</th>
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<td>Hearing Date</td>
<td>January 14, 2019</td>
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<td>Hearing Location</td>
<td>Building M645, 320 East 96th Street, New York, NY (CSD 2)</td>
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<td>Start Time</td>
<td>6:07 p.m.</td>
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<td>End Time</td>
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**Background:**

The New York City Department of Education (“NYCDOE”) proposes to temporarily co-locate grades 9-10 of East Harlem Scholars Academy Charter School (“East Harlem”) in Building M645 (“M645”) beginning in the 2019-20 school year. M645 is located at 320 East 96th Street, New York, NY in New York City Community School District (“CSD”) 2, and is across the street from CSD 4.

East Harlem would be temporarily co-located with Life Sciences Secondary School (“Life Sciences”), a district high school serving students in grades 9-12. The New York City Panel for Educational Policy approved this proposal on January 30, 2019.

According to the NYCDOE’s Enrollment, Capacity, Utilization Report, M645 has the capacity to serve 734 students. Currently, the building serves approximately 429 students, yielding a building utilization rate of approximately 58%. According to the NYCDOE, by 2020-21, approximately 615-675 students are projected to be served in M645, yielding a projected utilization rate of approximately 84-92%, which demonstrates sufficient space for both schools.

The NYCDOE Building Usage Plan (“BUP”) allocates East Harlem 10 full-size rooms, two half-size rooms, and six quarter-size rooms by the 2020-21 school year.

**Hearing Notes:**

Approximately 10 members of the public attended the hearing. Manhattan High Schools Superintendent Vivian Orlen facilitated the hearing.
Community Education Council 4 President Anand Raghunath spoke in favor of the co-location. He stated CEC 4 is responsible for the area of the East Harlem community, wants to support East Harlem, and hopes the proposal is fruitful for both schools.

An East Harlem student spoke in favor of the co-location. She stated East Harlem feels like a community and helps improve her academics and career choices, which she hopes, will continue into her high school years. She stated she has built great relationships with East Harlem and the school has helped her understand today’s world.

East Harlem Executive Director Jeff Ginsburg spoke in favor of the co-location. He stated East Harlem is a community-based group that runs schools, after school programs, and teacher training. He stated East Harlem is building a new school and is grateful to the NYCDOE and Life Sciences for working with East Harlem to find temporary space. He stated that being neighbors will have a positive impact for both schools and is grateful to the staff, families, and students who came to support the proposal.

A representative from Life Science’s PTA spoke in favor of the co-location. She stated she hopes everything goes well with the co-location for the common good of students, and hopes parents will participate more because without parent engagement, students will not advance. She stated her daughter went to a charter school and owes that school a lot because of her daughter’s progress. She stated she supports the co-location.

**Preliminary Determination:**

The State University of New York ("SUNY") Charter Schools Institute (the “Institute”) reviewed the Educational Impact Statement and the 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 and other information, 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 and the district school. 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, school leadership teams 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 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 move to a facility in the CSD or NYC borough set forth in its charter application, the Institute only needs to determine whether the space, and the charter school’s use of the space, would be in compliance with its 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 Board of Trustees as required by the New York Charter Schools Act of 1998 (as amended), the Institute approves the facility for use by the charter school subject to compliance with the terms of its charter agreement regarding facilities.