Public Hearing Summary

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<th>Charter School:</th>
<th>KIPP Bronx Charter School III</th>
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<tbody>
<tr>
<td>Hearing Date:</td>
<td>April 1, 2020</td>
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<td>Hearing Location:</td>
<td>Videoconference/Teleconference</td>
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<tr>
<td>Site:</td>
<td>Building X045, 2502 Lorillard Place, Bronx, NY (CSD 10)</td>
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<tr>
<td>Start Time:</td>
<td>6:00 p.m.</td>
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<td>End Time:</td>
<td>7:00 p.m.</td>
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Background:

The New York City Department of Education (“NYCDOE”) proposes to temporarily co-locate grades 5-7 of KIPP Bronx Charter School III, also known as KIPP All Charter School (“KIPP All”), in Building X045 (“X045”) beginning in the 2020-21 school year. X045 is located at 2502 Lorillard Place, Bronx, NY in New York City Community School District (“CSD”) 10. KIPP All is operated by KIPP NYC Charter Schools, a not-for-profit charter school education corporation with the authority to operate eight charter schools.

KIPP All would be temporarily co-located with Thomas C. Giordano Middle School 45 (M.S. 45), an existing district middle school serving students in grades 6-8. The New York City Panel for Educational Policy approved the proposal on May 7, 2020.

According to the NYCDOE’s Enrollment, Capacity, Utilization Report, X045 has the capacity to serve 1,322 students. Currently, the building serves approximately 708 students, yielding a building utilization rate of approximately 54%. According to the NYCDOE, by 2022-23, approximately 925-975 students are projected to be served in X045, yielding a projected utilization rate of approximately 70-74%, which demonstrates sufficient space for both schools.

The NYCDOE Building Usage Plan (“BUP”) allocates KIPP All nine full-size rooms, one half-size room, and one quarter-size room by the 2022-2023 school year.

Hearing Notes:

Approximately 25 members of the public attended the hearing.
Community Education Council 10 (“CEC 10”) President Richard Montenegro spoke in favor of the co-location. He stated KIPP All has stated its intention to be a good partner, and CEC 10 believes that KIPP All wants to collaborate with M.S. 45 in the interest of a successful co-location. He said although there was previous opposition from M.S. 45 and CEC 10 regarding this proposal, CEC 10 has changed its focus to supporting the M.S. 45 community and ensure it is not adversely affected by the proposal as it moves forward.

The Principal of KIPP All Charter School, Kate Baughman, stated KIPP All has become part of the community and it is grateful to KIPP All’s families for their ongoing active involvement. She said, the goal of KIPP All is to foster an inclusive school that serves students with disabilities. KIPP All leadership had an opportunity to visit M.S. 45 and was impressed with the school, its offerings, and Principal Annamaria Giordano. KIPP All looks forward to sharing best practices with M.S. 45, she said.

The Principal of M.S. 45, Annamaria Giordano, stated the school has always worked in District 10, and it works with wonderful people under the leadership of Superintendent Maribel Hulla. She said everyone is welcome at M.S. 45. If this proposal is approved, M.S. 45 will be welcoming of KIPP All’s students and families, she said. The principal stated the temporary co-location would present an opportunity for M.S. 45 and KIPP All to share best practices. She said M.S. 45 acknowledges the prospective co-location would present some challenges, including moving to different classrooms, which it has discussed with the NYCDOE, some of which can be overcome before the prospective co-location occurs. M.S. 45 wants to ensure that staff members of M.S. 45 and KIPP All have the opportunity to discuss logistical planning for this proposal, she stated.

Numerous KIPP parents, students, and staff members shared their willingness and enthusiasm to make collaborative efforts in order to make the co-location work and add the necessary space.

In opposition to the proposal, teachers of M.S. 45 and the president of the M.S. 45 Parents’ Association shared their concerns regarding the implementation of this proposal. They stated, M.S. 45 needs to maintain available space in order to serve special needs students in different classrooms because transitioning and altering the learning environment of special needs students’ is a difficult change for those students to manage.

Preliminary Determination:

The State University of New York (“SUNY”) Charter Schools Institute (the “Institute”) reviewed the Educational Impact Statement (EIS) and the BUP prepared by the NYCDOE for the facility at issue. The Institute 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 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 Institute’s review, the space proposed to be allotted to the charter school appears to be adequate with 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 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.