Public Hearing Summary

<table>
<thead>
<tr>
<th>Charter School:</th>
<th>Success Academy Charter School - Rosedale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hearing Date:</td>
<td>April 6, 2020</td>
</tr>
<tr>
<td>Hearing Location:</td>
<td>Videoconference / Teleconference</td>
</tr>
<tr>
<td>Site:</td>
<td>Building Q238, 88-15 182nd St., Queens, NY (CSD 29)</td>
</tr>
<tr>
<td>Start Time:</td>
<td>6:00 p.m.</td>
</tr>
<tr>
<td>End Time:</td>
<td>9:15 p.m.</td>
</tr>
</tbody>
</table>

Background:

The New York City Department of Education (“NYCDOE”) proposes to temporarily co-locate grade 5 of Success Academy Charter School – Rosedale (“Success Academy Rosedale”), also known as “Success Academy – Queens 2 Middle School,” in Building Q238 (“Q238”) beginning in the 2020-21 school year. Q238 is located at 88-15 182nd St., Queens, NY in New York City Community School District (“CSD”) 29.

Success Academy Rosedale would be temporarily co-located with I.S. 238 Susan B. Anthony Academy (I.S. 238), an existing district middle school serving students in grades 6-8. The following school year, a District 75 program for students with disabilities, Q009, would be moving to Q238, and was part of the hearing. Q238 also houses three community based organizations (“CBOs”), Sports and Arts in School Foundation, Counseling in Schools, and Thrive. The New York City Panel for Educational Policy approved the proposal on May 20, 2020.

According to the NYCDOE’s 2018-19 Enrollment, Capacity, Utilization Report, Q238 has the capacity to serve 1733 students. Currently, the building serves approximately 1245 students, yielding a building utilization rate of approximately 72%. According to the NYCDOE, by 2020-21, approximately 1330-1370 students are projected to be served in Q238, yielding a projected utilization rate of approximately 77-79%, which demonstrates sufficient space for all schools.

The NYCDOE Building Usage Plan (“BUP”) allocates Success Academy Rosedale eight full-size rooms, two half-size rooms, and two quarter-size rooms by the 2022-2023 school year.
Hearing Notes:

Approximately 275-290 members of the public attended the hearing. The Success Academy Rosedale item was proposal one on the agenda.

CSD 29 Superintendent, Beverly Mitchel conducted the hearing via Zoom. Among those present were I.S. 238 Principal, Peter Leddy, Q009 Principal, Robert Wojnarowski, Dr. Jude Arthur, representing the District 75 Superintendent, and Nicole Hammond, Community Education Council 29 (“CEC 29”) President.

The CSD 29 Superintendent described the proposal as designed to serve rising 4th graders from Success Academy Rosedale and Success Academy Charter School – South Jamaica (“Success Academy South Jamaica”) for one school year while Success Academy identifies a permanent middle school location.

Ms. Hammond stated she did not like the business as usual approach to the co-location, and that many people opposed to the co-location could not sign up to oppose it based on the pandemic. She stated CEC 29 wants to suspend N.Y. Education Law section 2590, and hold another community meeting so other could share concerns. She stated the district has many first responders and healthcare workers who could not attend the hearing.

Lisa Della Aquila from State Senator John Liu’s office (District 11) said there were serious concerns about the proposal and process issues. She said a Success parent complained about security when her daughter’s middle school starts in Q238.

State Senator Leroy Comrie (District 14) said he was one hundred percent against the virtual hearing and the Success colocation. The speaker said he didn’t know how many people were on the call. He said the colocation would be damaging to the self-esteem of teachers, students in Q238. He said it was a horrible situation to see a school with full resources when other students do not have full resources. He said elected officials in Queens tried to find a private space for Success but it did not want it. He believed the fifth grade students could be in modular classrooms for one year. He noted it was one of the worst days to hold a hearing and that the Mayor had said it was the apex.

A business and operations manager at Success Academy Rosedale said Success students should be given the same opportunity as district students for public space, and that the students have worked hard to try to get the space.

Tunisha Morris, a representative for State Assembly Member Alicia Hyndman said: the NYCDOE should have had the chat box open on the website; Success was given a private school space and pushed back; she was not in favor or the colocation.

A member of the School Leadership Team (SLT) at I.S. 238 stated that the NYCDOE was trying to slip this colocation in, parents do not have a voice and the number attending the hearing does not come close to the number that usually attend, and the colocation will cause more damage than good.
Another SLT member from I.S. 238 said she was one hundred percent against the colocation. She questioned whether Success would be in the space for only one year, and why it turned down private space. She stated that the co-location would hurt the I.S. 238 students’ self-esteem.

Another member of the SLT echoed the prior remarks.

A Success Academy Rosedale parent asked where the students would go after one year.

A Kindergarten teacher at Success Academy Rosedale said the space was available, Success had waited for three years for space and now it is an emergency situation, and the students should be able to go to middle school in their neighborhood.

A few members of the public stated that Lamad Academy would be a great addition to the K219 building and that they believe the co-location will ultimately benefit the entire community.

A teacher at Success Academy Rosedale said her students have academic goals and work hard every day. She said to not share space is a disservice to them.

Another Kindergarten teacher at Success Academy Rosedale said her students grow, learn and come together as a family. She said sharing space allows the opportunity to share. She said her students will have no middle school seats if the collocation is not approved.

A 3rd grade teacher at a Success school stated that her students are excited to come to school and know what college they want to attend. She does not understand the opposition to the temporary colocation because the colocation is what is best for kids.

A 4th grade teacher from Success Academy Charter School – Springfield Gardens stated she watches her students grow every day, and there are limited opportunities for students in the neighborhood. She quoted Eva Moscowitz as saying, “Equity and excellence for all.”

Another 4th grade teacher from Success Academy Charter School – Springfield Gardens stated public charter school students deserve space in public school buildings.

Approximately 20 public speakers including many affiliated with Success echoed the sentiments of the speakers, above, in favor of the co-location.

An I.S. 238 parent said the proposed 5th graders would not have the maturity level for a school serving grades 6-8, 10 year olds vs. real teens. She said parents should not have to be worried about safety. She felt Success was offered a private building and should have taken it. She said the reality is that there is not enough space for the colocation because it is used by families, students and teachers, and the students will feel it. She said Susan B. Anthony will lose a lot including its status as a Title I school.

A 6th grade student at I.S. 238 said she did not want Success in the school because she would no longer be an honor student.
A CSD 29 parent for many years said there will be too many students in the school building. She said she stood with elected officials. She stated, having students in the building for one year and then having them move the next year is fair to anybody. She said she does not agree with the premise of uprooting children after a year.

A parent of a Success Academy Springfield Gardens student said the private building was non-existent. He said it was not up to code. He said every student deserves a good education.

A parent of two students at Success Academy Rosedale said the NYCDOE students get 100 sq. ft. per child while Success gets 66 sq. ft., and have no room for gym or sports. He said self-esteem is influenced by adults, not students, who know each other. Success fosters student character and they thrive, he said. The building is owned by the community, not one person, and all have a right to use it, he said.

A community member said Success’ presence is disruptive and intrusive, and that there will be a period of adjustment. He said safety is a top priority. He said he has seen charter/district student interactions, and seen more friendships than conflicts.

**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 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 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, and the CBOs. 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 elected officials and 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 renewal 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.