Public Hearing Summary

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<th>Charter School:</th>
<th>Success Academy Charter School - NYC 4</th>
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<td>Hearing Date:</td>
<td>November 17, 2015</td>
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<td>Hearing Location:</td>
<td>Building Q053, 10-45 Nameoke Street, Queens (CSD 27)</td>
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<tr>
<td>Start Time</td>
<td>6:05 p.m.</td>
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<td>End Time</td>
<td>7:45 p.m.</td>
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**Background:**
The New York City Department of Education (“NYCDOE”) proposes to co-locate Success Academy Charter School - NYC 4 (“SA-NYC 4”) in Building Q053 with M.S. 53 Brian Piccolo (“M.S. 53”) and Village Academy, two existing district middle schools that currently serve students in 6th through 8th grade. M.S. 53 provides an educational setting for students in 6th through 8th grade who are on a Superintendent’s Suspension for up to 90 days. The NYCDOE anticipates re-siting M.S. 53 prior to the start of the 2016-2017 school year. Q053 also provides space to two community-based organizations (“CBOs”): Sports and Arts in Schools Foundation and Cross Island YMCA. If this proposal is approved, SA-NYC 4 will open in the 2016-2017 school year, serving approximately 150-180 students in Kindergarten and 1st grade, and will add one grade level each year until it reaches full scale, serving approximately 500-600 students in Kindergarten through 4th grade in the 2019-2020 school year.

According to the NYCDOE 2014-2015 Enrollment, Capacity, Utilization Report Blue Book, Q053 has the capacity to serve 1,459 students. Currently, the building serves approximately 654 students, yielding a utilization rate of 45%. If the proposal is approved by the NYC Panel for Educational Policy, in 2019-2020, when SA-NYC 4 is at scale, the NYCDOE projects there will be approximately 1,055-1,215 total students served in Q053, yielding a projected utilization rate of approximately 72%-83%, which demonstrates that there will be sufficient space for all schools and CBOs.

M.S. 53 is part of the NYCDOE’s School Renewal Program, which will result in the school becoming a Community School. According to the NYCDOE, this proposal will not impact the school's participation in the School Renewal Program.

During a walk-through of the building prior to the hearing, the SUNY Charter Schools Institute (the “Institute”) noted that entire corridors on three floors of the building were blocked off and not used.
Hearing Notes:
Approximately 75-100 people attended the hearing.

Lisa Cooper of Community Education Council ("CEC") 27 read a statement from the board members of the CEC that criticized the rescheduling of the hearing to a night of parent teacher conferences. The CEC is against the co-location because the existing schools need the space to grow. It believes there are other options in the neighborhood.

A Parent Teacher Association ("PTA") President spoke against the co-location. She does not think that Kindergarten and 1st graders should be with older students. She stated that there are other locations in Far Rockaway for Success. She said Success is already advertising this location and she fears Success Academy will take over the whole school.

A PTA treasurer said during a walk through with NYCDOE, she was told existing schools would not lose space yet the schools are holding classes in hallways. She said she received a flyer in her mailbox today about Success. She said the parents have to fight.

A special education teacher and United Federation of Teachers chapter leader said she works everyday to educate the children of the community. She feels Success Academy will serve its own interests not the students’. She believes as Success grows the other schools will shrink.

The PTA Vice President of Village Academy said she was against the co-location of an elementary school in the building. She asked why anyone would put their babies with the older children. She said Success Academy is advertising that it is going to be located here. She feels the co-location would take away from the growth of the middle schools. She said she doesn’t want her eight year old with her 13 year old. She said parents and teachers have to stick together and people from Manhattan should not be telling those in Rockaway what to do.

New York State Senator James Sanders, who is former president of School Board 27, said he knows this district very well. He said when [the Democrats] come to power in Albany, they will strike down the law that requires the NYCDOE to house charter schools. He said he is not against charter schools; he is against the commercialization of charter schools. This puts him against his friend Eva Moskowitz. He thinks the “got to go list” needs to be investigated as it is creaming. He recognizes the co-location is being pushed by an unjust law that is bad politics and put everyone in the hearing room. He asked why we are not doing more for the schools here now such as giving them musical instruments and computers. He said we need to do something about that. He said he is willing to work with the NYCDOE to give resources to the district school and he will work with whoever he needs to in order to get that done.

Malik Sanders, the representative for NYC Councilmember Donavan Richards, shared that he is against the co-location and has sent letters to the mayor and NYC Schools Chancellor outlining his position. He said Councilmember Richards’ position is that no other school should be put in this building. He said the Councilmember believes the principals have done a wonderful job of changing the culture of the building and investment needs to be made into the existing schools before a new school is brought in. His said the Councilmember feels that co-locations should not happen and if a charter school wants a building they should buy their own.

Daniel Dromm, NYC Councilmember, said he is against the co-location. He said Success must answer the community’s concerns before he can support any co-location. He said he will support the community’s efforts.
Several students attending school in Q053 spoke against the co-location.

- A student thinks the older students may bully the little kids.

- A student said he is against the co-location because there are a lot of students in the building who do not have the resources that they need to be successful. He said the NYCDOE needs to listen to the parents and the students and not just themselves. He said there is not enough space in the building for the three schools already here. He also thinks having the older kids with the younger kids is trouble waiting to happen.

- A student at Village Academy said she was out of school for a long time but her school helped bring her back up to speed and she is now in honors classes and on honor roll because of her school. She doesn’t think she could do that if another school came in. She said they already have classes in hallways and closets.

- A student at Village Academy said her mathematics class is in a closet and there is not enough space.

- Several other Village Academy students spoke of their experience at the school and said the NYCDOE should not put another school in the building.

Several teachers spoke against the co-location.

- A teacher and resident of the area said, according to recent news stories, Success does well because it gets rid of the bad students. He said there are many reasons why Success should not come into the building.

- A teacher for four years spoke against the co-location because Success does not serve English language learners (“ELLs”). She said the existing district schools serve a high population of ELLs. Success Academy is not a good fit.

- A teacher said her research has shown that Success Academy does not meet the needs of students with special needs or ELLs, and it counsels out students. She felt that there is a safety issue with mixing students of different ages.

- The director of the school based health center, a pediatrician, said she does not think young students should be brought into the school. She said the current principals have changed the school greatly and should not be thwarted by bringing in another school especially an elementary school.

- A teacher said one of the district schools is a renewal school and a community school and needs the space.

- A teacher spoke about the program they have developed to help special education students. Her research shows that Success Academy does not serve special education students within their discipline model.

- A teacher said Success Academy will not work with them and therefore cannot be here.
• A teacher said she has witnessed the success of the district schools. She said bringing Success Academy in will jeopardize the other students in the building.

Elaine Short, president of the Far Rockaway NAACP branch, said the branch is against the co-location. She said the hard work of the principals is paying off. She asked where the vacant seats are that Success will move into.

Wanda Warden a member of NAACP said Success should not come in the building. She said the schools here are proficient and they should not be crowded. She said their children need the resources to grow. She said to let Eva Moskowitz build her own school.

Dr. Edward Williams, president and CEO of a company in Far Rockaway, said he is with the NAACP in Far Rockaway and had worked on many issues including overcrowding of Q053. He opposes the co-location for many reasons, especially because studies show a need for middle schools in the area, not elementary schools. He said the policies instituted years ago have hurt the district schools and being at the hearing is a façade as the decision has already been made.

A speaker questioned how the Kindergarten and middle school students will use the same classrooms. He believes that education is a civil right and all children need to be treated the same.

A parent and community member spoke against the co-location due to safety issues. She understands that elementary students do not have to go through metal detectors. She was confronted by a student with a gun who did not go through metal detectors at another school.

A community member said he knew what is going to happen because he went through it before with Peninsula Preparatory Academy Charter School (authorized by the NYCDOE). She said the design of this building would prevent the isolation of the little kids from the bigger kids.

A community member said it is a known fact that Success Academy has a “got to go” list. She said she has a problem with that for this area because there are students here with behavioral problems. She believes that Success Academy is a success because they weed out students. She opposed the co-location.

A speaker said she was told that Success Academy sought out this location based on needs of the community. She has seen a shift in this community and based on New York State Education Department data Success Academy does not mirror this community. She opposes the co-location.

A speaker said she opposes Success Academy coming into the building but she knows actions speak louder than words. She said other groups take action to prevent things they don’t want from coming in.

A Rockaway resident and teacher spoke against the co-location. She said Eva Moskowitz solicits the children in the neighborhood by sending mailers. She said that everything has to be done to get them out of here because they are a corporation out to make money. She said Success suspends and warehouses students and does not care about black and Hispanic children.

A district school employee said he has seen it all and putting another school in the building would complicate things. He said it is true that little kids do not have to go through the detectors. He said even
with a lot of space all of the schools have to deal with the cafeteria and there will be chaos. He opposes the little kids coming in with the big kids.

**Preliminary Determination:**

The Institute reviewed the Educational Impact Statement (“EIS”) and 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 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 school and any community programs 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, 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 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 initially proposes to locate 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 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 as 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.