SUNY Charter Schools Institute
The State University of New York

Public Hearing Summary

Charter School:	Achievement First Aspire Charter School
Hearing Date:	October 25, 2012
Hearing Location:	Building K202, 982 Hegeman Ave., Brooklyn, New York 11208 (CSD 19)
Start Time:	6:10 p.m.
End Time:	6:30 p.m.

Background:

The New York City Department of Education ("NYCDOE") proposes to co-locate grades K-8[1] of Achievement First Aspire Charter School ("AF Aspire"), approved by the SUNY Trustees in May 2010, in Buildings K202 ("K202") and K958 ("K958") (two trailers on the grounds of K202), located at 982 Hegeman Avenue, Brooklyn, NY 11208, in New York City Community School District ("CSD") 19, beginning in the 2013-14 school year.

AF Aspire would be co-located with P.S. 202 Ernest S. Jenkyns ("P.S. 202"), an existing NYCDOE school that currently serves students in Kindergarten through 8th grade and offers a full-day pre-Kindergarten program. In addition to the main K202 building, P.S. 202's students are also served in transportable class units (trailers) that are located adjacent to K202. The NYCDOE has proposed to gradually truncate the middle school grades of P.S. 202. If the truncation proposal is approved by the Panel for Educational Policy ("PEP"), P.S. 202 will no longer enroll 6th grade students after the conclusion of the 2012-13 school year. One middle school grade will then be truncated in each subsequent year. After June 2015, P.S. 202 will no longer serve middle school students. Note that even if the proposal to truncate is not approved, the NYCDOE still believes there is space for the co-location of AF Aspire with P.S. 202 in buildings K202 and K958 but would issue a revised Educational Impact Statement ("EIS") and Building Utilization Plan ("BUP").

K202 and K958 have the capacity to serve a total of 1,432 students. In 2012-13, P.S. 202 is projected to serve 866 students. This yields a projected utilization rate of approximately 60%. If this proposal and the proposal to truncate are both approved, in 2020-21, once AF Aspire's Kindergarten through eighth grades have fully phased in and the school has reached full scale, AF Aspire is projected to serve 653-799 Kindergarten through 8th grade students, and P.S. 202 is projected to serve 570-630 Kindergarten through 5th grade students and 54 pre-Kindergarten students, for a total of 1,277-1,483 students, yielding a projected building utilization rate of approximately 89%-104%[2].

[1] Achievement First Aspire was approved to serve grades K-5 in its first charter term. Instruction in grades 6-8 would occur in the next charter period if requested and approved as part of the SUNY renewal process.

[2] Although a utilization rate in excess of 100% may suggest that a building will be over-utilized or over-crowded in a given year, this rate does not account for the fact that rooms may be programmed for more efficient or different uses than the standard assumptions in the utilization calculation. In addition, charter school enrollment plans are frequently based on larger class sizes than target capacity, contributing to building utilizations above 100% while not impacting the utilization of the space allocated to the traditional public school.

Hearing Notes:

The hearing was moderated by Jenny Sobelman, Chief of Staff in the Office of Communications and External Affairs at NYCDOE. The NYC Schools Chancellor was represented by Sara Kaufman, Director of Planning at NYCDOE. There were approximately 240 individuals in attendance.

- A grade 5 teacher spoke on behalf of P.S. 202. She said that the school does not want a co-location; the building belonged to the P.S. 202 teachers and staff; and that a charter school would be an unwanted guest. She repeatedly said that the charter school should get its own house and that it receives more money than the district school. She said that P.S. 202 was an "A" school on [NYCDOE] progress reports five years ago but that more than 30 teachers were lost due to budget cuts. She said that the NYCDOE needed to reinvest in its existing schools, not charter schools. She also said that the proposal to truncate P.S. 202's middle school grades was not what had been agreed to by the school; that the middle school grades were not supposed to go away, they were to be reconfigured. She said charter schools do not deal with students with bad behavior or special needs instead they throw those students back to the district school. She said that the school would fight the co-location. She said that a charter school in the building would just be a spy for big brother NYCDOE.
- A representative from Community Education Council ("CEC") 19 said that looking at the hearing audience was good insight into the separation that charter schools cause; those in favor of the charter school are seated mostly on one side in blue t-shirts; and the P.S. 202 parents are on the other. She asked NYCDOE why they are pushing out one school to make room for another. She said that she came to P.S. 202 and joined SLT "School Leadership Team" meetings to discuss an amended truncation of the middles school grades, now, there is no amendment and the middle school grades will be gone. She said that everyone should be treated equally.
- A parent of a child who attends Achievement First East New York Charter School (authorized by the NYCDOE) said the charter school has a successful partnership with the school with which it shares space. She said that both school leaders believe in success for all students and they share ideas and resources. She also said she wanted to correct a statement made earlier. She said that charter schools do not receive more money than district schools, they receive less money.
- A parent with a child in a charter school said that just three years ago she was living in a shelter. She knows how important education is and believes that parents share the same aspirations for their children no matter what kind of school they attend. She said she found the best option for her child in a charter school. She would like all of the parents to work together.
- A parent of two children with special needs said that she travels outside of her community to bring her children to a charter school where they have been welcomed and are doing well. She said that Achievement First can bring real value to the neighborhood. She said she hoped that no one would take away her right to send her child to a good nearby school.
- A parent of two students at Achievement First Apollo Charter School (authorized by SUNY) said that she feels lucky when she takes her children to school every day. She said the school was very supportive to her and her son as he works to overcome challenges with attention deficit hyperactivity disorder (ADHD).

- A parent of two children at Achievement First Apollo said that one of her children has an Individualized Education Program (IEP) and that she wants parents to know that he is doing well and the school has done a lot for him.
- A graduate of P.S. 202 said he went onto receive two college degrees and now runs an after-school program and day care center. He said P.S. 202 is a good school. He said that he has seen some problems where charter school students get resources that other students do not. He said that when a charter school kicks-out a kid they go back to the district and there are over-crowded classes.
- A student who was part of the first 8th grade graduating class from P.S. 202 said he just graduated from Utica College. He said P.S. 202 is a great school. His younger brother is still at P.S. 202 and now he comes back to volunteer. He said he is asking for truncation with amendments to change but not get rid of middle school grades at P.S. 202.
- A P.S. 202 teacher said this should be an indictment of the NYCDOE for destroying P.S. 202 with budget cuts and the loss of 30 teachers. She said the NYCDOE's only agenda is to bring in a charter school. She said the school wants its resources back. She said if you care for children you should stand up and fight for the children. She said the proposal is proof that the NYCDOE denies services and cuts the budget.
- NYC Councilman Charles Barron told those in attendance not to let the system divide and conquer. He said no one is against all children getting the best education they can possibly get, but charter schools are not the answer. He said all you have to do is look at high school graduation rates for black and latino males to tell you that. He said charter schools are not magic. He said what is magic is smaller class sizes and a culturally relevant curriculum and a science lab that his office worked to get for P.S. 202. He said that the NYS Schools Chancellor has already decided to let the charter school in the building, but [addressing a group supporting the charter school that was standing in blue shirts] you need to learn how to get along. He said if you want to fight, he will go in that direction. He said that we will greet you at the door with a fight you will not forget, no matter what Eva Moskowitz or whoever else is behind you says.
- Councilman Barron then introduced his wife, Assemblywoman Inez Barron. The Assemblywoman spoke briefly, sharing information about her long-time career with the NYCDOE as a teacher, administrator, vice principal and principal. She said education is not just about academics; that it includes the arts and music, and that schools must have the room necessary for these things. She said that adults need to create an environment of respect.
- A special education teacher for P.S. 202 said that the NYCDOE gives district schools less money than charter schools. She said NYCDOE does not have enough resources. She said the school has good teachers but they do not have SmartBoards or technology. She said her problem is not with the charter school but with NYCDOE.
- A P.S. 202 parent said if you lose teachers, grades go down. She said this is a war with NYCDOE. She asked that NYCDOE give the school the resources they need and let them prove that they can get better results.
- The secretary of the P.S. 202 Parent Teacher Ass'n said that there is no room in the building for a charter school. She said the NYCDOE is playing games with the emotions of parents and teachers. She said if you play with fire, you will get burned.

- Several P.S. 202 students spoke and asked why the charter school was pushing them out of their school. They said the charter school needed to get its own building because no one wanted them at P.S. 202.
- A parent with a child in an Achievement First school said that she disagrees with Councilman Barron. She said that co-location works in her daughter's school and that her daughter is doing well.
- One P.S. 202 parent said she understood some parents wanted other options. However, she did not believe that P.S. 202 was the only place to put the charter school. She said the NYCDOE could give the charter school its own building; that they should not disadvantage one school for the benefit of another.
- A P.S. 202 student said if you give us respect we will give it back, but please give us back our school.
- A P.S. 202 parent said charter schools teach to the test and then kick-out any student who does not do well. She said it is easy for charters to get an A on their NYCDOE district report card when they can hand-pick their students. She said her school has a C, but that she would rather get a strong C than an easy A or B. She ended by saying, "charter school, get out, we don't want you."
- A P.S. 202 5th grader said her mom told her the charter school is kicking her out of school next year. She asked the NYCDOE to save her school and kick the charter school out.
- A parent and teacher from another district school in CSD 1 said that he goes to a lot of facility hearings to speak. He said that he has reviewed the material for this proposed co-location and he does not understand how NYCDOE can call this under-utilized space when they are including two trailers that are sitting out in the yard that should not be used for students. He said that both trailers expired ten years ago. He said if you do not count the trailers, the school has an 85% utilization rate.
- A graduate of P.S. 202 said the charter school coming in is ridiculous. She said she has two siblings still in the school and the charter was not going to kick them out.
- A P.S. 202 parent said her child has seen great improvement between Kindergarten and first grade due to caring teachers. She said this proposal really hurts her as she does not believe a charter school will be beneficial to the school or her child.
- A parent from Achievement First East New York Charter School said that she had three boys who went to P.S. 202 but has decided that charter schools are the way to go. She is not against P.S. 202 but she is for Achievement First.
- A parent said since going to a charter school, his son can now read anything. He said his son had behavior problems when he was young and the district wrote him off and sent him to a special school. He said he was not going to allow that to happen to his son.
- A teacher from Achievement First Bushwick Charter School (authorized by SUNY) said that the school has many English language learners and students with disabilities and that Achievement First Aspire will do the same. She said Achievement First Bushwick is the top K-8 school in New York City.

- The Director of Operations for Achievement First East New York Charter School (authorized by the NYCDOE) said there are many families on the waitlist for her school who want this charter school in their community. She said they don't just want more space; they need it to meet a community need.
- A parent from an Achievement First school said that her charter school works with the P.S. school in its building and that this can work too.
- A community member said she has lived down the street from P.S. 202 for 30 years and that she was at the hearing because she knows what goes on when a school is failing. She said the burden is the taxpayers and that that they have a right to expect maximum use of every school building. She said there are too many misconceptions about charter schools, they are public schools.
- A parent of a first grader in Achievement First East New York Charter School said her daughter loves school and learning and is challenged in a way that she was not at her former district school. She wants every child to have that opportunity.
- An employee at an Achievement First school said that when she was five years old, her mother had to lie on official forms to give her a chance to attend a good school. She said it is so unfair that the need for that is still happening today. She said she wants the right to send her child to a good school in her community. She also said that you don't need SmartBoards to have a good school, you just need high expectations.

At this point, many P.S. 202 staff and parents left the hearing.

- A P.S. 202 teacher said she wants to fight for improvements to the district school rather than have parents seeking options outside of the community or in a charter school.
- A P.S. 202 teacher said the NYCDOE plan does not make sense; it approved taking away students and now they want to add them back in. She said she used to work at a school co-located with a charter school and the charter school took up more space than they were given and she believes they use corporal punishment by not allowing students to talk in hallways and punishing them for crying.
- A parent of three children who attend an Achievement First charter school said that after looking at the low graduation rates of black and latino students from her district high school, she believes in charter schools. She said for the sake of all students, everyone needs to figure out how to make it work.

Determination:

The SUNY Charter Schools Institute (the "Institute") reviewed the EIS and the BUP prepared by the NYCDOE for the space at issue. Based on a site review, the Institute found K202 to be a typical NYCDOE building, with two external trailers located at the opposite end of a large black-top surface for basketball and other sports. Based on the documentation prepared by the NYCDOE and the information in the charter school's application, the Institute finds that the proposed use of the space by the charter school would not violate applicable law. Note that if the charter school were to be assigned the trailer space, the Institute would require copies of the certificates of occupancy for same prior to the school using those facilities.

The physical space allotted to the charter school has not been identified; however, the building space as a whole appeared safe and adequate. In addition, there appears to be sufficient common space and resource space 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, leadership teams from the co-located schools are required to agree on a plan to utilize common spaces at P.S. 202. The BUP therefore 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 contraction or expansion of NYCDOE schools or programs, how such programs use the space allotted to them or the physical locations of NYCDOE schools or programs. SUNY also has no positive authority to place schools into NYCDOE space.

As the charter school initially proposed 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 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.